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Wednesday
May 3, 1995

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

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

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 707

Truth in Savings; Correcting Amendments

AGENCY: National Credit Union Administration (NCUA).

ACTION: Final rule; correcting amendments.

SUMMARY: The NCUA is amending Appendix C, its commentary to the Truth in Savings regulation. This appendix contains the NCUA Official Staff Interpretation for the Truth in Savings Act and regulation for credit unions. This document contains clarifications, technical amendments and revisions to Appendix C.

DATES: These correcting amendments are effective as of January 1, 1995. Compliance with Appendix C is optional until May 22, 1995, except for those credit unions that have assets of $2 million or less that are not automated, which have a later compliance date of January 1, 1996.

FOR FURTHER INFORMATION CONTACT: Martin S. Conrey, Staff Attorney, Office of General Counsel, NCUA, 1775 Duke Street, Alexandria, VA 22315–3428, or telephone (703) 518–6540.

SUPPLEMENTARY INFORMATION:

Background

NCUA's final Official Staff Interpretation, also known as the Commentary, was published November 21, 1994 (59 FR 59887), and is the subject of these revisions. The Commentary acts as the official staff interpretation of part 707 (12 CFR part 707), NCUA's rule implementing the Truth in Savings Act. (12 U.S.C. 4301 *et seq.*). The Commentary is designed to provide guidance to credit unions in applying the regulation to specific transactions and is a substitute for, and a supplement to, individual staff interpretations.

Need for Correction

As published, Appendix C to the final rule contained several drafting and technical errors that are confusing or erroneous, and need to be clarified and corrected.

List of Subjects in 12 CFR Part 707

Advertising, Credit unions, Consumer protection, Interest, Interest rates, Truth in savings.

For the reasons set forth above the following correcting amendments are made to 12 CFR part 707 as indicated below:

PART 707—TRUTH IN SAVINGS

1. The authority citation for part 707 continues to read as follows:

Authority: 12 U.S.C. 4311.

Appendix C to Part 707—[Corrected]

2. Appendix C to part 707 is amended as follows:

a. Under § 707.2(a)5, entitled ''Use of synonyms'', the third sentence is amended by adding to the end of the sentence the phrase ''and, for account disclosures, is used in conjunction with the correct legal term''.

b. Under § 707.2(j)1, a new paragraph (vi) is added to read as set forth below.

c. Section 707.2(v) entitled ''Tiered-Rate Account'' is redesignated as § 707.2(y).

d. Under newly designated § 707.2(y) entitled ''Tiered-Rate Account'', the final parenthetical in paragraph 1. is revised as set forth below.

e. Under § 707.3(a)1, in the first sentence, the first word, ''Alal,'' is revised to read ''All''.

f. Under § 707.3(e)1, in the fourth sentence, the phrase ''the in'' is revised to read ''in the''.

g. Under § 707.4(b)(4) entitled ''Fees'', the second paragraph 2 and paragraphs 3 and 4 are redesignated as paragraph 3 and paragraphs 4 and 5, respectively.

h. Under § 707.4(b)(4)2(ii), the phrase ''for photocopying forms'' is revised to read ''for photocopying''.

i. Under § 707.4(b)(5) entitled ''Transaction Limitations'', the first sentence under paragraph 1. introductory text entitled ''General rule.'' is amended by adding the word ''of'' between the words ''Examples'' and ''limitations''.

j. Under § 707.5(b)5. entitled ''Renewal of a term share account'', paragraph (i) is amended by adding at the end of the first sentence the word ''apply''.

k. Under § 707.5(b)5. entitled ''Renewal of a term share account'', paragraph (ii) is amended by adding at the end of the first sentence the word ''apply''.

l. Under § 707.6(b)(2), paragraph 1. entitled ''Definition of earned'', the final parenthetical is revised as set forth below.

m. Under § 707.7(c)3, the heading ''*Withdrawal or principal.*'' is revised to read ''*Withdrawal of principal.*''.

n. Under § 707.8(b)3 entitled ''Representative examples.'' paragraph (ii) is revised as set forth below.

The additions and revisions read as follows:

Appendix C to Part 707—Official Staff Interpretations

* * * * *

§ 707.2 Definitions.

* * * * *

(j) *Dividend Declaration Date.*

1. * * *

vi. ''As of the last dividend declaration date'' (the last dividend period upon which a dividend has been paid).

* * * * *

(y) *Tiered-Rate Account*

1. * * * (See Appendix A, part I, D.)

* * * * *

§ 707.6 Periodic Statement Disclosures.

* * * * *

(b) Statement Disclosures

* * * * *

(b)(2) *Amount of Dividends or Interest*

1. *Definition of earned.* * * * (See 707.6(b)(1)1. and 707.7(c)2. of this Appendix.)

* * * * *

§ 707.8 Advertising.

* * * * *

(b) *Permissible Rates*

* * * * *

3. *Representative examples.* * * *

ii. Indicate that various rates are available, such as by stating short-term and longer-term maturities along with the applicable annual percentage yields:

''We offer share certificates with annual percentage yields that depend on the maturity you choose. For example, our one-month share certificate earns a 2.75% APY. Or, earn a 5.25% APY for a three-year share certificate.''

* * * * *

By the National Credit Union Administration Board on April 27, 1995.

Becky Baker,

Secretary of the Board.

[FR Doc. 95–10851 Filed 5–2–95; 8:45 am]

BILLING CODE 7530–01–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95–ACE–6]

Proposed Removal of Class E Airspace; St. Louis, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This document removes Class E airspace at St. Louis, MO. Weiss Airport at St. Louis, MO, has been abandoned making this necessary.

EFFECTIVE DATE: May 3, 1995.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, ACE–530c, Air Traffic Operations Branch, Federal Aviation Administration, Docket No. 95–ACE–6, 601 East 12th Street, Kansas City, MO 64106; telephone number: (816) 426–3408.

SUPPLEMENTARY INFORMATION:

History

The only SIAP for the airport was cancelled on July 21, 1994, after the airport was abandoned.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) amends the Class E airspace area at St. Louis-Weiss Airport, MO, by removing the controlled airspace.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6005 Class E airspace areas extending from 700 feet or more above the surface of the earth.

* * * * *

ACE MO E5 St. Louis, MO [Removed]

Weiss Airport
(Lat. 38°32′13.5″ N, long. 90°26′48.6″ W)

* * * * *

Herman J. Lyons, Jr.,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 95–10772 Filed 5–2–95; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 172

[Docket No. 93F–0286]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Acesulfame Potassium

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of acesulfame potassium as a nonnutritive sweetener in alcoholic beverages. This action is in response to a petition filed by Hoechst Celanese Corp.

DATES: Effective May 3, 1995; written objections and requests for a hearing by June 2, 1995.

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

FOR FURTHER INFORMATION CONTACT: Patricia A. Hansen, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3098.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of September 10, 1993 (58 FR 47746), FDA announced that a food additive petition (FAP 3A4391) had been filed by Hoechst Celanese Corp., Rt. 202–206 North, Somerville, NJ 08876, proposing that § 172.800 *Acesulfame potassium* (21 CFR 172.800) be amended to provide for the safe use of acesulfame potassium as a nonnutritive sweetener in alcoholic beverages.

I. Determination of Safety

Under Section 409(c)(3)(A) of the Federal Food, Drug, and Cosmetic Act (the act)(21 U.S.C. 348(c)(3)(A)), the so-called ''general safety clause,'' a food additive cannot be listed for a particular use unless a fair evaluation of the evidence establishes that the additive is safe for that use. The concept of safety embodied in the Food Additives Amendment of 1958 is explained in the legislative history of the provision: ''Safety requires proof of a reasonable certainty that no harm will result from the proposed use of the additive. It does not—and cannot—require proof beyond any possible doubt that no harm will result under any conceivable circumstance'' (H. Rept. 2284, 85th Cong., 2d sess. 4 (1958)). This concept of safety has been incorporated into FDA's food additive regulations (21 CFR 170.3(i)).

The food additives anticancer, or Delaney, clause (section 409(c)(3)(A) of the act) further provides that no food additive shall be deemed safe if it is found to induce cancer when ingested by man or animal. Importantly, however, the Delaney clause applies to the additive itself and not to constituents of the additive. That is, where an additive has not been shown to cause cancer, even though it contains a carcinogenic impurity, the additive is not subject to the legal effect of the Delaney clause. Rather, the additive is

properly evaluated under the general safety clause using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the proposed use of the additive (*Scott* v. *FDA*, 728 F.2d 322 (6th Cir. 1984)).

II. Evaluation of Safety of the Petitioned Use of the Additive

In its original evaluation of acesulfame potassium, FDA concluded that a review of animal feeding studies showed that there is no association between neoplastic disease (cancer) and consumption of this additive (53 FR 28379 at 28380 and 28381, July 28, 1988). No new information has been received that would change that conclusion. Therefore, FDA has evaluated the safety of the petitioned use of acesulfame potassium under the general safety clause, considering all available data.

In determining whether the proposed use of an additive is safe, FDA considers, among other things, whether an individual's estimated daily intake of the additive will be less than the acceptable daily intake established from toxicological information. The agency has established an acceptable daily intake for acesulfame potassium of 15 milligrams per kilogram (mg/kg) of body weight per day (equivalent to 900 mg per person per day (mg/p/d)). The agency described its analysis of the data that led to the establishment of the acceptable daily intake in its original decision on the use of acesulfame potassium (53 FR 28379). The agency has considered consumer exposure to acesulfame potassium resulting from its use in alcoholic beverages, as well as all currently listed uses and other uses in a pending petition. FDA has calculated the 90th percentile estimated daily intake from these combined uses to be 180 mg/p/d, which is well below the acceptable daily intake.

A. Special Conditions Relevant to Use in Alcoholic Beverages

The use of acesulfame potassium as a nonnutritive sweetener in alcoholic beverages (e.g. malt beverages, wine coolers, presweetened cordials and cocktails) may subject the sweetener to conditions other than those considered in the petitions that supported the currently listed uses of this additive. FDA has evaluated data in the subject petition and other information regarding the stability of acesulfame potassium under a variety of conditions that characterize the proposed uses in alcoholic beverages. Based on these data and information, the agency concludes that acesulfame potassium is stable under the proposed conditions of use.

B. Methylene Chloride

Residual amounts of reactants and manufacturing aids are commonly found as contaminants in chemical products, including food additives. FDA, in its evaluation of the safety of acesulfame potassium, reviewed both the safety of the additive and the chemical impurities that may be present in the additive from the manufacturing process.

In the current manufacturing process for acesulfame potassium, methylene chloride, a carcinogenic chemical, is used as a solvent in the initial step. Subsequently, the product is neutralized, stripped of methylene chloride, and recrystallized from water. Data submitted by the petitioner show that methylene chloride could not be detected in the final product at a limit of detection of 40 parts per billion (ppb).

FDA has recently discussed the significance of the use of methylene chloride in the production of acesulfame potassium. That discussion, published in the **Federal Register** of December 1, 1994 (59 FR 61538, 61540, and 61543), is incorporated into the agency's determination on the subject petition.

Specifically, in evaluating the safety of certain uses of the additive that are currently listed, FDA concluded, using risk assessment procedures, that the estimated upper-bound limit of individual lifetime risk from the potential exposure to methylene chloride resulting from the uses of acesulfame potassium, including the use of acesulfame potassium in alcoholic beverages, is 2.6×10^{-11}, or less than 3 in 100 billion. The agency also concluded that, because of the numerous conservative assumptions used in calculating this estimated upper-bound limit of risk, this upper-bound limit would be expected to be substantially higher than any actual risk (59 FR 61538 at 61539, 61540 at 61542, and 61543 at 61544, December 1, 1994). No new information has been received that would change the agency's previous conclusion (Ref. 1). Therefore, the agency concludes that there is a reasonable certainty of no harm from the exposure to methylene chloride that might result from the proposed use of acesulfame potassium.

In the evaluation described above, the agency also considered whether a specification is necessary to control the amount of potential methylene chloride impurity in acesulfame potassium. FDA concluded that there is no reasonable possibility that methylene chloride will be present in amounts that present a health concern, and that there would thus be no justification for requiring manufacturers to monitor compliance with a specification (59 FR 61538 at 61539, 61540 at 61542, and 61543 at 61544, December 1, 1994). No new information has been received that would change the agency's previous conclusion. Therefore, the agency affirms its prior determination that a specification for methylene chloride impurity in acesulfame potassium is unnecessary.

III. Conclusion of Safety

FDA has evaluated the data in the petition and other relevant material and concludes that the use of acesulfame potassium in alcoholic beverages is safe. Therefore, the agency concludes that § 172.800 should be amended as set forth below.

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

IV. Environmental Impact

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

V. Objections

Any person who will be adversely affected by this regulation may at any time on or before June 2, 1995, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a

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

VI. Reference

The following reference has been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum from M. DiNovi, Chemistry Review Branch, CFSAN, FDA, to P. Hansen, Biotechnology Policy Branch, CFSAN, FDA, dated April 28, 1994.

List of Subjects in 21 CFR Part 172

Food additives, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 172 is amended as follows:

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

1. The authority citation for 21 CFR part 172 continues to read as follows:

Authority: Secs. 201, 401, 402, 409, 701, 721 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321, 341, 342, 348, 371, 379e).

2. Section 172.800 is amended by adding new paragraph (c)(12) to read as follows:

§ 172.800 Acesulfame potassium.

* * * * *

(c) * * *

(12) Alcoholic beverages.

* * * * *

Dated: April 24, 1995.

William B. Schultz,

Deputy Commissioner for Policy.

[FR Doc. 95–10897 Filed 5–2–95; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA 95–5–6924; FRL–5190–8]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Mojave Desert Air Quality Management District and San Bernardino County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing the approval of revisions to the California State Implementation Plan (SIP) proposed in the **Federal Register** on January 19, 1995. The revisions concern rules from the Mojave Desert Air Quality Management District (MDAQMD) and the San Bernardino County Air Pollution Control District (SBCAPCD). This approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). The revised rules control VOC emissions from the loading, transfer, and storage of organic liquids, including gasoline. Thus, EPA is finalizing the approval of these revisions into the California SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas.

EFFECTIVE DATE: This action is effective on June 2, 1995.

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

Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

Environmental Protection Agency, Air Docket (6102), 401 ''M'' Street, S.W., Washington, D.C. 20460.

California Air Resources Board, Stationary Source Division, Rule Evaluation Section, 2020 ''L'' Street, Sacramento, CA 95814.

Mojave Desert Air Quality Management District (formerly San Bernardino County APCD), 15428 Civic Drive, Suite 200, Victorville, CA 92392–2383.

FOR FURTHER INFORMATION CONTACT: Duane F. James, Rulemaking Section (A–5–3), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1191.

SUPPLEMENTARY INFORMATION:

Background

On January 19, 1995, in 60 FR 3794, EPA proposed to approve the following rules into the California SIP: MDAQMD's Rule 461, ''Gasoline Transfer and Dispensing,'' and Rule 462, ''Organic Liquid Loading,'' and SBCAPCD's Rule 463, ''Storage of Organic Liquids'' (the NPRM). Rules 461 and 462 were adopted by MDAQMD on May 25, 1994, and Rule 463 was adopted by SBCAPCD on November 2, 1992. These rules were submitted by the California Air Resources Board to EPA on January 11, 1993 (Rule 463) and July 13, 1994 (Rules 461 and 462). These rules were submitted in response to EPA's 1988 SIP-Call and the CAA section 182(a)(2)(A) requirement that nonattainment areas fix their reasonably available control technology (RACT) rules for ozone in accordance with EPA guidance that interpreted the requirements of the pre-amendment Act. A detailed discussion of the background for each of the above rules and nonattainment areas is provided in the NPRM cited above.

EPA has evaluated all of the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the NPRM cited above. EPA has found that the rules meet the applicable EPA requirements. A detailed discussion of the rule provisions and evaluations has been provided in the NPRM and in technical support documents available at EPA's Region IX office, dated July 14, 1994 (Rule 463) and August 26, 1994 (Rules 461 and 462).

Response to Public Comments

A 30-day public comment period was provided in the NPRM. EPA received no comments on Rules 461, 462, and 463.

EPA Action

EPA is finalizing action to approve the above rules for inclusion into the California SIP. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and Part D of the CAA. This

approval action will incorporate these rules into the federally approved SIP. The intended effect of approving these rules is to regulate emissions of VOCs in accordance with the requirements of the CAA.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Regulatory Process

The OMB has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Note: Incorporation by reference of the State Implementation Plan for the State of California was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 6, 1995.

Nora L. McGee,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c) (191)(i)(C) and (198)(i)(E) to read as follows:

52.220 Identification of plan.

* * * * *

(c) * * *

(191) * * *

(i) * * *

(C) San Bernardino County Air Pollution Control District.

(*1*) Rule 463, adopted on November 2, 1992.

* * * * *

(198) * * *

(i) * * *

(E) Mojave Desert Air Quality Management District.

(*1*) Rules 461 and 462, adopted on May 25, 1994.

* * * * *

[FR Doc. 95–10816 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–W

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40 CFR Part 52

[WA25–1–6520a; FRL–5190–1]

Approval and Promulgation of Implementation Plans: Washington

AGENCY: Environmental Protection Agency.

ACTION: Direct final rule.

SUMMARY: Environmental Protection Agency (EPA) is approving in part, disapproving in part, and taking no action on the Regulations of the Southwest Air Pollution Control Authority (SWAPCA) for the control of air pollution in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties, Washington, as revisions to the Washington State Implementation Plan (SIP). These Regulations were submitted by the Director of the Washington State Department of Ecology (WDOE) on April 11, 1994. In accordance with Washington statutes, SWAPCA rules must be at least as stringent as the WDOE statewide rules.

DATES: This action will be effective on July 3, 1995 unless adverse or critical comments are received by June 2, 1995. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Montel Livingston, SIP Manager, Air Programs Branch (AT–082), EPA, Docket # WA25–1–6520, 1200 Sixth Avenue, Seattle, Washington 98101.

Documents which are incorporated by reference are available for public inspection at the Air and Radiation Docket and Information Center, EPA, 401 M Street, SW, Washington, D.C. 20460. Copies of material submitted to EPA may be examined during normal business hours at the following locations: EPA, Region 10, Air Programs Branch, 1200 Sixth Avenue (AT–082), Seattle, Washington 98101, and Washington Department of Ecology, PO Box 47600, Olympia, Washington 98504.

FOR FURTHER INFORMATION CONTACT: Kelly McFadden, Air Programs Branch (AT–082), EPA, Region 10, Seattle, Washington 98101, (206) 553–1059.

SUPPLEMENTARY INFORMATION:

I. Background

On April 11, 1994, the Director of WDOE submitted to EPA Region 10 regulations for SWAPCA affecting Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties. SWAPCA and WDOE held joint public hearings on June 15, 1993 and September 21, 1993, to receive public comments on the revisions to SWAPCA's rules and the submittal to EPA as a revision to the Washington SIP.

SWAPCA requested that the WDOE submit these additions to EPA for incorporation into the Washington SIP.

II. Description of Plan Revisions

The SWAPCA amendments submitted by WDOE on April 11, 1994 for inclusion into the Washington SIP are local air pollution regulations which are at least as stringent as the statewide rules of the WDOE. EPA is approving in part, disapproving in part, and taking no action on the various portions of SWAPCA's submitted regulations. In this rulemaking, EPA is approving the following sections, except as noted, adopted by SWAPCA on September 21, 1993 under SWAPCA Regulation 400, General Regulations for Air Pollution Sources, as a revision to the Washington SIP:

400–010 Policy and Purpose
400–020 Applicability
400–030 Definitions, except the second sentences of (14) and (43)
400–040 General Standards for Maximum Emissions, except (1) (c) and (d), (2), (4), and the exception provision of (6)(a)
400–050 Emission Standards for Maximum Emissions, except the exception provision in (3)
400–052 Stack Sampling of Major Combustion Sources
400–060 Emission Standards for General Process Units
400–070 Emission Standards for Certain Source Categories, except (7)
400–081 Startup and Shutdown
400–090 Voluntary Limits on Emissions
400–100 Registration and Operating Permits, except the first sentence of (3) (a)(iv), (a)(v) and (5)
400–101 Sources Exempt From Registration Requirements
400–105 Records, Monitoring and Reporting
400–107 Excess Emissions
400–110 New Source Review
400–112 Requirements for New Sources in Nonattainment Area
400–113 Requirements for New Sources in Attainment or Nonclassifiable Areas

400–114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source
400–151 Retrofit Requirements for Visibility Protection
400–161 Compliance Schedules
400–171 Public Involvement
400–190 Requirements for Nonattainment Areas
400–200 Creditable Stack Height and Dispersion Techniques
400–205 Adjustment for Atmospheric Conditions
400–210 Emission Requirements of Prior Jurisdiction
400–220 Requirements for Board Members
400–230 Regulatory Actions
400–240 Criminal Penalties
400–250 Appeals
400–260 Conflict of Interest

The following discussion of sections in SWAPCA Regulation 400, explains which sections EPA is approving, disapproving, or taking no action on. The following actions are being approved unless exceptions are noted:

Section 010—Policy and Purpose, explains SWAPCA's goals and policies. Section 020—Applicability, explains over what sources and area SWAPCA's regulations apply. EPA finds that Section 030—Definitions, are consistent with the requirements of 40 CFR Part 51, Subpart I, however the second sentences of definitions (14) Class I area and (43) Mandatory Class I area are not being acted on as they may create a future conflict if a SWAPCA source is found to affect a Class I area that is not listed. Section 030 Definition (78) SIP shall be approved as its changed to read ''* * * and approved by EPA'' rather than ''* * * and submitted to EPA for approval''. Section 040—General Standards for Maximum Emissions, details the maximum emissions allowed within SWAPCA's jurisdiction for those emission units emitting criteria pollutants and that are not more specifically controlled by SWAPCA Sections 050 through 075. Section 040(1) (c) and (d) are being disapproved due to their allowance for the establishment of alternative opacity limits. EPA is also disapproving the exception provision of Section 040(6)(a) which provides an exception to the sulfur dioxide emission limitation. EPA is taking no action on Section 040(2) Fallout and Section 40(4) Odors as these provisions are not related to the criteria pollutants regulated under the SIP. Section 050—Emission Standards for Combustion and Incineration Units, contains more specific requirements than Section 040, and is included for those emission units that incinerate or combust as part of their operation process, but the exception provision in paragraph (3) allows for the establishment of an alternative oxygen correction factor for combustion and incineration sources and is therefore being disapproved. Section 052—Stack Sampling of Major Combustion Sources, contains requirements for particular sources to monitor or conduct emissions testing in order to prove compliance for their applicable pollutants. Section 060—Emission Standards for General Process Units, explains the maximum particulate matter permitted for those process units not specifically covered in SWAPCA Sections 050 through 075 and references the procedures that may be used to determine source compliance. EPA is approving Section 070—Emission Standards for Certain Source Categories except for subsection (7)—Sulfuric Acid Plants, where no action is taken as it is not related to the criteria pollutants regulated under the SIP. No action is being taken on Section 075—Emission Standard for Sources Emitting Hazardous Air Pollutants because it has no relation to the criteria pollutants that are regulated under the SIP. Section 081—Startup and Shutdown, establishes a requirement that State and local air pollution control authorities consider any physical constraints on the ability of a source to comply with a standard whenever an authority promulgates a technology-based emission standard or makes a control technology determination. Where the authority determines that the source is not capable of achieving continuous compliance with a standard during startup or shutdown, the authority shall establish appropriate limitations to regulate the performance of the source during startup or shutdown conditions. Section 090—Voluntary Limits on Emissions, provides a mechanism for the owner or operator of a source to apply for, and obtain, enforceable conditions that limit the source's potential to emit. Section 100—Registration and Operating Permits, explains those sources that need to register with SWAPCA for operation. The portions that are not being acted on eliminate the requirement for operating program sources to pay a fee due to EPA's approval of SWAPCA's Operating Permit Program. Section 101—Sources Exempt From Registration Requirements, lists the emissions units that are exempt from registration with the Authority and the requirement to maintain sufficient documentation to prove such. Section 105—Records, Monitoring and Reporting, explains the steps that notified sources must follow in order to comply with the applicable emission limitations and control measures required by SWAPCA. Section 107—Excess Emission, establishes requirements for reporting periods of excess emissions and the procedures and criteria for determining, in the context of an enforcement action, when such excess emissions are unavoidable and could therefore be excused and not subject to penalty. Section 110—New Source Review, includes the procedures for submittal of applications, making completeness determinations and final determinations, and appeals of orders of approval. Section 112—Requirements for New Sources in Nonattainment Areas, specifies the requirements for new and modified major and minor stationary sources proposing to locate in designated nonattainment areas. Section 113—Requirements for New Sources in Attainment or Nonclassifiable Areas, specifies the requirements for new and modified major and minor stationary sources located in attainment areas. Section 114—Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source, explains the procedure that is to be followed when replacing or altering the emission control technology on an existing stationary source. EPA is taking no action on Section 115—Standards of Performance for New Sources, as this provision is not related to the criteria pollutants regulated under the SIP. EPA is disapproving the following: Section 120 Bubble Rules, Section 130 Acquisition and Use of Emission Reduction Credits, Section 131 Issuance of Emission Reduction Credits, and Section 136 Use of Emission Reduction Credits; as these regulations do not comply with the requirements of EPA's Final Emissions Trading Policy Statement (51 FR 43814) for source-specific alternative emission limits (bubbles) and creditable emission reductions for new source permitting. Section 141—Prevention of Significant Deterioration (PSD) is being disapproved as it does not meet the requirements of 40 CFR 51.166. Section 151—Retrofit Requirements for Visibility Protection, requires sources that may cause or contribute to impairment of visibility by emitting more than 250 tons/yr of any contaminant and affecting any mandatory Class I area to apply technology to reduce that impairment. Section 161—Compliance Schedules, allows SWAPCA to issue a schedule to sources violating an emission standard,

or another provision of regulation 400, which will bring the source into compliance within a specified period of time. Section 171—Public Involvement, lists which types of application or other actions require public notice, and what constitutes public notice. The inclusion of Section 172—Technical Advisory Council, is not a requirement of the Clean Air Act, and does not directly apply to the regulation of the criteria pollutants, and thus is not being acted for inclusion into the SIP. Section 180—Variance, is being disapproved because it allows SWAPCA to grant a variance to the requirements governing the quality, nature, duration, or extent of discharges of air contaminants. Section 190—Requirements for Nonattainment Areas, requires consultation with local government and public involvement. Section 200—Credible Stack Height and Dispersion Techniques, explains how to determine a source's credible stack height. Section 205—Adjustment for Atmospheric Conditions, prohibits varying the emissions rate in response to the varying atmospheric conditions. Section 210—Emission Requirements of Prior Jurisdictions, requires that the more stringent standards apply when jurisdiction is transferred. Section 220—Requirements for Board Members, prohibits Board members from administering enforcement programs in which a significant portion of their income is derived. Section 230—Regulatory Actions, explains the enforcement actions to be taken by SWAPCA when its regulations have not been followed. Section 240—Criminal Penalties, subjects violators of SWAPCA's regulations to the provisions of RCW 70.94.430. Section 250—Appeals, explains who appeals may be made to and under what circumstances. Section 260—Conflict of Interest, explains that all board members and officials that vote on air pollution sources must comply with the Federal Clean Air Act.

SWAPCA's regulations are similar to the state of Washington's WAC 173–400, and therefore if a more detailed explanation of the approvals/disapprovals is wanted, one should refer to the January 15, 1993 (58 FR 4578) **Federal Register** notice.

III. Summary of EPA Action

EPA is approving the following sections, with the following exceptions, of SWAPCA 400—General Regulation for Air Pollution Sources: 010; 020; 030 except the second sentences of (14) and (43); 040 except (1)(c) and (1)(d) (2) (4) and the exception provision of (6)(a); 050 except the exception provision of (3); 052; 060; 070 except (7); 081; 090; 100 except the first sentence of (3)(a)(iv) and (5); 101; 105; 107; 110; 112; 113; 114; 151; 161; 171; 190; 200; 205; 210; 220; 230; 240; 250; and 260.

EPA is disapproving the following sections: 040(1) (c) and (d); the exception provision of 040(6)(a); the exception provision in 050(3); 120; 130; 131; 136; 141; and 180.

EPA is taking no action on the following sections: the second sentence of 030 (14) and (43); 040(2); 040(4); 070(7); 075; the first sentence of 100(3)(a)(iv); 100(3)(a)(v); 100(5); 115; and 172.

IV. Administrative Review

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 populations of less than 50,000.

SIP approvals under section 110 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 EPA is publishing this action 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 July 3, 1995 unless, by June 2, 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 notice that will withdraw the final action. All public comments received will be addressed in a subsequent final rule based on this action serving as a 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 July 3, 1995.

The EPA has reviewed this request for revision of the federally-approved SIP for conformance with the provisions of the 1990 Clean Air Act Amendments enacted on November 15, 1990. The EPA has determined that this action conforms with those requirements.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic and environmental factors and in relation to relevant statutory and regulatory requirements.

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 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 3, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2), 42 U.S.C. 7607(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Note: Incorporation by reference of the Implementation Plan for the State of Washington was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: March 30, 1995.

Chuck Clarke,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart WW—Washington

2. Section 52.2470 is amended by adding paragraph (c)(51) to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

(51) On April 11, 1994 the Washington Department of Ecology (WDOE) submitted the Southwest Air Pollution Control Authority (SWAPCA) 400 General Regulations for Air Pollution Sources as a revision to the Washington State Implementation Plan (SIP).

(i) Incorporation by reference.

(A) April 11, 1994 letter from the Director of WDOE to EPA Region 10 submitting the Southwest Air Pollution Control Authority SWAPCA 400 Regulation, General Regulations for Air Pollution Sources.

(B) Regulations of the Southwest Air Pollution Control Authority—Sections 010; 020; 030 except the second sentences of (14) and (43); 040 except (1)(c) and (1)(d) (2) (4) and the exception provision of (6)(a); 050 except the exception provision of (3); 052; 060; 070 except (7); 081; 090; 100 except the first sentence of (3)(a)(iv) and (5); 101; 105; 107; 110; 112; 113; 114; 151; 161; 171; 190; 200; 205; 210; 220; 230; 240; 250; and 260, effective on November 8, 1993.

[FR Doc. 95–10812 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[IL107–1–6708a; FRL–5190–4]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: The USEPA approves the Illinois, September 26, 1994, State Implementation Plan (SIP) revision request which grants a variance to J.M. Sweeney Co. (Sweeney) from Stage II vapor recovery requirements from November 1, 1993, until March 31, 1995. This variance has been granted because Sweeney has demonstrated that immediate compliance with the requirements at issue would impose an arbitrary and unreasonable hardship. USEPA made a finding of completeness on the SIP submittal on October 28, 1994. In the proposed rules section of this **Federal Register**, USEPA is proposing approval of and soliciting public comment on this requested SIP revision. If adverse comments are received on this action, USEPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. Please be aware that USEPA will institute another rulemaking notice on this action only if warranted by significant revision to the rulemaking based on any comments received in response to today's action. Parties interested in commenting on this action should do so at this time.

DATES: This action will be effective July 3, 1995 unless an adverse comment is received by June 2, 1995. If the effective date of this action is delayed due to adverse comments, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the Illinois submittal are available for public review during normal business hours, between 8:00 a.m. and 4:30 p.m., at the above address. A copy of this SIP revision is also available for inspection at: Office of Air and Radiation (OAR), Docket and Information Center (Air Docket 6102), Room 1500, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Telephone: (312) 886–6082.

SUPPLEMENTARY INFORMATION: On January 12, 1993, USEPA approved Illinois's Stage II vapor recovery rules (35 Ill. Adm. Code 218) as a revision to the Illinois SIP for ozone, applicable to the Chicago ozone nonattainment area (Cook, DuPage, Kane, Lake, McHenry, Will Counties and Aux Sable and Goose Lake Townships in Grundy County and Oswego Township in Kendall County). These regulations satisfy section 182(b)(3) of the Clean Air Act as amended in 1990, which requires certain ozone nonattainment areas to require specified gasoline dispensing facilities to install and operate Stage II vapor recovery equipment. Stage II vapor recovery systems are designed to control and capture at least 95 percent of the Volatile Organic Compound (VOC) vapors emitted during the refueling of motor vehicles. Among these Stage II requirements is the provision that certain gasoline dispensing facilities, such as Sweeney's facility in Cicero, Illinois, must install Stage II vapor recovery equipment no later than November 1, 1993.

Sweeney contends that it had initiated efforts to achieve compliance by the November 1, 1993 compliance date. Among these efforts was a site evaluation conducted by a geophysical consulting firm. On August 30, 1993, the consulting firm informed Sweeney that petroleum contamination likely occurred at the site. On August 31, 1993, Sweeney notified the Illinois Emergency Management Agency (IEMA) of the suspected contamination and of the likely need for remediation. Subsequent on-site sampling confirmed that remediation is necessary and that it will require removal of both soil and some of the tanks. Installing Stage II equipment before the completion of the remediation would require that some of the Stage II equipment would have to be dismantled and removed during the remediation, which, according to Sweeney and the Illinois Environmental Protection Agency, would cost Sweeney an additional $50,000 to $60,000. As of July 14, 1994, the full areal extent of the contamination was yet to be identified, pending Sweeney's ability to gain access to off-site sampling locations.

On December 17, 1993, Sweeney filed a petition with the Illinois Pollution Control Board (IPCB) requesting a variance from meeting the November 1, 1993, compliance date on the grounds that requiring installation of the Stage II vapor recovery equipment prior to remediation would cause an unreasonable financial hardship. The IPCB is charged under the Illinois Environmental Protection Act with the responsibility of granting variance from regulations issued by the Board whenever it is found that compliance with the regulations would impose an arbitrary or unreasonable hardship upon the petitioner for the variance.

On September 1, 1994, the IPCB granted the variance extending Stage II compliance for Sweeney until March 31, 1995. Given both the high additional

cost associated with installing and dismantling Stage II equipment before the remediation is completed and the low environmental impact occasioned by temporary noncompliance before March 31, 1995, the IPCB found that requiring Sweeney to have installed Stage II equipment by November 1, 1993, does constitute an unreasonable hardship. Illinois submitted this variance as a revision to the Illinois ozone SIP on September 26, 1994.

Final Rulemaking Action

The USEPA is approving this SIP revision on the basis that the uncontrolled emissions generated by Sweeney as a result of the variance will not contribute significantly to ozone formation, given that the variance will expire on March 31, 1995, before the onset of the ozone season which is April 1.

The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial amendment and anticipates no adverse comments. However, USEPA is publishing a separate document in this **Federal Register** publication, which constitutes a ''proposed approval'' of the requested SIP revision and clarifies that the rulemaking will not be deemed final if timely adverse or critical comments are filed. The ''direct final'' approval shall be effective on July 3, 1995, unless adverse or critical comments are received by June 2, 1995.

If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw the approval before its effective date by publishing a subsequent rule that withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking notice. Please be aware that USEPA will institute another rulemaking notice on this action only if warranted by significant revision to the rulemaking based on any comments receives in response to today's action.

Any parties interested in commenting on this action should do so at this time. If no such comments are received, USEPA hereby advises that this action will be effective July 3, 1995.

This action has been classified as a Table 3 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 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to any SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA 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, USEPA may certify that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

The SIP approvals under section 110 and subchapter I, part D, of the Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on small entities. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The Act forbids the USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (1976).

Under section 307(b)(1)of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 3, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purpose of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Ozone, Volatile organic compounds.

Dated: March 29, 1995.

Valdas V. Adamkus,

Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart O—Illinois

2. Section 52.720 is amended by adding paragraph (c)(110) to read as follows:

§ 52.720 Identification of plan.

(c) * * *

(110) On September 26, 1994, the State of Illinois submitted a revision to its ozone State Implementation Plan for the J. M. Sweeney Company located in Cicero, Cook County, Illinois. It grants a compliance date extension from Stage II vapor control requirements (35 Ill. Adm. Code 218.586) from November 1, 1993, to March 31, 1995.

(i) Incorporation by reference.

(A) Illinois Pollution Control Board Final Opinion and Order, PCB 93–257, adopted on September 1, 1994, and effective on September 1, 1994. Certification dated 9/23/94 of Acceptance by J. M. Sweeney.

[FR Doc. 95–10819 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[DE–16–1–5887a, DE20–1–6548a; FRL–5180–5]

Approval and Promulgation of Air Quality Implementation Plans; Delaware: Regulation 24—Control of Volatile Organic Compound Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Delaware on January 11, 1993 and January 20, 1994. The revision pertains to Delaware Regulation 24—''Control of Volatile Organic Compound Emissions'', sections 1 to 9, 13 to 35, 37 to 43, and Appendices A to H. These sections of Regulation 24 establish emission standards that represent the application of reasonably available control technology (RACT) to categories of stationary sources of volatile organic compounds (VOCs), and establish associated testing, monitoring, recordkeeping, compliance certification, and permit requirements. This revision was submitted to comply with the RACT ''Catch-up'' provisions of the Clean Air Act Amendments of 1990 (CAAA). This action is being taken

under section 110 of the Clean Air Act (CAA).

DATES: This final rule is effective July 3, 1995 unless notice is received on or before June 2, 1995 that adverse or critical comments will be submitted. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 597–3164, at the EPA Region III address.

SUPPLEMENTARY INFORMATION: On January 11, 1993, the Delaware Department of Natural Resources & Environmental Control (DNREC) submitted several revisions to its SIP. One of those revisions to the SIP is to establish statewide applicability for Delaware's VOC RACT regulations. The VOC RACT-related revisions were submitted to comply with the RACT ''Catch-up'' provisions of the CAA. This revision consists of amendments to Delaware's Regulation 24, ''Control of Volatile Organic Compound Emissions'', adopted in accordance with the recommendations made by EPA VOC RACT Model Rules, June 1992. This revision requires and establishes RACT to control VOC emissions from twenty-nine (29) control technique guideline (CTG) source categories (sections 13 to 42 of Regulation 24) and a section which applies to all major VOC sources not covered by a CTG (section 43 of Regulation 24 which applies to non-CTG sources). This regulation replaces and supersedes in its entirety Regulation 24, ''Control of VOC Emissions'', dated July 3, 1990. The other SIP revisions submitted on January 11, 1993 are the subject of separate rulemaking notices.

On January 20, 1994, Delaware DNREC submitted an amended VOC RACT regulation: Regulation 24, Section 43, entitled, ''Other Facilities that Emit VOCs''. This submittal replaces and supersedes Regulation 24, Section 43 submitted on January 11, 1993.

This action concerns only sections 1 to 9, 13 to 35, 37 to 42, parts of section 43, and Appendices A to H of Regulation 24. Sections 43(a)(5) and 43(b)(3) of the January 20, 1994 submittal are the subject of separate rulemaking.

I. Background

Section 182(b)(2) of the CAA requires States to adopt RACT rules for all areas designated nonattainment for ozone and classified as moderate or above. Section 182(b)(2) requires the state to submit a RACT SIP revision for each of the following categories of sources: (1) Sources covered by an existing CTG (i.e., a CTG issued prior to the enactment of the Amendments), (2) sources covered by a post-enactment CTG, and (3) all major sources not covered by a CTG. This RACT requirement makes nonattainment areas that previously were exempt from RACT requirements ''catch-up'' to those nonattainment areas that became subject to those requirements during an earlier period, and therefore is known as the RACT Catch-up requirement. In addition, it requires newly designated ozone nonattainment areas to adopt RACT rules consistent with those previously designated nonattainment areas.

The entire State of Delaware (Kent, New Castle, and Sussex Counties), is located in the ozone transport region (OTR) that was statutorily created by section 184 of the CAA. As such, Delaware was required to adopt RACT rules for all CTG and non-CTG sources throughout the State by November 15, 1992. Therefore, under the RACT Catch-up provision of section 182(b)(2), Delaware was required to submit RACT rules for Kent, New Castle, and Sussex Counties for sources covered by pre-enactment CTGs; to adopt RACT for all sources covered by a post-enactment CTG; and to submit non-CTG rules for all remaining major stationary sources having the potential to emit 25 TPY in Kent and New Castle Counties and 50 TPY of VOC in Sussex County.

In summary, to fully comply with the RACT Catch-up provisions of the CAA, Delaware is required to expand its RACT regulations to statewide. It must adopt all RACT regulations for all CTG sources and all major non-CTG VOC sources (VOC sources with the potential to emit 25 TPY in Kent and New Castle Counties nonattainment area and 50 TPY in Sussex County) throughout the State. Delaware must require sources to comply with these provisions as expeditiously as possible, but no later than May 31, 1995. In the case of RACT rules adopted pursuant to a post-enactment CTG, Delaware would need to establish a compliance date consistent with that set forth in the CTG or a related document.

II. EPA Evaluation and Action

VOCs contribute to the production of ground level ozone and smog. These rules were adopted as part of an effort to achieve the National Ambient Air Quality Standard (NAAQS) for ozone. The following is EPA's evaluation of and action on sections 1 to 9, 13 to 35, 37 to 42, parts of 43, and appendices A to H of Regulation 24, for the State of Delaware. Detailed descriptions of the amendments addressed in this document, and EPA's evaluation of the amendments, are contained in the technical support document (TSD) prepared for these rulemaking actions by EPA. Copies of the TSD are available from the EPA Regional office listed in the ADDRESSES section of this document.

In determining the approvability of a VOC rule, EPA must evaluate the rule for consistency with the requirements of the CAAA and EPA regulations, as found in section 110 and Part D of the CAAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans). The EPA interpretation of these requirements, which forms the basis for this action, appears in various EPA policy guidance documents. For the purpose of assisting State and local agencies in developing RACT rules, EPA prepared a series of CTG documents. The CTGs are based on the underlying requirements of the Act and specify the presumptive norms for RACT for specific source categories. The CTGs applicable to sections 13 to 35, 37 to 42, of Regulation 24 are entitled, Surface Coating of Cans, Coils, Paper, Fabrics, Automobiles and Light Duty Trucks, EPA–450/2–77–008, May 1977; Surface Coating of Metal Furniture, EPA–450/2–77–032, December 1977; Surface Coating of Large Appliances, EPA–450/2–77–034, December 1977; Surface Coating for Insulation of Magnet Wire, EPA–450/2–77–033, December 1977; Surface Coating of Miscellaneous Parts and Products, EPA–450/2–78–015, June 1978; Bulk Gasoline Plants, EPA–450/2–77–035, December 1977; Tank Truck Loading Terminals, EPA–450/2–77–026, December 1977; Design Criteria Document—Gasoline Dispensing Facilities—Stage I, November 1975; Leaks from Gasoline Tank Trucks and Vapor Collection Systems, EPA–450/2–78–051, December 1978; Refinery

Vacuum Producing Systems, Wastewater Separators and Process Turnarounds, EPA–450/2–77–025, October 1977; Petroleum Refinery Equipment, EPA–450/2–78–036, June 1978; Petroleum Liquid Storage in External Floating Roof Tanks, EPA–450/2–78–047, December 1978; Storage of Petroleum Liquids in Fixed Roof Tanks, EPA–450/2–77–036, December 1977; Leaks from Natural Gas/Gasoline Processing Plants, EPA–450/3–83–007, December 1983; Cutback Asphalt, EPA–450/2–77–037, December 1977; Perchloroethylene Dry Cleaning Systems, EPA–450/2–78–050, December 1978; Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry, EPA–450/2–83–006, March 1984. EPA has not yet developed CTGs to cover all sources of VOC emissions. Further interpretations of EPA policy are found in those portions of the proposed Post-1987 ozone and carbon monoxide policy that concern RACT, 52 FR 45044 (November 24, 1987) and ''Issues Relating to VOC Regulation Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 **Federal Register** Notice'' (Blue Book) (notice of availability was published in the **Federal Register** on May 25, 1988). In general, these guidance documents are designed to ensure that VOC rules are fully enforceable and to strengthen the SIP.

State Submittal: Sections 1 through 9 of Regulation 24 include general applicability, monitoring, recordkeeping, compliance certification, and permit requirements and include definitions and other provisions common to more than one section. Regulation 24 applies to sources located in the entire state of Delaware. Sources that exceed any applicability threshold of Regulation 24 remain subject to the provisions even if the source's throughput or emissions later fall below the applicability threshold. Alternative control plans must be approved by the Department and the U.S. EPA. By November 15, 1993, owners or operators of sources claiming exemption from the surface coating provisions of sections 13 to 22 must certify to the Department that they are exempt and after November 15, 1993 are required to keep daily records documenting the daily VOC emissions and are required to report to the Department if any combined daily VOC emissions exceed 6.8 kg (15 lb). By November 15, 1993 owners or operators of sources subject to the surface coating provisions of sections 13 to 22 must certify to the Department the method of compliance—complying coatings, daily weighted averaging, or control devices—to be used for each affected coating line or operation and are required to keep daily records demonstrating compliance and to report any excess emissions. By November 15, 1993 owners and operators of sources subject to the provisions of sections 23 to 43 must certify to the Department the method of compliance—control system equipment specification, leak detection and repair, coating formulation, work practice, etc.—to be used and are required to keep records for control devices and report excess emissions. Owners and operators of any coating line complying by the use of a control device are required to operate the capture and control device whenever the coating line is in use and are required to ensure the required monitoring system is installed, maintained and calibrated and in use whenever the control device is in operation. Owners or operators of facilities subject to sections 13 to 23 and section 37 are prohibited from using open containers to store or dispose cloth or paper impregnated with VOC or to store spent or fresh VOC used for surface preparation, cleanup or removal of coatings and are prohibited from using VOC to clean spray equipment unless equipment is used to collect the cleaning compounds. Owners and operators of sources subject to Regulation 24 that must make major process changes or major capital expenditures to comply must submit to the Department a compliance schedule within 180 days of the effective date of this regulation. Compliance must be as expeditious as practicable but not later than May 31, 1995.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA.

State Submittal: Sections 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 of Regulation 24 cover coating operations or lines in the following source categories, respectively: automobile and light-duty truck, can, coil, paper, fabric, vinyl, metal furniture, large appliances, magnetic wire, miscellaneous metal parts and products, and flat wood paneling.

A. Common Provisions

A coating line or operation is subject to the emission limits of a section if the daily facility-wide VOC emissions from coating lines in that source category exceeds 6.8 kg (15 lb) without control devices. Each section requires that compliance be demonstrated in one of three ways: use of coatings that comply with the VOC content limits of each section; use of coatings on a coating line whose daily weighted average comply with the VOC content for that coating line; or use of a capture and control system that provides an overall emission reduction that is the lesser of the reduction needed to be equivalent to the VOC content of complying coatings on a ''solids basis'' (mass VOC per volume of solids) or 95 percent. The VOC content limits in mass per volume of coating, minus water and exempt compounds, as applied, are the same as those contained in the applicable CTG. Section 20 exempts from the VOC content limits the use of up to 0.95 liters (0.25 gallons), in any 8-hour period, of quick drying lacquers used for repair of scratches and nicks on large appliances. Section 22 sets a standard of 0.52 kilograms per liter (4.3 lb/gal) of coating less water and exempt compounds for drum and pail interior coatings. The calculation procedures for daily weighted averaging and for required control device efficiency are provided in Appendix C. Calculations are required daily to demonstrate daily compliance.

B. Coverage of Section 22, Miscellaneous Metal Parts and Products

Section 22 applies to coating of miscellaneous metal parts and products, which include (but are not limited to) small and large farm machinery, small appliances, commercial machinery, industrial machinery, fabricated metal products, coating applications at automobile and light duty truck assembly plants other than prime, primer surfacer, topcoat and final repair, and to any other industrial category that coats metal parts or products under Standard Industrial Classification (SIC) Codes of Major Groups 33 to 39. Section 22 does not apply to the application of coatings regulated under sections 13, 14, 15, 19, 20, and 21, exteriors of completely assembled aircraft, automobile or truck refinishing, and customized topcoating of automobiles and trucks where the daily production is less than 35 vehicles per day. Section 22 does not apply to primer, primer surfacer, topcoat and final repair operations at automobile and light duty truck assembly plants covered under section 13.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Sections 24, 25, 26 and 27 cover bulk gasoline plants, bulk

gasoline terminals, gasoline dispensing facilities, and gasoline tank trucks.

A. Section 24 requires bulk gasoline plants of between 4,000 and 20,000 gallons per day throughput to install a vapor balance system between incoming/outgoing tank trucks and stationary storage tanks, to fill storage vessels by submerged filling, and to incorporate design and operational practices to minimize leaks from storage tanks, loading racks, tank trucks and loading operations.

B. Section 25 requires bulk gasoline terminals of greater than 20,000 gallons per day throughput to equip each loading rack with a vapor collection system to control VOC vapors displaced from gasoline tank trucks during product loading. The vapor control system is limited to emissions of 80 milligrams or less of VOC per liter of gasoline loaded.

C. Both bulk plants and terminals are required to inspect vapor balance or loading racks and VOC collection systems monthly for leaks and to repair leaks within 15 days of discovery. Both bulk plants and terminals are restricted to loading only vapor-tight gasoline tank trucks and to loading tank trucks by submerged filling.

D. Section 26 requires gasoline dispensing facilities to install a vapor balance system, submerged drop tubes for gauge well, vapor tight caps and submerged fill loading on all storage vessels. Both sections 24 and 26 prohibit the transfer of gasoline into a storage tank or into a tank truck unless vapor balance systems are properly used.

E. Section 27 requires gasoline tank trucks equipped for vapor collection be tested at least annually for vapor-tightness and display a sticker near the DOT certification plate that shows the date the truck passed the vapor-tightness test, that shows the truck identification number and that expires not more than 1 year after the date of the test.

F. Sections 24, 25 and 26 also set standards for smaller facilities and tanks: Bulk plants of less than 4,000 gallons per month are only required to fill storage tanks or tank trucks by submerged filling and to discontinue transfer operations if any leaks are observed. A vapor balance system is not required on any tank with a capacity of 550 gallons or less at a bulk plant. However, such tanks are still subject to the requirement that these tanks be filled by submerged filling. Under section 26, dispensing facilities of less than 10,000 gallons per month throughput and certain small storage tanks are required to be loaded by submerged fill. These smaller storage tanks are those of less than 2,000 gallon capacity constructed prior to January 1, 1979, of less than 250 gallons capacity constructed after December 31, 1978, and of less than 550 gallons capacity if used solely for fueling implements of agriculture.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG and other EPA guidance.

State Submittal: Section 28 applies to any vacuum-producing system, wastewater separator and process unit turnaround at petroleum refineries. Uncondensed vapors from vacuum-producing systems must be piped to a firebox or incinerator or compressed and added to the refinery fuel gas. Wastewater separators must be equipped with covers and seals on all separator and forebays. Lids and seals are required on all openings in separators, forebays and their covers and must be kept closed except when in use. During a process unit turnaround the process unit must be vented to a vapor recovery system, flare or firebox. No emissions are allowed from a process unit until the internal pressure reaches 19.7 psia.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Sections 29 and 32 regulate leaks from equipment in VOC service at any process unit at a petroleum refinery or at any natural gas/gasoline processing facility, respectively. Both require open ended lines and valves to be sealed with a second valve, blind flange, cap or plug except during operations requiring process fluid flow. Both require quarterly leak monitoring of pumps in light liquid service, valves, and compressors and require first attempt to repair the leak within five calendar days of discovery and with final repair within 15 calendar days. Both sections reference the leak detection method found in appendix F. Both allow less frequent monitoring of unsafe-to-monitor and difficult-to-monitor valves if a written plan that requires, respectively, monitoring of unsafe-to-monitor as frequently as practicable during safe-to-monitor periods and at least annual leak monitoring of difficult-to-monitor valves. Under both sections, valves in gas/vapor service and in light liquid service may be monitored less frequently if the criteria of the skip period leak detection and repair provisions are met and maintained. Both sections allow certain equipment be exempt from the leak monitoring program. These exemptions are: any pressure relief valve connected to a flare header or operating vapor recovery device, any equipment in vacuum service, any compressor with a degassing vent connected to an operating VOC control device. Also exempted from a leak detection and repair is any pump with dual seals at a natural gas/gasoline processing facility and any pump with dual mechanical seals with a barrier fluid system at refineries. Under section 29, pumps in heavy liquid service at refineries must be leak checked using the method of appendix F only if evidence of a leak is found by sight, sound or smell. Under section 32, pumps in heavy liquid service are exempted from the leak detection and repair provisions. Under section 29, pressure relief valves at refineries must be leak checked after each overpressure relief. Under section 32, pressure relief valves must be leak checked within 5 days unless monitored by non-plant personnel. In the latter case, monitoring must be done the next time monitoring personnel are on site or within 30 days, whichever is the shorter period.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Sections 30 and 31 regulate storage of petroleum liquids that apply to any petroleum liquid storage tank over 40,000 gallons capacity. Section 30 applies to tanks that are equipped with an external floating roof. Section 31 applies to tanks that are of fixed roof construction. Section 30 prohibits storage of petroleum liquid in an external floating roof tank unless the tank is equipped with a continuous secondary seal from the floating roof to the tank wall, the seals are maintained so that there are no visible holes or tears and the seals are intact and uniformly in place. Section 30 also sets design and operation and maintenance criteria for openings in the external floating roof and for gaps in vapor-mounted primary seals. Section 30 requires routine, semi-annual inspections of the roof and seal and requires annual measurement of the seal

gap in vapor-mounted primary seals. Section 31 prohibits storage of petroleum liquid in a fixed roof tank unless the tank is equipped with an internal floating roof equipped with closure seal(s) between the roof edge and tank wall, and the seals are maintained so that there are no visible holes or tears. Section 31 also sets design, operational and maintenance criteria for openings, drains and vents.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG and other EPA guidance.

State Submittal: Section 33 applies to all solvent metal cleaning sources (cold cleaning facilities, open top vapor degreasers, and conveyorized degreasers) with the following exemptions: (1) any open top vapor degreasing operation with an open area smaller than one square meter is exempt from the requirement to install a refrigerated chiller, or a carbon adsorption system; and (2) any conveyorized degreaser with an air/solvent interface smaller than 2.0 square meters is exempt from the requirement for a refrigerated chiller, carbon adsorption system or equivalent control system.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 34 prohibits the manufacturing, mixing, storage, use and application of cutback asphalt during the ozone season. Exemptions for long-life stockpiling or use solely as a penetrating prime coat may be granted by the Department. Section 34 also prohibits the manufacturing, mixing, storage, use and application of emulsified asphalt containing VOC during the ozone season.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 35 applies to the following sources of VOCs at all synthesized pharmaceutical manufacturing facilities: each vent from reactors, distillation operations, crystallizers, centrifuges and vacuum dryers, air dryers and production equipment exhaust systems, storage tanks, transfer operations from truck/rail car deliveries to storage tanks, centrifuges, rotary vacuum and other filters, in-process tanks, and leaks from equipment and vessels.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 37 applies to any packaging rotogravure, publication rotogravure, or flexographic printing press at any graphic art systems facility whose maximum theoretical emissions of VOCs—including solvents used to clean each of these printing presses—without control devices from all printing presses are greater or equal to 7.7 tons per year of press-ready ink.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 38 applies to any petroleum solvent dry cleaning facility that consumes more than 123,000 liters of petroleum solvent per year. There should be no perceptible leaks from any portion of the equipment and all traps and doors closed. Any perceptible leaks shall be repaired within 3 days after the leak is detected.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 39 covers drycleaning facilities using perchloroethylene. Section 39 requires a carbon adsorption system for the dryer exhaust. An emission limit of 100 parts per million (volumetric) of VOC is established for the exhaust of this control device. Coin operated facilities are exempt from the requirement for a carbon adsorption system. Section 39 sets the standards recommended in the CTG to minimize VOC emissions from leaks, from treatment, handling and disposal of filters, and from wet wastes from solvent stills.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 40 applies to all equipment in VOC service in any process unit at a synthetic organic chemical, polymer, and resin production facility which manufactures, as an immediate or end product, Methyl Tert-Butyl Ether, Polyethylene, Polypropylene, Polystyrene, and those organic chemicals given in § 60.489 of 40 CFR part 60. A piece of equipment is not in VOC service if the VOC content of the process fluid exceeds 10% by weight. This section does not apply to any synthetic organic chemical, polymer, or resin manufacturing facility whose annual design production capacity is less than 1,000 megagrams (Mg) (1,100 tons) of product. Any liquid pump that has a dual mechanical pump seal with a barrier fluid system, and any compressor with a degassing vent that is routed to an operating VOC control device are exempt from the inspection and repair standard. Equipment operated entirely under a vacuum and pressure relief valve that is connected to an operating flare header or vapor recovery device are exempt from the inspection and repair standard.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 41 applies to the manufacture of polymer resins: (1) for the manufacture of high-density polyethylene using a liquid phase slurry process material recovery sections and product finishing sections are regulated, (2) for the manufacture of polypropylene using a liquid-phase process polymerization reaction sections, material recovery sections, and product finishing sections are regulated, and (3) for the manufacture of polystyrene using a continuous process material recovery sections are regulated.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 42 covers air oxidation processes in the synthetic organic chemical manufacturing industry (SOCMI). SOCMI is defined as production, either as a final product or as an intermediate, of any of the

chemicals listed in 40 CFR 60.489. Covered are vent streams from air oxidation reactors and from combinations of air oxidation reactors and recovery systems. Section 42 requires VOC emissions from these vent streams be no more 20 parts per million (volumetric, dry basis corrected to 3 percent oxygen) or be reduced by 98 percent (whichever is less) or be burned in a flare that meets the requirements of 40 CFR 60.18. Vent streams that have a total resource effectiveness (TRE) index value greater than 1.0 are required only to maintain the TRE index value greater than 1.0, to recalculate the TRE index value after any process change and to install monitoring devices on the final recovery device.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Section 43 applies to all major VOC sources not covered by a CTG (non-CTG sources: VOC sources with the potential to emit 25 TPY in Kent and Castle Counties nonattainment area and 50 TPY in Sussex County). The control requirements do not apply to coke ovens (including by-products recovery plants), fuel combustion sources, barge facilities, jet engine test cells, vegetable oil processing facilities, wastewater treatment facilities, and iron and steel production.

EPA's Evaluation: The regulation listed above is approvable as a SIP revision because it conforms to EPA guidance and complies with the requirements of the CAA. EPA has determined that the RACT standards are no less stringent than the applicable CTG.

State Submittal: Appendices A to H comprise the test and compliance methods applicable to more than one of the source categories of sections 13 to 43. Appendix H specifies the quality control procedures for continuous emission monitors. Each section requires that adaptations to specified methods or alternative test methods must be approved by the Department and the U.S. EPA.

A. Appendix A requires that the methods of Appendices B to G be used and sets the general requirements for test plans and testing quality assurance programs. Test plans must be submitted to the Department at least 30 days prior to the testing, preliminary results within 30 days after completion and the final report within 60 days of the completion of the testing.

B. Appendix B specifies the methods to be used for sampling and analyzing coatings and inks for VOC content. Specified methods for determining VOC content are Method 24 of 40 CFR Part 60, Appendix A for coatings and Method 24A of 40 CFR Part 60, Appendix A for inks.

C. Appendix C specifies the methods to be used by coating sources for calculation of daily weighted average, of required overall emission reduction efficiency and of equivalent emission limitations. Appendix C(a) provides the formula for calculating the daily weighted average VOC content. Appendix C(c) specifies how the daily required control efficiency is to be calculated. Provided are procedures: (1) To convert the complying coating, emission limits from a mass VOC per gallon of coating (less water and exempt solvent) basis to a solids basis, mass VOC per gallon solids, (2) to calculate the required overall emission reduction efficiency using the complying coating emission limit on a solids basis and either the maximum actual VOC content (solids basis) or the actual, daily-weighted average VOC (on a solids basis), and (3) to calculate the actual, daily-weighted average VOC (on a solids basis) of the coatings used.

D. Appendix D specifies the methods for measuring capture efficiency and for calculating control device destruction or removal efficiency.

(1) Capture efficiency: Four capture efficiency testing and calculation protocols are used: Gas/gas methods using either a temporary total enclosure (TTE) or a building enclosure (BE) as a TTE. Liquid/gas methods using either a BE as a TTE or a TTE.

(2) Control device destruction or removal efficiency: Appendix D(b) requires that the methods specified in Appendix E be used for determining the flows and VOC concentrations in the inlets and outlets of VOC control devices. Appendix D stipulates the formula for calculating control device destruction or removal efficiency. Appendix D also requires continuous monitoring on carbon adsorption systems and incinerators and specifies the requirements for such monitoring systems.

(3) Overall capture and control efficiency: Appendix D(c) requires that overall capture and control efficiency be calculated as the product of the capture efficiency and the control device efficiency.

E. Appendix E adopts reference methods found in 40 CFR Part 60, appendix A. The methods adopted are: Method 18, 25 or 25A for determining VOC concentrations at the inlet and outlet of a control device; only Method 25 is allowed for determining destruction efficiency of thermal or catalytic incinerators. Method 1 or 1A for velocity traverse. Method 2, 2A, 2B, 2C, or 2D for measuring velocity and flow rates. Method 3 or 3A for determining oxygen and carbon dioxide analysis. Method 4 for stack gas moisture. Appendix E also specifies the number and length of tests.

F. Appendix F specifies leak detection methods. Method 21 of 40 CFR part 60, appendix A is adopted.

G. Appendix G sets the performance specifications of systems for the continuous emissions monitoring of total hydrocarbons as a surrogate for measuring the total gaseous organic concentration in a combustion gas stream.

H. Appendix H requires each owner or operator of a continuous emissions monitor system (CEMS) to develop and implement a CEMS quality control program. Appendix H defines the minimum requirements for such a program.

EPA's Evaluation: The regulations listed above are approvable as SIP revisions because they conform to EPA guidance and comply with the requirements of the CAA. EPA has determined that the test methods and compliance procedures are no less stringent than that required by the applicable CTG and pertinent EPA guidance.

As required by 40 CFR 51.102, the State of Delaware has certified that public hearings with regard to these revisions were held in Delaware on September 29, 1992; and on September 8, 1993 on the amended VOC RACT Catch-ups.

EPA is approving this SIP revision 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, EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will become effective July 3, 1995 unless, within 30 days of publication, adverse or critical comments are received.

If EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent notice that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. 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 on July 3, 1995.

Final Action

EPA is approving sections 1 to 9, inclusive, 13 to 35, inclusive, 37 to 42, inclusive, parts of 43, and appendices A to H of Delaware Regulation 24 as a revision to the Delaware SIP. The State of Delaware submitted these amendments to EPA as a SIP revision on January 11, 1993 and January 20, 1994.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

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

SIP approvals under section 110 and subchapter I, part D of the 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, the Administrator certifies that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the CAA, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIP's on such grounds. *Union Electric Co.* v. *U.S. EPA*, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

This action has been classified as a Table 2 action for signature by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The OMB has exempted this regulatory action from E.O. 12866 review.

Under section 307(b)(1) of the CAA, petitions for judicial review of this action approving twenty-nine VOC RACT regulations for Delaware must be filed in the United States Court of Appeals for the appropriate circuit by July 3, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: January 27, 1995.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

40 CFR part 52, subpart I of chapter I, title 40 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 I—Delaware

2. Section 52.420 is amended by adding paragraphs (c)(46) and (c)(51) to read as follows:

§ 52.420 Identification of plan.

* * * * *

(c) * * *

(46) Revisions to the Delaware State Implementation Plan submitted on January 11, 1993 by the Delaware Department of Natural Resources & Environmental Control:

(i) Incorporation by reference. (A) Letter of January 11, 1993 from the Delaware Department of Natural Resources & Environmental Control transmitting Regulation 24—''Control of Volatile Organic Compound Emissions'', effective January 11, 1993.

(B) Regulation 24—''Control of Volatile Organic Compound Emissions'', Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 37, 38, 39, 40, 41, 42, and Appendices A, B, C, D, E, F, G, & H.

* * * * *

(51) Revisions to the Delaware State Implementation Plan submitted on January 20, 1994 by the Delaware Department of Natural Resources & Environmental Control:

(i) Incorporation by reference. (A) Letter dated January 20, 1994, from the Delaware DNREC transmitting an amendment to Regulation 24, ''Control of Volatile Organic Compound Emissions'', Section 43—''Other Facilities that Emit VOCs'', effective November 24, 1993.

(B) Amendment to Regulation 24, ''Control of VOC Emissions'', Section 43—''Other Facilities that Emit VOCs'', Sections 43(a)(1), 43(a)(2), 43(a)(3), 43(a)(4), 43(b)(1), 43(b)(2), 43(c), 43(d), 43(e), and 43(f).

(ii) Additional Material. (A) Remainder of January 11, 1993 and January 20, 1994 State submittal pertaining to Regulation 24 referenced in paragraphs (c)(46)(i) and (c)(51)(i) of this section.

(iii) Additional Information. (A) These rules supersede paragraph (c)(44)(i)(C) of this section.

[FR Doc. 95–10817 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[KY–80–1–6943; FRL–5200–8]

Control Strategy: Ozone (O_3); Kentucky

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The EPA is approving an exemption request from the oxides of nitrogen (NO_X) reasonably available control technology (RACT) requirement of the Clean Air Act as amended in 1990 (CAA) for the Kentucky portion of the Huntington-Ashland, moderate ozone (O_3) nonattainment area. The exemption request, submitted by the Commonwealth of Kentucky through the Department of Environmental Protection, is based upon the most recent three years of ambient air monitoring data, which demonstrate that additional reductions of NO_X would not contribute to the attainment of the National Ambient Air Quality Standard (NAAQS) for O_3 in the area. The CAA requires states with designated nonattainment areas of the NAAQS for O_3, and classified as moderate nonattainment or above, to adopt RACT rules for major stationary sources of NO_X. The CAA provides further that the NO_X requirements do not apply to these areas outside an O_3 transport region if EPA determines that additional reductions of NO_X would not

contribute to attainment of the NAAQS for O_3 in the area.

EFFECTIVE DATE: This action will be effective June 2, 1995.

ADDRESSES: A copy of the exemption request is available for inspection at the following location (it is recommended that you contact Kimberly Bingham at (404) 347–3555 extension 4195 before visiting the Region 4 office):

United States Environmental Protection Agency, Air, Pesticides, and Toxics Management Division, Air Programs Branch, Regulatory Planning and Development Section, Stationary Source Planning Unit, 345 Courtland Street NE., Atlanta, Georgia 30365.

Department for Environmental Protection Natural, Resources and Environmental Protection Cabinet, 803 Schenkel Lane, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT: Kimberly Bingham, Stationary Source Planning Unit, Regulatory Planning and Development Section, Air Programs Branch, Air Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, 345 Courtland Street NE., Atlanta, Georgia 30365.

SUPPLEMENTARY INFORMATION: The air quality planning requirements for the reduction of NO_X emissions are set out in section 182(f) of the CAA. Section 182(f) of the CAA requires states with areas designated nonattainment for O_3 and classified as moderate or above to impose the same control requirements for major stationary sources of NO_X as apply to major stationary sources of volatile organic compounds (VOCs). Section 182(f) provides further that these NO_X requirements do not apply to areas outside an O_3 transport region if EPA determines that additional reductions of NO_X would not contribute to attainment in such areas. In an area that did not implement the section 182(f) NO_X requirements, but did attain the O_3 standard as demonstrated by ambient air monitoring data (consistent with 40 CFR part 58 and recorded in the EPA's—Aerometric Information Retrieval system (AIRS)), it is clear that the additional NO_X reductions required by section 182(f) would not contribute to attainment of the NAAQS.

The criteria established for the evaluation of an exemption request from the section 182(f) requirements are set forth in an EPA memorandum from John S. Seitz, Director, Office of Air Quality Planning and Standards, dated May 27, 1994, entitled ''Section 182(f) Nitrogen Oxides (NO_X) Exemptions—Revised Process and Criteria,'' and an EPA guidance document entitled ''Guidelines for Determining the Applicability of Nitrogen Oxides Requirements Under Section 182(f),'' dated December 1993, from EPA, Office of Air Quality Planning and Standards, Air Quality Management Division.

On November 12, 1993, the Commonwealth of Kentucky submitted to EPA Region 4 a request to redesignate the Kentucky portion of the Huntington-Ashland moderate O_3 nonattainment area to attainment. The redesignation request is currently under review and will be addressed in a separate rulemaking. On August 16, 1994, the Commonwealth requested that the Kentucky portion of the Huntington-Ashland area be exempt from the NO_X RACT requirement in section 182(f) of the CAA. The 182(f) exemption also relieves the area of all NO_X requirements of the CAA such as New Source Review, General Conformity, and Inspection/Maintenance. The exemption request is based upon ambient air monitoring data from 1991, 1992, and 1993, which demonstrate that the NAAQS for O_3 has been attained in the area without additional reductions of NO_X (a violation of the ozone NAAQS occurs when the average number of exceedances for any O_3 monitoring site in a three year period is greater than 1.0).

Only one O_3 exceedance was recorded in the Huntington-Ashland area for the period from 1991 to 1993: Monitor 21–019–0015—0.129ppm (1993). Thus, there has been no violation of the NAAQS in the area during this period and the area has maintained the standard through 1994.

EPA has reviewed the ambient air monitoring data for O_3 (consistent with the requirements contained in 40 CFR part 58 and recorded in AIRS) submitted by the Commonwealth of Kentucky in support of the exemption request and has determined that a violation of the O_3 NAAQS has not occurred in the Huntington-Ashland, Kentucky portion area for the relevant three year period. Because the Kentucky portion of the Huntington-Ashland area is meeting the O_3 NAAQS, this exemption request for the area meets the applicable requirements contained in the EPA policy and guidance documents referenced above.

Continuation of the section 182(f) exemption granted herein is contingent upon continued monitoring and continued maintenance of the O_3 NAAQS for the entire Huntington-Ashland area. If a violation of the O_3 NAAQS is monitored in the Kentucky portion of the Huntington-Ashland area, EPA will provide notice in the **Federal Register**. A determination that the NO_X exemption no longer applies would mean that the NO_X RACT provision (see 58 FR 63214 and 58 FR 62188) would immediately be applicable to the affected area. Although the NO_X RACT requirements would be applicable, some reasonable period of notice is necessary to provide major stationary sources subject to the RACT requirements time to purchase, install, and operate any required controls. Accordingly, the Commonwealth may provide sources a reasonable time period to meet the RACT emission limits after the EPA determination that NO_X RACT requirements are necessary. EPA expects the time period to be as expeditious as practicable, but in no case longer than 24 months.

The EPA proposed approval of the Commonwealth of Kentucky's request for an exemption request from NO_X and RACT requirements of the CAA as amended in 1990 (60 FR 5881). Comments were received supporting the exemption request. However, the National Resources Defense Council (NRDC), Sierra Defense Club, and EDF submitted adverse comments to Mary Nichols on August 24, 1994, addressing all **Federal Register** notices proposing to approve section 182(f) NO_X exemption requests. The EPA has responded to the adverse comments by issue as set forth below.

NRDC Comment 1

Certain commenters argued that NO_X exemptions are provided for in two separate parts of the CAA, section 182(b)(1) and section 182(f). Because the NO_X exemption tests in subsections 182(b)(1) and 182(f)(1) include language indicating that action on such requests should take place ''when [EPA] approves a plan or plan revision,'' these commenters conclude that all NO_X exemption determinations by the EPA, including exemption actions taken under the petition process established by subsection 182(f)(3), must occur during consideration of an approvable attainment or maintenance plan, unless the area has been redesignated as attainment. These commenters also argue that even if the petition procedures of subsection 182(f)(3) may be used to relieve areas of certain NO_X requirements, exemptions from the NO_X conformity requirements must follow the process provided in subsection 182(b)(1), since this is the only provision explicitly referenced by section 176(c), the CAA's conformity provisions.

EPA Response

Section 182(f) contains very few details regarding the administrative

procedure for acting on NO_X exemption requests. The absence of specific guidelines by Congress leaves EPA with discretion to establish reasonable procedures, consistent with the requirements of the Administrative Procedure Act (APA).

The EPA disagrees with the commenters regarding the process for considering exemption requests under section 182(f), and instead believes that subsections 182(f)(1) and 182(f)(3) provide independent procedures by which the EPA may act on NO_X exemption requests. The language in subsection 182(f)(1), which indicates that the EPA should act on NO_X exemptions in conjunction with action on a plan or plan revision, does not appear in subsection 182(f)(3). And, while subsection 182(f)(3) references subsection 182(f)(1), the EPA believes that this reference encompasses only the substantive tests in paragraph (1) [and, by extension, paragraph (2)], not the procedural requirement that the EPA act on exemptions only when acting on SIPs. Additionally, paragraph (3) provides that ''person[s]'' (which section 302(e) of the CAA defines to include States) may petition for NO_X exemptions ''at any time,'' and requires the EPA to make its determination within six months of the petition's submission. These key differences lead EPA to believe that Congress intended the exemption petition process of paragraph (3) to be distinct and more expeditious than the longer plan revision process intended under paragraph (1).

Section 182(f)(1) appears to contemplate that exemption requests submitted under these paragraphs are limited to States, since States are the entities authorized under the Act to submit plans or plan revisions. By contrast, section 182(f)(3) provides that ''person[s]'' may petition for a NO_X determination ''at any time'' after the ozone precursor study required under section 185B of the Act is finalized, and gives EPA a limit of 6 months after filing to grant or deny such petitions. Since individuals may submit petitions under paragraph (3) ''at any time'' this must include times when there is no plan revision from the State pending at EPA. The specific timeframe for EPA action established in paragraph (3) is substantially shorter than the timeframe usually required for States to develop and for EPA to take action on revisions to a SIP. These differences strongly suggest that Congress intended the process for acting on personal petitions to be distinct—and more expeditious—from the plan-revision process intended under paragraph (1). Thus, EPA believes that paragraph (3)'s reference to paragraph (1) encompasses only the substantive tests in paragraph (1) [and, by extension, paragraph (2)], not the requirement in paragraph (1) for EPA to grant exemptions only when acting on plan revisions.

With respect to major stationary sources, section 182(f) requires States to adopt NO_X NSR and RACT rules, unless exempted. These rules were generally due to be submitted to EPA by November 15, 1992. Thus, in order to avoid the CAA sanctions, areas seeking a NO_X exemption would need to submit their exemption request for EPA review and rulemaking action several months before November 15, 1992. In contrast, the CAA specifies that the attainment demonstrations are not due until November 1993 or 1994 (and EPA may take 12–18 months to approve or disapprove the demonstration). For marginal ozone nonattainment areas (subject to NO_X NSR), no attainment demonstration is called for in the CAA. For maintenance plans, the CAA does not specify a deadline for submittal of maintenance demonstrations. Clearly, the CAA envisions the submittal of and EPA action on exemption requests, in some cases, prior to submittal of attainment or maintenance demonstrations.

The CAA requires conformity with regard to federally-supported NO_X generating activities in relevant nonattainment and maintenance areas. However, EPA's conformity rules explicitly provide that these NO_X requirements would not apply if EPA grants an exemption under section 182(f). In response to the comment that section 182(b)(1) should be the appropriate vehicle for dealing with exemptions from the NO_X requirements of the conformity rule, EPA notes that this issue has previously been raised in a formal petition for reconsideration of EPA's final transportation conformity rule and in litigation pending before the U.S. Court of Appeals for the District of Columbia Circuit on the substance of both the transportation and general conformity rules. The issue, thus, is under consideration within EPA, but at this time remains unresolved. Additionally, subsection 182(f)(3) requires that NO_X exemption petition determinations be made by the EPA within six months. The EPA has stated in previous guidance that it intends to meet this statutory deadline as long as doing so is consistent with the Administrative Procedure Act. The EPA, therefore, believes that until a resolution of this issue is achieved, the applicable rules governing this issue are those that appear in EPA's final conformity regulations, and EPA remains bound by their existing terms.

NRDC Comment 2

Three years of ''clean'' data fail to demonstrate that NO_X reductions would not contribute to attainment. EPA's policy erroneously equates the absence of a violation for one three-year period with ''attainment.''

EPA Response

The EPA has separate criteria for determining if an area should be redesignated to attainment under section 107 of the CAA. The section 107 criteria are more comprehensive than the CAA requires with respect to NO_X exemptions under section 182(f).

Under section 182(f)(1)(A), an exemption from the NO_X requirements may be granted for nonattainment areas outside an ozone transport region if EPA determines that ''additional reductions of [NO_X] would not contribute to attainment'' of the ozone NAAQS in those areas. In some cases, an ozone nonattainment area might attain the ozone standard, as demonstrated by 3 years of adequate monitoring data, without having implemented the section 182(f) NO**X** provisions over that 3-year period. The EPA believes that, in cases where a nonattainment area is demonstrating attainment with 3 consecutive years of air quality monitoring data without having implemented the section 182(f) NO**X** provisions, it is clear that the section 182(f) test is met since ''additional reductions of [NO_X] would not contribute to attainment'' of the NAAQS in that area. The EPA's approval of the exemption, if warranted, would be granted on a contingent basis (i.e., the exemption would last for only as long as the area's monitoring data continue to demonstrate attainment).

NRDC Comment 3

Comments were received regarding exemption of areas from the NO_X requirements of the conformity rules. They argue that such exemptions waive only the requirements of section 182(b)(1) to contribute to specific annual reductions, not the requirement that conformity SIPs contain information showing the maximum amount of motor vehicle NO_X emissions allowed under the transportation conformity rules and, similarly, the maximum allowable amounts of any such NO_X emissions under the general conformity rules. The commenters admit that, in prior guidance, EPA has acknowledged the need to amend a drafting error in the existing transportation conformity rules to

ensure consistency with motor vehicle emissions budgets for NO_X, but want EPA in actions on NO_X exemptions to explicitly affirm this obligation and to also avoid granting waivers until a budget controlling future NO_X increases is in place.

EPA Response

With respect to conformity, EPA's conformity rules, provide a NO_X waiver if an area receives a section 182(f) exemption. In its ''Conformity; General Preamble for Exemption From Nitrogen Oxides Provisions,'' 59 FR 31238, 31241 (June 17, 1994), EPA reiterated its view that in order to conform nonattainment and maintenance areas must demonstrate that the transportation plan and TIP are consistent with the motor vehicle emissions budget for NO_X even where a conformity NO_X waiver has been granted. Due to a drafting error, that view is not reflected in the current transportation conformity rules. As the commenters correctly note, EPA states in the June 17th notice that it intends to remedy the problem by amending the conformity rule. Although that notice specifically mentions only requiring consistency with the approved maintenance plan's NO_X motor vehicle emissions budget, EPA also intends to require consistency with the attainment demonstration's NO_X motor vehicle emissions budget. However, the exemptions were submitted pursuant to section 182(f)(3), and EPA does not believe it is appropriate to delay the statutory deadline for acting on these petitions until the conformity rule is amended. As noted earlier in response to a previous issue raised by these commenters, this issue has also been raised in a formal petition for reconsideration of the Agency's final transportation conformity rule and in litigation pending before the U.S. Court of Appeals for the District of Columbia Circuit on the substance of both the transportation and general conformity rules. This issue, thus, is under consideration within the Agency, but at this time remains unresolved. The EPA, therefore, believes that until a resolution of this issue is achieved, the applicable rules governing this issue are those that appear in the Agency's final conformity regulations, and the Agency remains bound by their existing terms.

NRDC Comment 4

The CAA does not authorize any waiver of the NO_X reduction requirements until conclusive evidence exists that such reductions are counter-productive.

EPA Response

EPA does not agree with this comment since it ignores Congressional intent as evidenced by the plain language of section 182(f), the structure of the Title I ozone subpart as a whole, and relevant legislative history. By contrast, in developing and implementing its NO_X exemption policies, EPA has sought an approach that reasonably accords with that intent. Section 182(f), in addition to imposing control requirements on major stationary sources of NO_X similar to those that apply for such sources of VOC, also provides for an exemption (or limitation) from application of these requirements if, under one of several tests, EPA determines that in certain areas NO_X reductions would generally not be beneficial. In subsection 182(f)(1), Congress explicitly conditioned action on NO_X exemptions on the results of an ozone precursor study required under section 185B. Because of the possibility that reducing NO_X in a particular area may either not contribute to ozone attainment or may cause the ozone problem to worsen, Congress included attenuating language, not just in section 182(f) but throughout the Title I ozone subpart, to avoid requiring NO_X reductions where it would be nonbeneficial or counterproductive. In describing these various ozone provisions (including section 182(f), the House Conference Committee Report states in pertinent part: ''[T]he Committee included a separate NO_X/VOC study provision in section [185B] to serve as the basis for the various findings contemplated in the NO_X provisions. The Committee does not intend NO_X reduction for reduction's sake, but rather as a measure scaled to the value of NO_X reductions for achieving attainment in the particular ozone nonattainment area.'' H.R. Rep. No. 490, 101st Cong., 2d Sess. 257–258 (1990). As noted in response to an earlier comment by these same commenters, the command in subsection 182(f)(1) that EPA ''shall consider'' the 185B report taken together with the timeframe the Act provides both for completion of the report and for acting on NO_X exemption petitions clearly demonstrate that Congress believed the information in the completed section 185B report would provide a sufficient basis for EPA to act on NO_X exemption requests, even absent the additional information that would be included in affected areas' attainment or maintenance demonstrations. However, while there is no specific requirement in the Act that EPA actions granting NO_X exemption requests must await ''conclusive evidence'', as the commenters argue, there is also nothing in the Act to prevent EPA from revisiting an approved NO_X exemption if warranted due to better ambient information.

In addition, the EPA believes (as described in EPA's December 1993 guidance) that section 182(f)(1) of the CAA provides that the new NO_X requirements shall not apply (or may be limited to the extent necessary to avoid excess reductions) if the Administrator determines that *any one* of the following tests is met:

(1) In any area, the net air quality benefits are greater in the absence of NO_X reductions from the sources concerned;

(2) In nonattainment areas not within an ozone transport region, additional NO_X reductions would not contribute to ozone attainment in the area; or

(3) In nonattainment areas within an ozone transport region, additional NO_X reductions would not produce net ozone air quality benefits in the transport region.

Based on the plain language of section 182(f), EPA believes that each test provides an independent basis for receiving a full or limited NO_X exemption. Only the first test listed above is based on a showing that NO_X reductions are ''counter-productive.'' If one of the tests is met (even if another test is failed), the section 182(f) NO_X requirements would not apply or, under the excess reductions provision, a portion of these requirements would not apply.

Pollution Probe (Ontario 9–27–94)

Air Quality Comment

Several commenters stated that the air quality monitoring data alone does not support this exemption proposal. The air quality levels are below USEPA's definition of an exeedance of the ozone NAAQS at 0.125 ppm, but are greater than the ozone NAAQS of 0.120 ppm.

EPA Response

For the reasons provided below, EPA does not agree with the commenter's conclusion. As stated in 40 CFR 50.9, the ozone ''standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above 0.12 parts per million (235 $\mu g/m^3$) is equal to or less than 1, as determined by Appendix H.'' Appendix H references EPA's ''Guideline for Interpretation of Ozone Air Quality Standards'' (EPA–450/4–79–003, January 1979), which notes that the stated level of the standard is taken as defining the number of significant figures to be used in comparison with

the standard. For example, a standard level of 0.12 ppm means that measurements are to be rounded to two decimal places (0.005 rounds up to 0.01). Thus, 0.125 ppm is the smallest concentration value in excess of the level of the ozone standard.

Final Action

EPA is approving Kentucky's request to exempt the Kentucky portion of the Huntington-Ashland area moderate O_3 nonattainment area from the section 182(f) NO_X RACT requirement. This approval is based upon the evidence provided by Kentucky and the Commonwealth's compliance with the requirements outlined in the applicable EPA guidance. If a violation of the O_3 NAAQS occurs in the Kentucky portion of the Huntington-Ashland area, the exemption from the NO_X RACT requirement of section 182(f) of the CAA in the applicable area shall no longer apply. This action will be effective June 2, 1995.

Under section 307(b)(1) of the CAA, 42 U.S.C. 7607(b)(1), petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 3, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (See section 307(b)(2) of the CAA, 42 U.S.C. 7607(b)(2)).

The OMB has exempted these actions from review under Executive Order 12866.

This action is not a SIP revision and is not subject to the requirements of section 110 of the CAA. The authority to approve or disapprove exemptions from NO_X requirements under section 182 of the CAA was delegated to the Regional Administrator from the Administrator in a memo dated July 6, 1994, from Jonathan Cannon, Assistant Administrator, to the Administrator, titled, ''Proposed Delegation of Authority: 'Exemptions from Nitrogen Oxide Requirements Under Clean Air Act Section 182(f) and Related Provisions of the Transportation and General Conformity Rules'—Decision Memorandum.''

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 populations of less than 50,000. This rule approves an exemption from a CAA requirement. Therefore, I certify that it does not have a significant impact on any small entities affected.

List of Subjects in 40 CFR Part 52

Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: April 17, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52, chapter 1, 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 II—Kentucky

2. Section 52.937 is added to read as follows:

§ 52.937 Review of new sources and modifications.

(a) Approval—EPA is approving the section 182(f) oxides of nitrogen (NO_X) reasonably available control technology (RACT) exemption request submitted by the Kentucky Department for Environmental Protection on August 16, 1994, for the Kentucky portion of the Huntington-Ashland ozone (O_3) moderate nonattainment area. This approval exempts this area from implementing NO_X RACT on major sources of NO_X. If a violation of the O_3 NAAQS occurs in the area, the exemption from the requirement of section 182(f) of the CAA in the applicable area shall not apply.

(b) [Reserved]

[FR Doc. 95–10826 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[IN44–1–6538a; FRL–5190–6]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: United States Environmental Protection Agency (USEPA).

ACTION: Direct final rule.

SUMMARY: On March 23, 1994, the State of Indiana requested a revision to the Indiana State Implementation Plan (SIP) for lead, in accordance with part D, title I requirements of the Clean Air Act (the Act) for the Marion County lead nonattainment area. Supplemental information was received on September 21, 1994. The submittal provides for the control of both stack and fugitive emissions by requiring, among other things, revised emission limitations, improved monitoring, building enclosures, an amended fugitive lead dust plan, and contingency measures in the event that subsequent violations of the lead National Ambient Air Quality Standard (NAAQS) occur. USEPA made a finding of completeness in a letter dated September 23, 1994. Therefore, because the submittal contains all the necessary elements under part D, USEPA is approving it. In the proposed rules section of this **Federal Register**, USEPA is proposing approval of and soliciting public comment on this requested SIP revision. If adverse comments are received on this action, USEPA will withdraw this final rule and address the comments received in response to this action in a final rule on the related proposed rule which is being published in the proposed rules section of this **Federal Register**. A second public comment period will not be held. Parties interested in commenting on this action should do so at this time.

DATES: This final rule is effective on July 3, 1995 unless an adverse comment is received by June 2, 1995. If the effective date of this action is delayed due to adverse comments, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be sent to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604. Copies of the SIP revision request and USEPA's analysis are available for inspection at the following address: U.S. Environmental Protection Agency, Region 5, Air and Radiation Division (AR–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604. (It is recommended that you telephone Rosanne Lindsay at (312) 353–1151, before visiting the Region 5 Office.)

FOR FURTHER INFORMATION CONTACT: Rosanne Lindsay at (312) 353–1151.

SUPPLEMENTARY INFORMATION:

I. Background/History

In a final rule published on November 6, 1991, USEPA announced that a portion of Marion County, Indiana was being designated nonattainment for lead under section 107(d)(5) of the Clean Air Act (the Act), based on violations of the lead NAAQS monitored in 1990 in the vicinity of the Refined Metals facility in Marion County [See, 56 FR 56694 (codified at 40 CFR 81.315)]. The lead nonattainment designation for this area became effective on January 6, 1992.

Section 191(a) of the Act requires that States containing areas designated nonattainment for lead submit a SIP meeting the requirements of part D, title I of the Act within 18 months of the nonattainment designation. On February 4, 1992, Indiana submitted to the USEPA a site-specific revision request to the lead implementation plan addressing the 1990 lead NAAQS violations. Because the revision request did not satisfy all part D, title I, requirements, on July 12, 1993, USEPA proposed a limited approval/limited disapproval (58 FR 37450). On September 23, 1993, Indiana officially withdrew the SIP submittal. On March 23, 1994, the State submitted a revised rule which forms the basis for this rulemaking. The State supplemented the submittal on September 21, 1994, and USEPA deemed the submittal complete on September 23, 1994. Finally, on January 24, 1995, Indiana submitted contingency measures in an operating permit which underwent a public hearing.

Section 192(a) further provides that each lead SIP must provide for attainment of the lead NAAQS as expeditiously as practicable, but no later than 5 years from the date of the nonattainment designation. Among other things, the part D, title I requirements include: implementation of all reasonably available control measures (RACM), including reasonably available control technology (RACT); demonstration of reasonable further progress (RFP); a comprehensive, accurate and current inventory of all sources of lead in the nonattainment area; a new source review (NSR) program meeting the requirements of section 173 of the Act (i.e., require permits for construction and operation permits for new or modified major stationary sources of lead in the nonattainment area); enforceable emission limits, timetables and schedules for compliance; the applicable requirements of section 110(a)(2); and provisions for the implementation of specific measures (contingency measures) upon a determination by USEPA that the nonattainment area fails to make RFP or meet the NAAQS by the applicable date (See, sections 172(c), 173 and 171 of the Act). USEPA provided the States with guidance on SIP requirements for lead nonattainment areas in the April 16, 1992, General Preamble for the Implementation of Title I of the Act of 1990 (See, 57 FR 13498; See also, 57 FR 18070, April 28, 1992), and in a December 22, 1993, Addendum to the General Preamble (See, 58 FR 67748). The State's February 4, 1992, submittal, as well as the final submittal, are available for inspection at the USEPA Region 5 Office.[1]

II. Identification of Review Criteria

USEPA has evaluated the revisions to Indiana's lead SIP for consistency with the requirements of sections 191(a) and 192(a) of the Act, and other applicable federal requirements. Additional guidance documents containing USEPA policy include: the April 23 and June 24, 1992, Questions and Answers for Lead, prepared by the Office of Air Quality Planning and Standards (OAQPS); the April 16, 1992, General Preamble (See, 57 FR 13498; See also, 57 FR 18070, April 28, 1992); and the December 22, 1993, Addendum to the General Preamble (See, 58 FR 67748).

III. USEPA Review and Findings

A. Review of Submittal Applicable to Portion of Marion County Designated Nonattainment for Lead

This revision request provides for the control of both stack and fugitive emissions by requiring revised emission limitations, a new baghouse and stack, and a total enclosure of the buildings housing the sources considered to be responsible for the monitored violations (i.e., blast furnace, dust furnaces, material storage building). The emission limits for the new and existing baghouse stacks are summarized below:

BAGHOUSE STACK LIMITS

Baghouse stack	Old limit (lb/hr)	New limit (lb/hr)
M–1	1.132	0.91
M–2	.015	.15
M–3	.005	.15
M–4	.....	.30

In addition to the above limitations, and a fugitive lead dust control plan, the site-specific lead rule (Title 326 IAC 15–1–2, sections 2(1)(A) to 2(1)(I)) contains the following provisions to mitigate the release of lead fugitive emissions to the atmosphere: (1) the installation and operation of several hooding systems in several areas of the facility; (2) enclosure of the screw conveyors used to transport lead dust; (3) a three (3) percent opacity limit for all building openings; (4) a five (5) percent opacity limit for each stack; (5) a continuous monitoring system to ensure negative pressure inside the affected buildings, use of continuous opacity monitors (COMs) for stacks M–1 and M–4; (6) initial certification of COMs; (7) quarterly excess emission reporting of COM data and quality assurance reports; (8) stack testing of all stacks; and authority by the State to require the cessation in production, if necessary, to ensure attainment of the lead NAAQS (See January 12, 1995, operating permit provisions). Compliance with these provisions is to be achieved no later than March 1, 1994, with the exception of the operating permit provisions, which are effective from January 12, 1995 through January 31, 1998.

B. Review of SIP Submittal

The following summary describes how Indiana addresses the part D, title I requirements of the Act:

Section 172(c)(1) calls for the implementation of RACM and RACT. Indiana has satisfied the requirement for RACM and RACT through emission limitations on the baghouse stacks, the maintenance of the buildings under negative pressure, and monitoring requirements. An amended fugitive lead dust plan, which mirrors an Agreed Order between the State and the source, further reduces lead emissions through operation and maintenance practices. A sampling survey of lead dust conducted on facility grounds also provided the State with new information needed for accurate inputs to air quality modeling.

In modeling the ambient air quality at Refined Metals, IDEM first evaluated the performance of the Industrial Source Complex Long Term model (ISCLT2) against the performance of the Fugitive Dust Model (FGM), to determine which model would best characterize the air quality in the area. ISCLT2 predicted lead concentrations which more closely matched the monitored lead concentrations for the area. Therefore, ISCLT2 was used in the attainment demonstration for this SIP revision.

The Refined Metals facility's lead emission points include point, area, and volume sources. Building downwash effects were considered for the elevated point sources. Roadway dust, which has

[1] USEPA approved the Indiana lead SIP called for in response to the issuance of lead NAAQS and subject to the requirements of then section 110 of the Act [see Title IAC 326 15–1 on April 10, 1988 (53 FR 12896) and October 3, 1988 (53 FR 38719)].

been found to contain a large percentage of lead particles, makes up a significant portion of the area's ambient air lead concentration. The roadway lead emissions were modeled as a series of area sources. The Refined Metals implementation plan calls for measures to limit the amount of lead-containing dust allowed to accumulate on truck tires and leave the plant vicinity. The facility would also be enclosed to prevent additional buildup of dust on the roadways. Indiana used the assumption that the dust mass and the percentage of lead in that dust would be reduced by 90 percent using the planned control measures. The background lead concentration was calculated from monitored data to be 0.14 $\mu g/m^3$. This concentration was added to the modeled concentrations to demonstrate attainment. The maximum quarterly average lead concentration was 0.66 $\mu g/m^3$, which included background totals 0.80 $\mu g/m^3$. This is below the lead NAAQS of 1.5 $\mu g/m^3$.

Section 172(c)(2) requires RFP goals to be met. Indiana maintains that linear progression toward attainment is, in this case, inappropriate due to the fact that Refined Metals is the sole source of lead NAAQS violations. Instead, the State contends that compliance with the emission limitations, provisions of the lead rule and a modified fugitive lead dust control plan will result in immediate attainment of the lead NAAQS in Marion County. This is acceptable to USEPA.

Section 172(c)(3) requires a complete, comprehensive, accurate and current inventory of the nonattainment area. Completed in April of 1994, the inventory adequately demonstrates that Refined Metals is the only significant source of lead emissions in the lead nonattainment area.

Section 172(c)(4) requires the identification and quantification of any pollutant which will be allowed from the construction and operation of major new or modified major sources for such area, in accordance with section 173(a)(1)(B) (targets economic development zones). Indiana states that Marion County is not currently and does not expect to become a targeted economic development zone. This is acceptable to USEPA.

Section 172(c)(5) requires an approved NSR program to be in place in the nonattainment area. USEPA approved Indiana's emission offset rules on October 7, 1994 (326 IAC 2–3; 59 FR 51108). The rules, which became effective on December 6, 1994, satisfy this requirement.

Section 172(c)(6) requires enforceable emission limitations, schedules, and timetables for compliance. USEPA finds that the site-specific lead rule subject to this rulemaking, effective April 27, 1994, fulfills these requirements because the source is subject to clear emission limits, averaging times, compliance dates, continuous compliance, recordkeeping and reporting requirements, and appropriate testing methods to determine compliance.

Section 172(c)(7) requires compliance with section 110(a)(2) of the Act. Indiana has met these requirements through the existing State air quality rules and this SIP submittal.

Section 172(c)(8) allows the State to use equivalent techniques for modeling, emission inventory, or planning procedures. Indiana believes these alternatives not to be applicable to this submittal. This is acceptable to USEPA.

Section 172(c)(9) requires inclusion of provisions for the implementation of contingency measures if the area fails to meet RFP or attainment of the lead NAAQS by the applicable date. Indiana incorporated contingency measures into an operating permit issued to Refined Metals that was subject to public comment and included in the SIP submittal. The measures are triggered upon notification by the local or State agency that the air quality monitors in the source's vicinity have recorded a violation of the lead NAAQS, or clearly will record a violation when initial data is averaged over the quarter. These measures include: a cessation of operations until a corrective action plan has been approved by the Local and State agencies, an investigation by the source into all possible causes of the excessive lead concentrations, a final report of the investigation and a proposed plan for corrective measures with a schedule, and timely implementation of corrective measures. The Local and State agencies can approve, disapprove and/or request additional information from the source. Source operations can recommence upon approval of the plan. The operating permit has a lifetime of 5 years. In order for these contingency measures to remain permanent and federally enforceable, the permit must be renewed upon each expiration with the same contingency measures while the area remains designated as nonattainment. In meeting these requirements, the State satisfies its obligation for contingency measures.

USEPA also notes that the fugitive lead dust control plan, required under part D, title I of the Act, is satisfied by this submittal.[2] The newly modified plan for Refined Metals reflects recent changes required by an Agreed Order between the State and Refined Metals.

IV. Final Rulemaking Action

USEPA is approving the March 23, 1994, SIP submittal because all of the applicable Federal requirements under section 110(a)(2) and part D, title I, of the Act have been satisfied. The submittal for Marion County also satisfies the requirements of sections 191(a) and 192(a) of the Act by providing for the necessary elements to reach attainment of the lead NAAQS no later than 5 years from the January 6, 1992, nonattainment designation.

The USEPA is publishing this action without prior proposal because USEPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the USEPA is proposing to approve the requested SIP revision should adverse or critical comments be filed. This action will be effective on July 3, 1995 unless adverse or critical comments are received by June 2, 1995.

If the USEPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent rule that withdraws this final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The USEPA 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 on July 3, 1995.

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 4, 1993, memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget has exempted this regulatory action from Executive Order 12866 review.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to any SIP. USEPA

[2] Pursuant to USEPA's approval of the Indiana SIP, the State is required to submit approvable source-specific fugitive lead dust control plans as revisions to the SIP. Fugitive dust control plans for 9 sources were disapproved in a rulemaking action on February 1, 1993 (58 FR 6606). State plans for these sources, excluding Refined Metals, are still required to be submitted to USEPA.

shall consider each request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 et seq., USEPA 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, USEPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP-approval does not impose any new requirements, 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 Act, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of the State action. The Clean Air Act forbids USEPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *USEPA*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by July 3, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See Section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Lead.

Dated: April 3, 1995.

David A. Ullrich,

Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to reads as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart P—Indiana

2. Section 52.770 is amended by adding paragraph (c)(95) to read as follows:

§ 52.770 Identification of plan.

(c) * * *

(95) On May 22, 1994, the Indiana Department of Environmental Management submitted a request to revise the Indiana State Implementation Plan by adding a lead plan for Marion County which consists of a source specific revision to Title 326 of the Indiana Administrative Code (326 IAC) for Refined Metals.

(i) Incorporation by reference.

(A) Amendments to 326 IAC 15–1–2 Source-specific provisions. Filed with the Secretary of State March 25, 1994. Effective April 24, 1994. Published at Indiana Register, Volume 17, Number 8, May 1, 1994.

[FR Doc. 95–10810 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 70

[AD–FRL–5200–7]

Clean Air Act Final Interim Approval of Operating Permits Program for Nineteen California Air Pollution Control Districts

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval.

SUMMARY: The EPA is promulgating interim approval of the Operating Permits Program submitted by the California Air Resources Board on behalf of Amador County Air Pollution Control District (APCD), Butte County APCD, Calaveras County APCD, Colusa County APCD, El Dorado County APCD, Feather River Air Quality Management District (AQMD), Great Basin Unified APCD, Imperial County APCD, Kern County APCD, Lassen County APCD, Mendocino County APCD, Modoc County APCD, North Coast Unified AQMD, Northern Sierra AQMD, Northern Sonoma County APCD, Placer County APCD, Siskiyou County APCD, Tuolumne County APCD, and Yolo-Solano AQMD, California (districts) for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: June 2, 1995.

ADDRESSES: Copies of the nineteen districts' submittals and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: Operating Permits Section, A–5–2, Air and Toxics Division, U.S. EPA-Region IX, 75 Hawthorne Street, San Francisco, California 94105.

FOR FURTHER INFORMATION CONTACT: For information, please contact: Sara Bartholomew, Operating Permits Section, A–5–2, Air and Toxics Division, U.S. EPA-Region IX, 75 Hawthorne Street, San Francisco, California 94105, (415) 744–1170.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (the Act)), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that States develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within 1 year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by 2 years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

On December 8, 1994, EPA proposed interim approval of the operating permits programs for Amador County APCD, Butte County APCD, Calaveras County APCD, Colusa County APCD, El Dorado County APCD, Feather River AQMD, Great Basin Unified APCD, Imperial County APCD, Kern County APCD, Lassen County APCD, Mendocino County APCD, Modoc County APCD, North Coast Unified AQMD, Northern Sierra AQMD, Northern Sonoma County APCD, Placer County APCD, Siskiyou County APCD, Tuolumne County APCD, and Yolo-Solano AQMD, California. See 54 FR 63289. The EPA received public comment on the proposal, and is responding to those comments in this document and in a separate ''Response to Comments'' document that is

available in the docket. The EPA also compiled a Technical Support Document (TSD) for each of the nineteen districts, which describes each operating permits program in greater detail.

In this notice EPA is taking final action to promulgate interim approval of the operating permits program for Amador County APCD, Butte County APCD, Calaveras County APCD, Colusa County APCD, El Dorado County APCD, Feather River AQMD, Great Basin Unified APCD, Imperial County APCD, Kern County APCD, Lassen County APCD, Mendocino County APCD, Modoc County APCD, North Coast Unified AQMD, Northern Sierra AQMD, Northern Sonoma County APCD, Placer County APCD, Siskiyou County APCD, Tuolumne County APCD, and Yolo-Solano AQMD, California.

II. Final Action and Implications

A. Analysis of State Submission

EPA received two comment letters on the proposed rulemaking for the districts, one from the National Environmental Development Associations Clean Air Regulatory Project (''NEDA/CARP''), and one from the American Forest & Paper Association (''AF&PA''), both dated January 9, 1995. The issues discussed in the December 8, 1994 proposal were not changed as a result of public comment with the exception of the implementation of section 112(g) from the effective date of the title V program. EPA's final action is being revised from the proposed notice with respect to this issue. This change is discussed below along with other issues raised during the public comment period.

1. 112(g) Implementation

NEDA/CARP and AF&PA both submitted comments regarding EPA's proposed approval of the nineteen California districts' preconstruction permitting programs for the purpose of implementing section 112(g) during the transition period between title V approval and adoption of a District rule implementing EPA's section 112(g) regulations. In opposition to the proposed action, the commenters argued that the nineteen districts should not, and cannot, implement section 112(g) until: (1) EPA has promulgated a section 112(g) regulation; and (2) the District has a section 112(g) program in place.

EPA received many comments nationally on this issue, and agrees that it is not reasonable to expect the states and districts to implement section 112(g) before a rule is issued. EPA has therefore published an interpretive notice in the **Federal Register** regarding section 112(g) of the Act: 60 FR 8333 (February 14, 1995). This notice outlines EPA's revised interpretation of 112(g) applicability prior to EPA's issuing the final 112(g) rule. The notice states that major source modifications, constructions, and reconstructions will not be subject to 112(g) requirements until the final rule is promulgated. EPA expects to issue the 112(g) final rule in September 1995.

The notice further explains that EPA is considering whether the effective date of section 112(g) should be delayed beyond the date of promulgation of the Federal rule so as to allow States and Districts time to adopt rules implementing the Federal rule, and that EPA will provide for any such additional delay in the final section 112(g) rulemaking. Unless and until EPA provides for such an additional postponement of section 112(g), the nineteen districts must be able to implement section 112(g) during the period between promulgation of the Federal section 112(g) rule and adoption of implementing District regulations.

For this reason, EPA is proposing to approve the nineteen districts' preconstruction review programs as a mechanism to implement section 112(g) during the transition period between promulgation of the section 112(g) rule and adoption by the nineteen districts of rules specifically designed to implement section 112(g). However, since approval is intended solely to confirm that the districts have mechanisms to implement section 112(g) during the transition period, the approval itself will be without effect if EPA decides in the final section 112(g) rule that there will be no transition period. The EPA is limiting the duration of its approval of the use of preconstruction programs to implement 112(g) to 12 months following promulgation by EPA of the section 112(g) rule.

2. Insignificant Activities

NEDA/CARP and AF&PA both assert that EPA lacks the legal footing to reject the districts' present ''insignificant levels,'' and that EPA has no authority to hold out ''suggested'' emission levels as a threshold for receiving full approval.

EPA disagrees that it lacks authority to reject inappropriate or unsupported insignificance levels, or to articulate on a program-by-program basis levels that it definitely would accept. Part 70 allows States to deem certain activities or emission levels insignificant if they are listed in the program submitted to EPA and approved by EPA, but does not grant States authority to create new exemptions without EPA approval. Section 70.4(b)(2) requires the submittal of criteria used to determine insignificant activities, and § 70.5(c) does not allow States to create an insignificant activities permit exemption if the exemption will interfere with the imposition of applicable requirements or the collection of fees. In addition, part 70 explicitly authorizes EPA to approve insignificant activities based on emission levels (§ 70.5(c)). EPA has the legal authority to reject district provisions which contravene these part 70 requirements.

As stated in the proposal, most of the nineteen programs provided EPA with no criteria or information on the level of emissions of activities on the districts' exemption lists. In addition, the specific insignificant activities provisions submitted by the districts have raised concerns with EPA regarding the districts' ability to ensure that applicable requirements are included in permits. None of the nineteen districts provided EPA with a demonstration to the contrary. For these reasons, the nineteen districts' lists of insignificant activities are not acceptable.

In the proposed rulemaking EPA suggested insignificance levels that the Agency would find acceptable even without a further demonstration. Neither of the commenters specifically addressed these sugested insignificance levels. EPA would like to note that the nineteen districts have the flexibility to modify their regulations and submit criteria for EPA approval of new exemptions, as long as each district demonstrates, or EPA is otherwise satisfied, that such alternative emission levels are insignificant compared to the level of emissions and types of units that are permitted or subject to applicable requirements.

3. Public Petitions to EPA

NEDA/CARP and AF&PA both registered their concern regarding the public petition requirements, notification and other procedural requirements, stating that they believe these requirements will thwart efforts in California to develop market incentive approaches to emissions reductions.

Provisions for public participation, notification and public petitions are required under title V of the Clean Air Act (CAA 502(b)(6) for public participation, and CAA 505(b)(2) for public petitions), and are therefore included in part 70, the regulations that implement title V. EPA believes public participation does not preclude a district from developing market based incentive programs.

4. Compliance Certification

NEDA/CARP and AF&PA both contend that EPA has misread its own rule in requiring that the full text of the responsible official's certification be included in both the application content and permit content. They argue that the provision of § 70.5(d) sets out the terms and conditions for any certification of an application form, report or compliance made pursuant to the rules, but does not establish a signatory statement that must be attested to by the responsible official to the exclusion of all other statements (emphasis in comment letters).

EPA disagrees with the above comment. Section 70.5 requires that: ''This certification * * * shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete'' (emphasis added). This indicates that it is not sufficient merely for the responsible official to sign the certification; the certificate must state that he or she considered the issue carefully. The statement must contain the essential elements of § 70.5(d), and include the words quoted above. EPA does not rule out having a pre-printed statement on the certificate for convenience.

5. Deviation Reporting

NEDA/CARP and AF&PA both contend that it is necessary for EPA to revise several of its earlier interim approval notices, in which the Agency conditioned final approval on including a definition of ''prompt'' in the state operating permits program, in order to provide a consistent application of the appropriate interpretation of its rules.

In the proposed interim approval notice EPA stated that the nineteen districts' regulations should define the meaning of ''prompt'' as used in the requirement found at 40 CFR 70.6(a)(3)(iii)(B), which requires ''prompt'' reporting of deviations from applicable requirements. The Agency indicated that an acceptable alternative to defining in the regulation what constitutes ''prompt'' is to define ''prompt'' in each individual permit.

NEDA/CARP and AF&PA both support this approach. EPA has consistently asserted that this is an acceptable alternative to defining ''prompt'' in the body of the permitting regulations, and sees no need to revisit past interim approval actions to clarify this interpretation of the definition of what constitutes ''prompt'' reporting of deviations from applicable requirements.

6. Potential to Emit

In the proposed rulemaking, EPA required Amador and Tuolumne counties to revise the definition of ''potential to emit'' in their rules to clarify that only federally-enforceable limitations may be considered in determining a source's potential to emit. NEDA/CARP and AF&PA both argue that limitations based on state requirements, as well as federally-enforceable limitations, should be considered in determining the potential to emit.

EPA's requirement that Amador and Tuolumne revise their definitions of the term ''potential to emit'' is based upon the definition of that term found in 40 CFR 70.2. Section 70.2 defines ''potential to emit'' as the maximum capacity of a stationary source to emit any air pollutant under its physical and operational design. The definition further provides, however, that a physical and operational limit on potential to emit is considered to be part of the source's design if it is enforceable by EPA. Since the Amador and Tuolumne rules do not conform to this critical definition, the districts must revise their programs to clarify that only federally enforceable restrictions can provide a legal limitation on a source's potential to emit.

B. Final Action

The EPA is promulgating interim approval of the operating permits programs submitted by the California Air Resources Board on behalf of Amador County APCD (complete submittal received on December 27, 1993), Butte County APCD (complete submittal received on December 16, 1993), Calaveras County APCD (complete submittal received on October 31, 1994), Colusa County APCD (complete submittal received on February 24, 1994), El Dorado County APCD (complete submittal received on November 16, 1993), Feather River AQMD (complete submittal received on November 16, 1993), Great Basin Unified APCD (complete submittal received on January 12, 1994), Imperial County APCD (complete submittal received on March 12, 1994), Kern County APCD (complete submittal received on November 16, 1993), Lassen County APCD (complete submittal received on January 12, 1994), Mendocino County APCD (complete submittal received on December 27, 1993), Modoc County APCD (complete submittal received on December 27, 1993), North Coast Unified AQMD (complete submittal received on February 24, 1994), Northern Sierra AQMD (complete submittal received on June 6, 1994), Northern Sonoma County APCD (complete submittal received on January 12, 1994), Placer County APCD (complete submittal received on December 27, 1993), Siskiyou County APCD (complete submittal received on December 6, 1993), Tuolumne County APCD (complete submittal received on November 16, 1993), and Yolo-Solano AQMD (complete submittal received on October 14, 1994), California.

The nineteen districts must make the changes specified in the proposed rulemaking, under II.C., *District Title V Interim Approval Issues Common to All Nineteen Districts* and Section III., *Individual District Title V Interim Approval Issues,* in order to be granted full approval.

The scope of the nineteen districts' part 70 programs approved in this notice applies to all part 70 sources (as defined in the approved program) within the districts, except any sources of air pollution over which an Indian Tribe has jurisdiction. See, *e.g.*, 59 FR 55813, 55815–55818 (Nov. 9, 1994). The term ''Indian Tribe'' is defined under the Act as ''any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.'' See section 302(r) of the CAA; see also 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).

This interim approval, which may not be renewed, extends until June 3, 1997. During this interim approval period, the nineteen districts are protected from sanctions, and EPA is not obligated to promulgate, administer and enforce a Federal operating permits program in any of these districts. Permits issued under a program with interim approval have full standing with respect to part 70, and the 1-year time period for submittal of permit applications by subject sources begins upon the effective date of this interim approval, as does the 3-year time period for processing the initial permit applications.

If any of the nineteen districts fails to submit a complete corrective program for full approval by December 3, 1996, EPA will start an 18-month clock for mandatory sanctions. If any of the districts then fail to submit a corrective program that EPA finds complete before the expiration of that 18-month period, EPA will apply sanctions to that district as required by section 502(d)(2) of the Act, which will remain in effect until EPA determines that the district has

corrected the deficiency by submitting a complete corrective program.

If EPA disapproves any of the nineteen districts' complete corrective program, EPA will apply sanctions to that district or districts as required by section 502(d)(2) on the date 18 months after the effective date of the disapproval, unless prior to that date the district or districts has submitted a revised program and EPA has determined that the district or districts corrected the deficiencies that prompted the disapproval.

In addition, discretionary sanctions may be applied where warranted any time after the expiration of an interim approval period if any of the nineteen districts has not timely submitted a complete corrective program or EPA has disapproved its submitted corrective program. Moreover, if EPA has not granted full approval to any of the nineteen districts' programs by the expiration of this interim approval and that expiration occurs after November 15, 1995, EPA must promulgate, administer and enforce a Federal permits program for those districts lacking full approval, upon interim approval expiration.

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

III. Administrative Requirements

A. Docket

Copies of the nineteen districts' submittals and other information relied upon for the final interim approval, including two public comments received and reviewed by EPA on the proposal, are contained in docket number CA–NONGR19–94–01–OPS, maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final interim approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

B. Executive Order 12866

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

The EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR part 70. Because this action does not impose any new requirements, it does not have a significant impact on a substantial number of small entities.

C. Regulatory Flexibility Act

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, Reporting and recordkeeping requirements.

Dated: April 21, 1995.

John Wise,

Acting Regional Administrator.

Part 70, title 40 of the Code of Federal Regulations is amended as follows:

PART 70—[AMENDED]

1. The authority citation for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by adding the entry for California in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

California

The following district programs were submitted by the California Air Resources Board on behalf of:

(a) *Amador County Air Pollution Control District* (APCD) (complete submittal received on September 30, 1994); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(b) [Reserved]

(c) *Butte County APCD* (complete submittal received on December 16, 1993); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(d) *Calaveras County APCD* (complete submittal received on October 31, 1994); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(e) *Colusa County APCD* (complete submittal received on February 24, 1994); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(f) *El Dorado County APCD* (complete submittal received on November 16, 1993); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(g) *Feather River Air Quality Management District* (AQMD) (complete submittal received on December 27, 1993); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(h) [Reserved]

(i) *Great Basin Unified APCD* (complete submittal received on January 12, 1994); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(j) *Imperial County APCD* (complete submittal received on March 24, 1994); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(k) *Kern County APCD* (complete submittal received on November 16, 1993); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(l) [Reserved]

(m) *Lassen County APCD* (complete submittal received on January 12, 1994); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(n) [Reserved]

(o) *Mendocino County APCD* (complete submittal received on December 27, 1993); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(p) *Modoc County APCD* (complete submittal received on December 27, 1993); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(q) [Reserved]

(r) [Reserved]

(s) *North Coast Unified AQMD* (complete submittal received on February 24, 1994); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(t) *Northern Sierra AQMD* (complete submittal received on June 6, 1994); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(u) *Northern Sonoma County APCD* (complete submittal received on January 12, 1994); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(v) *Placer County APCD* (complete submittal received on December 27, 1993); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

(w) [Reserved]

(x) [Reserved]
(y) [Reserved]
(z) [Reserved]
(aa) [Reserved]
(bb) [Reserved]
(cc) *Siskiyou County APCD* (complete submittal received on December 6, 1993); interim approval effective on June 2, 1995; interim approval expires June 3, 997.
(dd) [Reserved]
(ee) [Reserved]
(ff) *Tuolumne County APCD* (complete submittal received on November 16, 1993); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.
(gg) [Reserved]
(hh) *Yolo-Solano AQMD* (complete submittal received on October 14, 1994); interim approval effective on June 2, 1995; interim approval expires June 3, 1997.

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[FR Doc. 95–10825 Filed 5–2–95; 8:45 am]
BILLING CODE 6560–50–P

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40 CFR Part 80

[AMS–FRL–5201–4]

Regulation of Fuels and Fuel Additives: Standards for Reformulated and Conventional Gasoline Withdrawal of Reformulated Gasoline Program Extension in Wisconsin

AGENCY: Environmental Protection Agency.

ACTION: Withdrawal of final rule.

SUMMARY: The Clean Air Act, as amended, directs the Administrator of EPA to apply the prohibition against the sale of conventional gasoline under EPA's reformulated gasoline (RFG) regulations in an ozone nonattainment area upon the application of the governor of the state in which the nonattainment area is located. On December 29, 1994, EPA issued a direct final rule (DFRM) extending the prohibition set forth in section 211(k)(5) of the Act to three moderate ozone non-attainment areas in Wisconsin, including those counties in the federal RFG program. EPA is withdrawing the direct final rule, because the governor has withdrawn the three counties from the federal RFG program.

EFFECTIVE DATE: This action is effective April 25, 1995.

ADDRESSES: Materials directly relevant to the direct final rule are contained in Public Docket No. A–94–46, located at Room M–1500, Waterside Mall (ground floor), U.S. Environmental Protection Agency, 401 M Street SW, Washington, D.C. 20460. Other materials relevant to the reformulated gasoline final rule are contained in Public Dockets A–91–02 and A–92–12. The docket may be inspected from 8:00 a.m. until 4:00 p.m. Monday through Friday. As provided in 40 CFR part 2, a reasonable fee may be charged by EPA for copying docket materials.

FOR FURTHER INFORMATION CONTACT: Joann Jackson Stephens, U.S. EPA (RDSD–12), Regulation Development and Support Division, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 668–4507. To Request Copies of This Notice Contact: Delores Frank, U.S. EPA (RDSD–12), Regulation Development and Support Division, 2565 Plymouth Road, Ann Arbor, MI 48105. Telephone: (313) 668–4295.

SUPPLEMENTARY INFORMATION: A copy of this action is available on the EPA's Office of Air Quality Planning and Standards (OAQPS) Technology Transfer Network Bulletin Board System (TTNBBS). The service is free of charge, except for the cost of the phone call. The TTNBBS can be accessed with a dial-in phone line and a high-speed modem per the following information:

TTN BBS: 919–541–5742
(1200–14400 bps, no parity, 8 data bits, 1 stop bit)
Voice Help-line: 919–541–5384
Accessible via Internet: TELNETttnbbs.rtpnc.epa.gov
Off-line: Mondays from 8:00 AM to 12:00 Noon ET

When first signing on, the user will be required to answer some basic informational questions for registration purposes. After completing the registration process, proceed through the following series of menus:

<T> GATEWAY TO TTN TECHNICAL AREAS (Bulletin Boards)
<M> OMS
<K> Rulemaking and Reporting
<3> Fuels
<9> Reformulated gasoline

A list of ZIP files will be shown, all of which are related to the RFG rulemaking process. To download any file, type the instructions below and transfer according to the appropriate software on your computer:

<D>ownload, <P>rotocol, <E>xamine, <N>ew, <L>ist, or <H>elp Selection or <CR> to exit: D filename.zip

You will be given a list of transfer protocols from which you must choose one that matches with the terminal software on your own computer. The software should then be opened and directed to receive the file using the same protocol. Programs and instructions for de-archiving compressed files can be found via <S>ystems Utilities from the top menu, under <A>rchivers/de-archivers. After getting the files you want onto your computer, you can quit the TTN BBS with the <G>oodbye command. Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc. may occur.

I. Background

As part of the Clean Air Act Amendments of 1990, Congress added a new subsection (k) to section 211 of the Clean Air Act. Subsection (k) prohibits the sale of gasoline that EPA has not certified as reformulated in the nine worst ozone nonattainment areas beginning January 1, 1995. EPA published final regulations for the RFG program on February 16, 1994 and on August 2, 1994. See 59 FR 7716 and 59 FR 39258. Corrections and clarifications to the final RFG regulations were published July 20, 1994. See 59 FR 36944.

EPA has determined the nine covered areas to be the metropolitan areas including Los Angeles, Houston, New York City, Baltimore, Chicago, San Diego, Philadelphia, Hartford and Milwaukee. Any other ozone nonattainment area classified under subpart 2 of Part D of Title I of the Act as a Marginal, Moderate, Serious or Severe may be included in the program at the request of the Governor of the state in which the area is located. Section 211(k)(6)(A) provides that upon the application of a Governor, EPA shall apply the prohibition against the sale of conventional gasoline (gasoline EPA has not certified as reformulated) in any area classified as an ozone nonattainment area classified as an ozone nonattainment area [1] and EPA is to publish a governor's application in the **Federal Register**. To date, EPA has received and published applications from the Mayor of the District of Columbia and the Governors of the following states with ozone nonattainment areas: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, Texas, and Kentucky. Since submitting opt-in applications, some states (Pennsylvania, Maine, and New York) have recently requested to opt-out of the RFG program for various reasons.

[1] EPA promulgated such designations pursuant to Section 107(d)(4) of the Act (56 FR 56694; November 6, 1991).

Governor Tommy G. Thompson of Wisconsin submitted two letters dated April 6, 1994 and August 2, 1994 requesting to opt-in the reformulated gasoline program. The DFRM published by EPA on January 11, 1995 (60 FR 2693) extended the reformulated gasoline program to three moderate ozone nonattainment areas in Wisconsin: Sheboygan, Manitowoc, and Kewaunee counties to be effective May 1, 1995 at the terminal and June 1, 1995 at the retail level. The Agency published a Direct Final Rule because it viewed the addition of the three ozone nonattainment areas in Wisconsin to the RFG program and the May 1/June 1 effective dates as non-controversial given the level of coordination between EPA, Wisconsin, and industry on the opt-in request and thus, anticipated no adverse or critical comments.

II. Withdrawal of the Wisconsin Opt-in DFRM

After publication of the DFRM in the **Federal Register**, Governor Tommy G. Thompson of Wisconsin submitted a letter dated March 31, 1995 requesting the termination of the federal reformulated gasoline program slated for extension to Wisconsin's three moderate ozone nonattainment counties of Sheboygan, Manitowoc, and Kewaunee.

After publication of the DFRM in the **Federal Register**, the Agency also received adverse comments expressing concern about the economic impact of the reformulated gasoline program on Kewaunee County citizens and small businesses, as well as border/supply issues. A copy of these comments can be found in Public Docket A–94–46.

Since receiving the Governor's letter and adverse comments which were submitted to EPA, as was stipulated in the DFRM, the final rule adding the three Wisconsin nonattainment areas to the RFG program is being withdrawn by today's action and is effective immediately. Today's withdrawal affects the amendment of § 80.70, paragraphs (l) and (l)(1) appearing at 60 FR 2693 (January 11, 1995), which were to become effective March 13, 1995.

EPA is withdrawing this provision to the reformulated and conventional gasoline regulations without providing prior notice and an opportunity to comment because it finds there is good cause within the meaning of 5 U.S.C. 553(b) to do so. For the same reasons, EPA finds it has good cause under 5 U.S.C. 533(d) to make this withdrawal immediately effective.

III. Statutory Authority

The statutory authority for the action finalized today is granted to EPA by Sections 114, 211(c) and (k) and 301 of the Clean Air Act, as amended; 42 U.S.C. 7414, 7545(c) and (k), and 7601.

IV. Administrative Requirements

A. Administrative Designation

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or,

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this withdrawal is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 requires Federal agencies to identify potentially adverse impacts of federal regulations upon small entities. Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(B) et seq., the Administrator certifies that this regulation will not have a significant impact on a substantial number of small entities.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and implementing regulations, 5 CFR Part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

D. Unfunded Mandates Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in expenditure by State, local, and tribal governments, in the aggregate; or by the private sector, of $100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the action promulgated today does not include a Federal mandate that may result in estimated costs of $100 million or more to either State, local or tribal governments in the aggregate, or to the private sector. This action has the net effect of reducing burden of the reformulated gasoline program on regulated entities. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

List of Subjects in 40 CFR Part 80

Environmental protection, Air pollution control, Fuel additives, Gasoline, Motor vehicle pollution.

Dated: April 25, 1995.

Carol M. Browner,

Administrator.

40 CFR part 80 is amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: Sections 114, 211 and 301(a) of the Clean Air Act as amended, (42 U.S.C. 7414, 7545 and 7601(a)).

§ 80.70 [Amended]

2. In § 80.70 paragraph (l) is removed.

[FR Doc. 95–10882 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 180

[PP 3F4273/R2132; FRL–4953–2]

RIN 2070–AB78

Plant Pesticide Bacillus Thuringiensis CryIIIA Delta-Endotoxin and the Genetic Material Necessary for Its Production; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is establishing an exemption from the requirement of a tolerance for residues of the plant pesticide active ingredient *Bacillus thuringiensis* CryIIIA delta-endotoxin and the genetic material necessary for

its production in potatoes. The Monsanto Co. requested this exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of this plant pesticide in potatoes.

EFFECTIVE DATE: Effective on May 3, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 3F4273/R2132], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees) P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and requests for hearings filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and requests for hearings will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and requests for hearings in electronic form must be identified by the docket number [PP 3F4273/R2132]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and requests for hearings on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Willie H. Nelson, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 51B6, CS #1, 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8128; e-mail: nelson.willie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of December 8, 1993 (58 FR 64583), which announced that the Monsanto Co., 700 Chesterfield Village Parkway, St. Louis, MO 63198, had submitted a pesticide petition, PP 3F4273, to EPA requesting that the Administrator, pursuant to section 408(d) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), establish an exemption from the requirement of a tolerance for the plant pesticide *Bacillus thuringiensis* subsp. *tenebrionis* (B.t.t) Colorado potato beetle (CPB) control protein (CryIIIA).

EPA has assigned the active ingredient of this product the name *Bacillus thuringiensis* CryIIIA delta-endotoxin and the genetic material necessary for its production. ''Genetic material necessary for production'' means the CryIIIA gene and its regulatory regions. ''Regulatory regions'' are the genetic material that control the expression of the gene, such as promoters, terminators, and enhancers.

Monsanto has genetically modified potato plants to produce the pesticidal protein derived from the common soil bacterium *Bacillus thuringiensis* subsp. *tenebrionis*. The protein produced by CPB-resistant potatoes is identical to that found in nature. Monsanto has genetically engineered potatoes by using plant-expressed vectors that transferred the CryIIIA and neomycin phosphotransferase II (nptII) marker gene into the genomic DNA of the potato plants. In the **Federal Register** of September 28, 1994 (59 FR 49353), EPA exempted nptII and the genetic material necessary for its production in or on all raw agricultural commodities when used as an inert. There were no adverse comments or requests for referral to an advisory committee received in response to the notice of filing of the petition, PP 3F4273 (58 FR 64582, Dec. 8, 1993).

Residue Chemistry Data

Residue chemistry data were not required because of the lack of toxicity to this active ingredient. This is similar to the Agency position regarding the submission of residue data for the microbial *Bacillus thuringiensis* products from which this plant pesticide was derived. (See 40 CFR 158.740(b).) For microbial products, residue data are required only when Tier II or III toxicology data are required. The kinds of studies submitted for this plant pesticide are like those in Tier I, not Tiers II or III. Submitted data indicated that the product is of low mammalian toxicity/pathogenicity and the kinds of studies required in Tier II or III were not appropriate. Therefore, no residue data are required in order to grant an exemption from the requirement of a tolerance for Monsanto's plant pesticide, *Bacillus thuringiensis* Cry IIIA delta-endotoxin protein, the CryIIIA gene and the genetic material necessary for its production in potato.

Product Analysis

Monsanto submitted information which adequately described the CryIIIA delta-endotoxin from B.t.t., as expressed in potato, along with the genetic material necessary for its production. Because it would be difficult, or impossible, to extract sufficient biologically active toxin from the plants to perform toxicology tests, Monsanto used delta-endotoxin produced in bacteria. Product analysis data were submitted to show that the microbially expressed and purified CryIIIA delta-endotoxin is sufficiently similar to that expressed in the plant to be used for mammalian toxicological purposes.

1. *Molecular characterization of CPB-resistant Russet Burbank Potatoes equivalence of microbially produced B.t.t. protein*. The relative size and number of copies of the DNA inserted into potatoes was demonstrated with endonuclease digested chromosomal DNA from field-grown potato plants southern blotted with the entire introduced plasmid PV-STBT02 as the probe. These southern blots provided information about the number of copies of introduced DNA, the lack of significant amount of DNA introduced outside the border regions, and integrity of the introduced DNA near the endonuclease cut site. These results indicate only that the DNA necessary to produce the CryIIIA delta endotoxin were introduced into the plant, thus indicating that exposure would only be to the CryIIIA delta-endotoxin and the nucleic acids found in the genetic material necessary for its production. Such nucleic acids have not, by themselves, been associated with toxic effects to animals or humans and are regular constituents of the human diet.

2. *Equivalence of microbially produced and plant-produced B.t.t. protein also called Colorado potato beetle active protein from Bacillus thuringiensis subsp. tenebrionis*. Microbially produced delta endotoxin from the CryIIIA gene as expressed in *Escherichia coli* and in potato tubers were compared. The data consists of SDS-PAGE comigration, Western blot analysis, staining for carbohydrate residues, *N*-terminal amino acid sequence analysis, and biological

equivalence against *Leptinotarsa decemlineata*. These data are adequate to support the equivalence of the microbially produced and plant-produced protein for use in the toxicology studies.

3. *Characterization of the major tryptic fragment from Colorado potato beetle active bacillus thuringiensis subsp. tenebrionis*. The purity and activity of a 55kD protein released with tryptic digestion of the B.t.t. delta endotoxin purified from *E. coli* was shown to have a similar size, immunoreactivity, and amino acid sequence to the 55kD fragment found in potato tubers. The 55kD protein had somewhat higher bioactivity than the 68kD full-length delta endotoxin from B.t.t. These data support the contention that both the 55kD and 68kD forms of the CryIIIA delta-endotoxin found in the plant were similar to those occurring in B.t.t.

4. *Characterization of Colorado potato beetle active bacillus thuringiensis subsp. tenebrionis protein produced in escherichia coli*. The method of preparing by fermentation the delta endotoxin from B.t.t. in *E. coli* was presented. The protein was characterized for purity and stability after purification. These data indicate that normal fermentation techniques were used to produce the plant equivalent, microbial CryIIIA delta-endotoxin.

5. *Compositional comparison of Colorado potato beetle (CPB) active bacillus thuringiensis subsp. tenebrionis proteins produced in CPB-resistant potato plants and commercial microbial products*. The CryIIIA delta-endotoxin as expressed in potato tissue or an *E. coli* alternative gives a similar immunoreactivity and electrophoretic mobility to registered microbial products producing the same delta-endotoxin.

Toxicology Assessment

Toxicity

The delta-endotoxin proteins of *B. thuringinesis* have been intensively studied, and no indications of mammalian toxicity have been reported. Furthermore, approximately 176 different *B. thuringiensis* products have been registered since 1961, and the Agency has not received any reports of dietary toxicity attributable to their use. This is especially significant because FIFRA section 6(a)(2) requires registrants to report any adverse effects to EPA. Therefore, EPA does not expect any mammalian toxicity from this protein in plants based on the use history of *B. thuringiensis* products.

The data submitted by Monsanto support the prediction that this protein would be nontoxic to humans. Adequate information was submitted to show that the test material derived from microbial cultures was essentially identical to the protein as produced by the potatoes. Production of a plant equivalent, microbial CryIIIA delta-endotoxin, was chosen to obtain sufficient material for mammalian testing. In addition, the *in vitro* digestibility studies indicate the protein would rapidly be degraded following ingestion.

The genetic material necessary for the production of the *Bacillus thuringiensis* CryIII(A) delta endotoxin are the nucleic acids (DNA and RNA) which comprise the CryIII(A) gene and its controlling sequences. DNA and RNA are common to all forms of life, including plants, and the Agency knows of no instance where these nucleic acids have been associated with toxic effects related to the consumption of food. These ubiquitous nucleic acids as they appear in the subject active ingredient have been adequately characterized by the applicant. Therefore, no mammalian toxicity is anticipated from dietary exposure to the genetic material necessary for the production of the *Bacillus thuringiensis* CryIII(A) delta endotoxin in potatoes.

Allergenicity

Despite decades of widespread use of *Bacillus thuringiensis* as a pesticide (it has been registered since 1961), there have been no confirmed reports of immediate or delayed allergic reactions from exposure. Such incidents, should they occur, are required to be reported under FIFRA section 6(a)(2) and as a data requirement for registration of microbial pesticides (40 CFR 158.740 and Subdivision M of the FIFRA testing guidelines, NTIS # PB89-211676).

Studies done in laboratory animals or as reported in the literature also have not indicated any potential for allergic reactions to *B. thuringiensis* or its components, including the delta-endotoxin in the crystal protein. Recent *in vitro* studies also confirm that the delta endotoxin would be readily digestible *in vivo*.

Current scientific knowledge suggests that common food allergens tend to be resistant to degradation by heat, acid, and proteases, are glycosylated, and are present at high concentrations in the food. The delta endotoxins are not present at high concentrations, are not resistant to degradation by heat, acid and proteases, and are apparently not glycosylated when produced in plants. The company has submitted data to indicate that the CryIIIA delta endotoxin is rapidly degraded by gastric fluid *in vitro*, is not present as a major component of food, and is apparently nonglycosylated when produced in plants.

Submitted Data

1. *Acute oral toxicity of B.t.t. protein*. The B.t.t. proteins were determined to be stable and the dosing concentrations were determined to be 74.9 mg/mL, 14.62 mg/mL, and 7.4 mg/mL. B.t.t. protein was not toxic by oral gavage when mice were dosed with up to 5220 mg/kg body weight. These results placed this protein in Tox Category IV.

2. *In-vitro digestibility of B.t.t. protein*. The 68 kD and 55kD B.t.t. proteins degraded within 30 seconds in simulated gastric fluid when analyzed by western blot and were not active against Colorado potato beetles after degradation. The 68kD B.t.t. protein degraded to 55kD within 2 hours of incubation in simulated intestinal fluid. The 55 kD form remained unchanged after 14 hours of incubation and retained its bioactivity and western blot results. These results indicate that, following ingestion by humans, the B.t.t. proteins will be degraded like other proteins to amino acids and peptides similar to those occurring in a normal human diet.

Scientific Advisory Panel Subpanel on Plant Pesticides

A Subpanel of the FIFRA Scientific Advisory Panel (SAP) met on March 1, 1995, to discuss the Agency's Preliminary Scientific Review for this use and concluded that ''The Monsanto B. t. potato presents little potential for human dietary toxicity. At a dose of one million-fold greater than that contained in a potato (a 150-gram potato contains about 300 micorgrams B.t. protein, 70 kg person = 4.5 micrograms/kg), no toxicity was observed. Moreover, several studies of B.t. potatoes are indistinguishable from strains of wild-type potatoes in nutritive content (total protein, total sugars, vitamin C, minerals, etc.). Furthermore, the B.t. toxin is rapidly digested by pepsin and is inactivated by heat encountered in cooking.''

Conclusions

In summary, based upon the submitted studies and other available information, the Agency does not foresee any human health hazards from the use of the *Bacillus thuringiensis* CryIII(A) delta-endotoxin and the genetic material necessary for its production.

Based upon submitted data and a review of its use, EPA has found that when used in accordance with good

agricultural practice, this ingredient is useful for the purpose for which the tolerance exemption is sought. Based on the information considered, EPA concludes that a tolerance is not necessary to protect the public health. Therefore, the exemption from the requirement of a tolerance is established as set forth below.

Acceptable daily intake (ADI) and maximum permissible intake (MPI) considerations are not relevant to this petition because the data and information submitted demonstrate that this active ingredient is not toxic to mammalian species. No enforcement actions are expected, based upon the toxicity for this plant pesticide. Therefore, the requirement for an analytical method for enforcement purposes is not applicable to this exemption request.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections and/ or a request for a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections, and must conform to the other requirements of 40 CFR 178.25. Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on each such issue, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 3F4273/R2132] (including copies of any objections and requests for hearings submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

An electronic copy of objections and requests for hearings can be sent directly to EPA at:

opp-Docket@epamail.epa.gov.

A copy of electronic objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copy of objections and requests for hearings received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include any objections and requests for hearings submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-354, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemption from tolerance requirements do not have a significant economic effect on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4,1981 (49 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: April 25, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. In subpart D, by adding new § 180.1147, to read as follows:

§ 180.1147 Bacillus thuringiensis CryIIIA delta-endotoxin and the genetic material necessary for its production.

Bacillus thuringiensis CryIIIA delta-endotoxin and the genetic material necessary for its production are exempted from the requirement of a tolerance when used as a plant pesticide in potatoes. ''Genetic material necessary for its production'' means the CryIIIA gene and its regulatory regions. 'Regulatory regions'' are the genetic materials that control the expression of the gene, such as promoters, terminators, and enhancers.

[FR Doc. 95–10864 Filed 4–28–95; 12:21 pm]

BILLING CODE 6560–50–F

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40 CFR Part 180

[PP 4F4317/R2125; FRL–4949–4l

RIN No. 2070–AB78

Myclobutanil; Pesticide Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for the combined residues of the fungicide myclobutanil and a metabolite in or on the raw agricultural

commodity cottonseed at 0.02 part per million (ppm). The Rohm & Haas Co. requested establishment of this tolerance.

EFFECTIVE DATE: This regulation became effective on March 30, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 4F4317/R2125], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of the objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and requests for hearings filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and requests for hearings will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and requests for hearings in electronic form must be identified by the docket number [PP 4F4317/R2125]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and requests for hearings on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Connie B. Welch, Product Manager (PM) 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6900; e-mail: welch.connie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued a notice, published in the **Federal Register** of February 8, 1995 (60 FR 7539), which announced that the Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, was proposing the establishment of a tolerance of 0.02 part per million (ppm) in pesticide petition (PP) 4F4317 for the residues of the fungicide myclobutanil, [*alpha*-butyl-*alpha*-(3-hydroxybutyl)-1*H*-1,2,4-triazole-1-propanenitrile], and both the free and bound forms of its metabolite, *alpha*-(3-hydroxybutyl)-*alpha*-(4-chlorophenyl)-1*H*-1,2,4-triazole-1-propanenitrile, in or on the raw agricultural commodity cottonseed. There were no comments received in response to the **Federal Register** notice. The data submitted in support of the petition and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerance is sought. The toxicological data considered in support of the tolerance include the following:

1. A 1-year dog feeding study using doses of 0, 10, 100, 400, and 1,600 ppm (equivalent to doses of 0, 0.34, 3.09, 14.28 and 54.22 milligrams/kilogram (mg/kg) body weight (bwt)/day in males and 0, 0.40, 3.83, 15.68 and 58.20 mg/kg bwt/day in females). The no-observed-effect level (NOEL) is 100 ppm (3.09 mg/kg/day for males and 3.83 mg/kg/day for females) based upon hepatocellular hypertrophy, increases in liver weights, ''ballooned'' hepatocytes, and increases in alkaline phosphatase, SGPT and GGT, and possible slight hematological effects. The lowest-observed-effect level (LOEL) is 400 ppm (14.28 mg/kg/day for males and 15.68 mg/kg/day for females).

2. A 2-year chronic feeding/carcinogenicity study in rats using dietary concentrations of 0, 50, 200 and 800 ppm (equivalent to doses of 0, 2.49, 9.84 and 39.21 mg/kg bwt/day in males and 0, 3.23, 12.86 and 52.34 mg/kg bwt/day in females). The NOEL for chronic effects other than carcinogenicity is 2.49 mg/kg/day, and the LOEL is 9.84 mg/kg/day based on testicular atrophy in males. No other significant effects were observed in either sex at the stated dose levels over a 2-year period. In addition, no carcinogenic effects were observed in either sex at any of the dose levels tested. Based on the toxicological findings, the maximum tolerated dose (MTD) selected for testing (based on the 90-day feeding study) was not high enough to fully characterize the compound's carcinogenic potential.

The study was repeated at dose levels of 0 and 2,500 ppm (125 mg/kg/day) in the diet, which approaches the MTD, in order to characterize the carcinogenic potential. At 2,500 ppm the observed effects included: decreases in absolute and relative testes weights, increases in the incidences of centrilobular to midzonal hepatocellular enlargement and vacuolation in the liver of both sexes, increases in bilateral aspermatogenesis in the testes, increases in the incidence of hypospermia and cellular debris in the epididymides, and increased incidence of arteritis/periarteritis in the testes. In this study, a NOEL could not be established because there were effects at the only dose level tested. Myclobutanil was not oncogenic when tested under the conditions of the study.

3. A 2-year carcinogenicity study in mice using dietary concentrations of 0, 20, 100, and 500 ppm (equivalent to 0, 2.7, 13.7, and 70.2 mg/kg/day in males and 0, 3.2, 16.5, and 85.2 mg/kg/day in females). The NOEL for chronic effects other than carcinogenicity was 20 ppm (2.7 mg/kg/day in males and 3.2 mg/kg/day in females). The LOEL was 100 ppm (13.7 mg/kg/day in males and 16.5 mg/kg/day in females) based on a slight increase in liver mixed-function oxidase (MFO). Microscopic changes in the liver were evident in both sexes at 500 ppm (70.2 mg/kg/day in males and 85.2 mg/kg/day in females). There were no carcinogenic effects in either sex at any dose level tested. The highest selected dose was satisfactory for evaluating carcinogenic potential in male mice but was lower than the MTD in females.

The above study was reevaluated since the increase in the MFO at 3 months in females was not considered to be significant enough to establish an LOEL. The LOEL was raised to 500 ppm (70.2 mg/kg/day for males and 85.2 mg/kg/day for females) based on increases in MFO in both sexes, increases in SGPT values in females and in absolute and relative liver weights in both sexes at 3 months, increased incidences and severity of centrilobular hepatocytic hypertrophy, Kupffer cell pigmentation, periportal punctate vacuolation and individual hepatocellular necrosis in males, and increased incidences of focal hepatocellular alteration and multifocal hepatocellular vacuolation in both sexes. The NOEL has been raised to 100 ppm (13.7 mg/kg/day for males and 16.5 mg/kg/day for females).

An 18-month study was conducted with female mice using a dose level of 2,000 ppm, which approaches the MTD, to evaluate the carcinogenic potential in female mice. In this study, a NOEL could not be established because there were effects at the only dose level tested. These effects included: decreases in body weight and body weight gain, increases in liver weights,

hepatocellular hypertrophy, hepatocellular vacuolation, necrosis of single hypertrophied hepatocytes, yellow-brown pigment in the Kupffer cells and cytoplasmic eosinophilia and hypertrophy of the cells of the zona fasciculata area of the adrenal cortex. Myclobutanil was not oncogenic when tested under the conditions of the study.

4. A rabbit developmental toxicity study at dosages of 0, 20, 60, and 200 mg/kg/day administered by oral gavage. The LOEL for maternal toxicity was 200 mg/kg/day, and the maternal toxicity NOEL was 60 mg/kg/day based on reduced body weight and body weight gain during the dosing period, clinical signs of toxicity, and possibly abortions. The LOEL for developmental toxicity is 200 mg/kg/day, and the NOEL for developmental toxicity is 60 mg/kg/day based on increases in resorptions, decreases in litter size, and a decrease in the viability index.

5. A developmental toxicity study on rats treated with dosages of 0, 31.26, 93.77, 312.58, and 468.87 mg/kg/day. The maternal toxicity LOEL was 312.6 mg/kg/day, and maternal toxicity NOEL was 93.8 mg/kg/day based on clinical signs of toxicity. The developmental toxicity LOEL was 312.6 mg/kg/day, and the developmental toxicity NOEL was 93.8 mg/kg/day based on increased incidences of 14th rudimentary and 7th cervical ribs.

6. A two-generation rat reproduction study with dosage rates of 0, 50, 200, and 1,000 ppm (equivalent to 0, 2.5, 10, and 50 mg/kg/day). The parental (systemic) toxicity LOEL was 200 ppm (10 mg/kg/day), and the parental (systemic) toxicity NOEL was 50 ppm (2.5 mg/kg/day) based on hepatocellular hypertrophy and increases in liver weights. The reproductive toxicity LOEL was 1,000 ppm (50 mg/kg/day) and reproductive toxicity NOEL was 200 ppm (10 mg/kg/day) based on an increased incidence in the number of stillborns and atrophy of the testes and prostate. The developmental toxicity LOEL was 1,000 ppm (50 mg/kg/day) and the developmental toxicity NOEL was 200 ppm (10 mg/kg/day) based on a decrease in pup body weight gain during lactation.

7. A reverse mutation assay (Ames), point mutation in CHO/HGPRT cells, *in vitro* and *in vivo* (mouse) cytogenetic assays, unscheduled DNA synthesis, and a dominant-lethal study in rats, all of which were negative for mutagenic effects.

The Reference Dose (RfD) based on the 2-year rat chronic feeding study (NOEL of 2.49 mg/kg bwt/day) and using a hundredfold uncertainty factor, is calculated to be 0.025 mg/kg bwt/day. The theoretical maximum residue contribution (TMRC) from previously established tolerances and the tolerance established here is 0.002075 mg/kg bwt/day for the general population and utilizes 8% of the RfD. The percentage of the RfD for the most highly exposed subgroup, nonnursing infants (less than 1 year old) is 49%. The TMRC was calculated based on the assumption that myclobutanil occurs at the maximum legal limit in the dietary commodity for which a tolerance is proposed. Even with this probable large overestimate of exposure/risk, the TMRC is well below the RfD for the population as a whole and for each of the 22 subgroups considered. Thus, the dietary risk from exposure to myclobutanil appears to be minimal for the use on cottonseed.

The nature of the residues is adequately understood, and adequate analytical methodology is available for enforcement. Prior to their publication in the Pesticide Analytical Manual, Vol. II, the enforcement methodology is being made available in the interim to anyone who is interested in pesticide enforcement when requested from: Calvin Furlow, Public Information Branch, Field Operations Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-5232.

The pesticide is considered useful for the purpose for which the tolerance is sought. Based on the information and data considered, the Agency has determined that the tolerance established by amending 40 CFR part 180 will protect the public health. Therefore, the tolerances are established as set forth below. By way of public reminder, this document also reiterates the registrant's responsibility under section 6(a)(2) of FIFRA, to submit additional factual information regarding adverse effects on the environment and to human health by these pesticides.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33 (i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 4F4317/R2125] (including any objections and requests for hearings submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and requests for hearings, identified by the document control number [4F4317/R2125], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and requests for hearings can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and requests for hearings received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all

comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: March 30, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, chapter I of the title 40 of the Code of Federal Regulations is amended as follows:

PART 180—[AMENDED]

1. In part 180:

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

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

2. In § 180.443(a), by amending the table therein by adding and alphabetically inserting an entry for cottonseed, to read as follows:

§ 180.443 Myclobutanil; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Cottonseed	0.02
* * * * *	

* * * * *

[FR Doc. 95–10862 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[OPP–300377A; FRL–4949–6]

RIN 2070–AB78

Urea-Formaldehyde Copolymer; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA establishes an exemption from the requirement of a tolerance for residues of urea-formaldehyde copolymer (CAS Reg. No. 9011-05-6) when used as an inert ingredient in pesticide formulations applied to growing crops only under 40 CFR 180.1001(d) to include uses as a solid diluent, filler, and/or carrier and to modify the minimum molecular weight from 30,000 to 20,000. Ciba-Geigy Corp. requested this regulation pursuant to the Federal Food, Drug and Cosmetic Act.

EFFECTIVE DATE: This regulation becomes effective on May 3, 1995.

ADDRESSES: Written objections, identified by the document control number, [OPP-300377A], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing request to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and requests for hearings filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and requests for hearings will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and requests for hearings in electronic form must be identified by the docket number [OPP-300377A]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and requests for hearings on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Kerry Leifer, Registration Support Branch, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Westfield Building North, 6th Fl., 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8323; e-mail: leifer.kerry@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of January 26, 1995 (60 FR 5157), EPA issued a proposed rule that Ciba-Geigy Corp., P.O. Box 18300, Greensboro, NC 27419-8300, had submitted pesticide peitition (PP) 4E04423 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), propose to amend 40 CFR 180.1001(d) by revising the existing exemption from the requirement of a tolerance for residues of urea-formaldehyde copolymer (CAS Reg. No. 9011-05-6), when used as an inert ingredient (encapsulating agent) in pesticide formulations applied to growing crops only. The petitioner sought to expand the use of urea-formaldehyde copolymer to include solid diluent, filler, and carrier and to revise the minimum number-average molecular weight from 30,000 to 20,000.

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

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted relevant to the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerance exemption will protect the public health. Therefore, the tolerance exemption is established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register,** file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [OPP-300377A] (including any objections and requests for hearings submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and requests for hearings, identified by the document control number [OPP-300377A], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and requests for hearings can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and requests for hearings received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in **''ADDRESSES''** at the beginning of this document.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: April 18, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. Section 180.1001(d) is amended in the table therein by revising the entry for the urea-formaldehyde copolymer, to read as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Urea-formaldehyde copolymer (CAS Reg. No. 9011-05-6); minimum number average molecular weight 20,000.	.....	Encapsulating agent, solid diluent, filler, carrier.
* * *	* * *	* * *

* * * * *

[FR Doc. 95–10863 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 0E3882 and PP 4E4286/R2115; FRL–4941–5]

RIN 2070–AB78

Metolachlor; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes tolerances for the combined residues of the herbicide metolachlor and its metabolites in or on the raw agricultural commodities celery and dry bulb onion. The Interregional Research Project No. 4 (IR-4) requested this regulation to establish maximum permissible levels for residues of the herbicide in or on the commodities.

EFFECTIVE DATE: This regulation becomes effective on May 3, 1995.

ADDRESSES: Written objections and requests for hearings, identified by the document control number, [PP 0E3882 and PP 4E4286/R2115], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and requests for hearings to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections and requests for hearings shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and requests for hearings filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and requests for hearings will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and requests for hearings in electronic form must be identified by the docket number [PP 0E3882 and PP 4E4286/R2115]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and requests for hearings on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Hoyt L. Jamerson, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Sixth Floor, Crystal Station #1, 2800 Jefferson Davis Hwy., Arlington, VA 22202, (703)-308-8783; e-mail: jamerson.hoyt@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of February 15, 1995 (60 FR 8613), EPA issued a proposed rule that gave notice that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, had submitted pesticide petitions (PP) 0E3882 and PP 4E4286 to EPA on behalf of the named Agricultural Experiment Stations. These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug and Cosmetic Act (FFDCA), 21 U.S.C. 346a(e), amend 40 CFR 180.368 by establishing tolerances for combined residues (free and bound) of the herbicide metolachlor, [2-chloro-*N*-(2-ethyl-6-methlyphenyl)-*N*-(2-methoxy-1-methylethyl)acetamide], and its metabolites, determined as the derivatives, 2-[(2-ethyl-6-methylphenyl)amino]-1-propanol, and 4-(2-ethyl-6-methylphenyl)-2-hydroxy-5-methyl-3-morpholinone, each expressed as the parent compound, in or on certain raw agricultural commodities as follows:

1. *PP 0E3882.* Petition submitted on behalf of the Experiment Stations of California, Florida, and Texas proposing a tolerance for celery at 0.1 part per million (ppm).

2. *PP 4E4286* Petition submitted on behalf of the Experiment Stations of Arkansas, Michigan, New Jersey, New York, Oklahoma, and Texas proposing a tolerance for dry bulb onion at 1.0 ppm. The petitioner proposed that use of metolachlor on dry bulb onion be limited to onion production areas east of the Rocky Mountains based on the geographical representation of the residue data submitted. Additional residue data will be required to expand the area of usage. Persons seeking geographically broader registration should contact the Agency's Registration Division at the address provided above.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted with the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register,** file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the

requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 0E3882 and PP 4E4286/R2115] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and requests for hearings, identified by the document control number [PP 0E3882 and PP 4E4286/R2115], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and requests for hearings can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and requests for hearings received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

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

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

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

List of Subjects in 40 CFR Part 180

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

Dated: April 18, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. In § 180.368, paragraph (a) is amended by adding and alphabetically inserting the entry for celery, and paragraph (c) is amended by adding and alphabetically inserting the entry for onion (dry bulb), to read as follows:

§ 180.368 Metolachlor; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Celery	0.1
* * * * *	

* * * * *

(c) * * *

Commodity	Parts per million
Onion, dry bulb	1.0
* * * * *	

[FR Doc. 95–10866 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 180

[PP 8F3658/R2126; FRL–4950–1]

RIN 2070–AB78

Triasulfuron; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document establishes a permanent tolerance for residues of the herbicide triasulfuron, [3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-(2-(2-chloroethoxy)phenylsulfonyl)urea], in or on barley and wheat grain at 0.02 part per million (ppm); barley and wheat straw at 2.0 ppm; barley and wheat forage at 5.0 ppm; meat, fat, and meat byproducts (excluding kidney) of cattle, goats, hogs, horses, and sheep at 0.1 ppm; kidney of cattle, goats, hogs, horses, and sheep at 0.2 ppm; and milk at 0.02 ppm. Ciba-Geigy Corp. has fulfilled certain testing requirements, and EPA is changing time-limited tolerances to permanent tolerances.

EFFECTIVE DATE: This regulation becomes effective on May 3, 1995.

ADDRESSES: Written objections, identified by the document control number, [PP 8F3658/R2126], may be submitted to: Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing

Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring copy of objections and hearing requests to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and requests for hearings filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and requests for hearings will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and requests for hearings in electronic form must be identified by the docket number [PP 8F3658/R2126]]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and requests for hearings on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Robert J. Taylor, Product Manager (PM) 25, Registration Division (7505C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 241, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305–6800; e-mail: taylor.robert@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 15, 1995 (60 FR 13939), EPA issued a proposed rule that gave notice that based on completion of required studies by the Ciba-Geigy Corp. and based on the information cited in documents establishing time-limited tolerances for triasulfuron (57 FR 8844, March 13, 1992 and 59 FR 44931, August 31, 1993), EPA proposed to establish permanent tolerances to replace the then-current time-limited tolerances for triasulfuron.

There were no comments or requests for referral to an advisory committee received in response to the proposed rule.

The data submitted with the proposal and other relevant material have been evaluated and discussed in the proposed rule. Based on the data and information considered, the Agency concludes that the permanent tolerances will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections and/or request a hearing with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33(i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issue(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 8F3658/R2126] (including copies of objections and requests for hearings submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and requests for hearings, identified by the document control number [PP 8F3658/R2126], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and requests for hearings can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and requests for hearings received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in **''ADDRESSES''** at the beginning of this document.

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

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

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance

requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

List of Subjects in 40 CFR Part 180

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

Dated: April 20, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR part 180 is amended as follows:

PART 180—[AMENDED]

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

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

2. By revising § 180.459, to read as follows:

§ 180.459 Triasulfuron; tolerances for residues.

Tolerances are established for the residues of the herbicide triasulfuron, [3-(6-methoxy-4-methyl-1,3,5-triazin-2-yl)-1-(2-(2-chloroethoxy)phenylsulfonyl)urea] in or on the following raw agricultural commodities:

Commodity	Parts per million
Barley, forage	5.0
Barley, grain	0.02
Barley, straw	2.0
Cattle, fat	0.1
Cattle, kidney	0.2
Cattle, meat	0.1
Cattle, mbyp (except kidney)	0.1
Goats, fat	0.1
Goats, kidney	0.2
Goats, mbyp (except kidney)	0.1
Goats, meat	0.1
Hogs, fat	0.1
Hogs, kidney	0.2
Hogs, mbyp (except kidney)	0.1
Hogs, meat	0.1
Horses, fat	0.1
Horses, kidney	0.2
Horses, mbyp (except kidney)	0.1
Horses, meat	0.1
Milk	0.02
Sheep, fat	0.1
Sheep, kidney	0.2
Sheep, mbyp (except kidney)	0.1
Sheep, meat	0.1
Wheat, forage	5.0
Wheat, grain	0.02
Wheat, straw	2.0

[FR Doc. 95–10868 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Parts 180 and 185

[PP 2F4116 and FAP 2H5644/R2124; FRL–4949–3]

RIN 2070–AB78

Myclobutanil; Pesticide Tolerances and Food Additive Regulation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes permanent tolerances for the combined residues of the fungicide myclobutanil and a metabolite in or on the raw agricultural commodities stone fruits (except cherries) at 2.0 parts per million (ppm) and cherries at 5.0 ppm and establishes a food additive regulation for the combined residues in or on the processed food commodity dried plums at 8.0 ppm. The Rohm & Haas Co. requested establishment of these tolerances and food additive regulation.

EFFECTIVE DATE: This regulation became effective on March 30, 1995.

ADDRESSES: Written objections and hearing requests, identified by the document control number, [PP 2F4116 and FAP 2H5644/R2124], may be submitted to : Hearing Clerk (1900), Environmental Protection Agency, Rm. M3708, 401 M St., SW., Washington, DC 20460. A copy of any objections and hearing requests filed with the Hearing Clerk should be identified by the document control number and submitted to: Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring a copy of the objections and hearing requests to Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202. Fees accompanying objections shall be labeled ''Tolerance Petition Fees'' and forwarded to: EPA Headquarters Accounting Operations Branch, OPP (Tolerance Fees), P.O. Box 360277M, Pittsburgh, PA 15251.

A copy of objections and requests for hearings filed with the Hearing Clerk may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Copies of objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Copies of objections and requests for hearings will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All copies of objections and requests for hearings in electronic form must be identified by the docket number [PP 2F4116 and FAP 2H5644/R2124]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic copies of objections and requests for hearings on this rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Connie B. Welch, Product Manager (PM) 21, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 227, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA 22202, (703)-305-6900; e-mail: welch.connie@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: EPA issued notices, published in the **Federal Register** of December 30, 1992 (57 FR 62333), which announced that the Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, had submitted pesticide petition (PP) 2F4116 proposing to amend 40 CFR 180.443 by establishing permanent tolerances for the residues of the fungicide myclobutanil, [*alpha*-butyl-*alpha*-(3-hydroxybutyl)-1*H*-1,2,4-triazole-1-propanenitrile], and both the free and bound forms of its metabolite, *alpha*-(3-hydroxybutyl)-*alpha*-(4-chlorophenyl)-1*H*-1,2,4-triazole-1-propanenitrile, in or on stone fruits group (except cherries) at 2.0 ppm and cherries at 5.0 ppm and food additive petition (FAP) 2H5644 proposing to amend 40 CFR 185.4350 by establishing a tolerance for the combined residues of myclobutanil and its metabolite in or on the food additive commodity dried plums at 8.0 ppm. Rohm & Haas Co. also requested that previous petitions submitted for stone fruits (PP 9F3811, PP 1F3954, and FAP 1H5608) be combined in these petitions.

Time-limited tolerances were established for myclobutanil in or on the raw agricultural commodities nectarines and peaches at 2.0 ppm and cherries (sweet and sour) at 4.0 ppm with an expiration date of October 1, 1994, in response to PP 9F3811 in a document in the **Federal Register** of February 5, 1992 (57 FR 4368). These tolerances were extended to April 1, 1995, on September 30, 1994.

There were no comments received in response to the notices of filing of any of the petitions. The data submitted in support of the petitions and other relevant material have been evaluated. The pesticide is considered useful for the purpose for which the tolerances are sought. The toxicological data

considered in support of the tolerances include the following:

1. A 1-year dog feeding study using doses of 0, 10, 100, 400, and 1,600 ppm (equivalent to doses of 0, 0.34, 3.09, 14.28, and 54.22 milligrams/kilogram (mg/kg) body weight (bwt)/day in males and 0, 0.40, 3.83, 15.68, and 58.20 mg/kg bwt/day in females). The no-observed-effect level (NOEL) is 100 ppm (3.09 mg/kg/day for males and 3.83 mg/kg/day for females) based upon hepatocellular hypertrophy, increases in liver weights, ''ballooned'' hepatocytes, and increases in alkaline phosphatase, SGPT, and GGT, and possible slight hematological effects. The lowest-observed-effect level (LOEL) is 400 ppm (14.28 mg/kg/day for males and 15.68 mg/kg/day for females).

2. A 2-year chronic feeding/carcinogenicity study in rats using dietary concentrations of 0, 50, 200, and 800 ppm (equivalent to doses of 0, 2.49, 9.84, and 39.21 mg/kg bwt/day in males and 0, 3.23, 12.86, and 52.34 mg/kg bwt/day in females). The NOEL for chronic effects other than carcinogenicity is 2.49 mg/kg/day, and the LOEL is 9.84 mg/kg/day based on testicular atrophy in males. No other significant effects were observed in either sex at the stated dose levels over a 2-year period. In addition, no carcinogenic effects were observed in either sex at any of the dose levels tested. Based on the toxicological findings, the maximum tolerated dose (MTD) selected for testing (based on the 90-day feeding study) was not high enough to fully characterize the compound's carcinogenic potential.

The study was repeated at dose levels of 0 and 2,500 ppm (125 mg/kg/day) in the diet, which approaches the MTD, in order to characterize the carcinogenic potential. At 2,500 ppm, the observed effects included: decreases in absolute and relative testes weights, increases in the incidences of centrilobular to midzonal hepatocellular enlargement and vacuolation in the liver of both sexes, increases in bilateral aspermatogenesis in the testes, increases in the incidence of hypospermia and cellular debris in the epididymides, and increased incidence of arteritis/periarteritis in the testes. In this study, a NOEL could not be established because there were effects at the only dose level tested. Myclobutanil was not oncogenic when tested under the conditions of the study.

3. A 2-year carcinogenicity study in mice using dietary concentrations of 0, 20, 100, and 500 ppm (equivalent to 0, 2.7, 13.7, and 70.2 mg/kg/day in males and 0, 3.2, 16.5 and 85.2 mg/kg/day in females). The NOEL for chronic effects other than carcinogenicity was 20 ppm (2.7 mg/kg/day in males and 3.2 mg/kg/day in females). The LOEL was 100 ppm (13.7 mg/kg/day in males and 16.5 mg/kg/day in females) based on a slight increase in liver mixed-function oxidase (MFO). Microscopic changes in the liver were evident in both sexes at 500 ppm (70.2 mg/kg/day in males and 85.2 mg/kg/day in females). There were no carcinogenic effects in either sex at any dose level tested. The highest selected dose was satisfactory for evaluating carcinogenic potential in male mice, but was lower than the MTD in females.

The above study was reevaluated since the increase in the MFO at 3 months in females was not considered to be significant enough to establish an LOEL. The LOEL was raised to 500 ppm (70.2 mg/kg/day for males and 85.2 mg/kg/day for females) based on increases in MFO in both sexes, increases in SGPT values in females and in absolute and relative liver weights in both sexes at 3 months, increased incidences and severity of centrilobular hepatocytic hypertrophy, Kupffer cell pigmentation, periportal punctate vacuolation and individual hepatocellular necrosis in males, and increased incidences of focal hepatocellular alteration and multifocal hepatocellular vacuolation in both sexes. The NOEL has been raised to 100 ppm (13.7 mg/kg/day for males and 16.5 mg/kg/day for females).

An 18-month study was conducted with female mice using a dose level of 2,000 ppm, which approaches the MTD, to evaluate the carcinogenic potential in female mice. In this study, a NOEL could not be established because there were effects at the only dose level tested. These effects included: decreases in body weight and body weight gain, increases in liver weights, hepatocellular hypertrophy, hepatocellular vacuolation, necrosis of single hypertrophied hepatocytes, yellow-brown pigment in the Kupffer cells, and cytoplasmic eosinophilia and hypertrophy of the cells of the zona fasciculata area of the adrenal cortex. Myclobutanil was not oncogenic when tested under the conditions of the study.

4. A rabbit developmental toxicity study at dosages of 0, 20, 60, and 200 mg/kg/day administered by oral gavage. The LOEL for maternal toxicity was 200 mg/kg/day, and the maternal toxicity NOEL was 60 mg/kg/day based on reduced body weight and body weight gain during the dosing period, clinical signs of toxicity, and possibly abortions. THE LOEL for developmental toxicity is 200 mg/kg/day and NOEL for developmental toxicity is 60 mg/kg/day based on increases in resorptions, decreases in litter size, and a decrease in the viability index.

5. A developmental toxicity study on rats treated with dosages of 0, 31.26, 93.77, 312.58, and 468.87 mg/kg/day. The maternal toxicity LOEL was 312.6 mg/kg/day, and maternal toxicity NOEL was 93.8 mg/kg/day based on clinical signs of toxicity. The developmental toxicity LOEL was 312.6 mg/kg/day, and the developmental toxicity NOEL was 93.8 mg/kg/day based on increased incidences of 14th rudimentary and 7th cervical ribs.

6. A two-generation rat reproduction study with dosage rates of 0, 50, 200, and 1,000 ppm (equivalent to 0, 2.5, 10, and 50 mg/kg/day). The parental (systemic) toxicity LOEL was 200 ppm (10 mg/kg/day) and the parental (systemic) toxicity NOEL was 50 ppm (2.5 mg/kg/day) based on hepatocellular hypertrophy and increases in liver weights. The reproductive toxicity LOEL was 1,000 ppm (50 mg/kg/day), and reproductive toxicity NOEL was 200 ppm (10 mg/kg/day) based on an increased incidence in the number of stillborns and atrophy of the testes and prostate. The developmental toxicity LOEL was 1,000 ppm (50 mg/kg/day), and the developmental toxicity NOEL was 200 ppm (10 mg/kg/day) based on a decrease in pup body weight gain during lactation.

7. A reverse mutation assay (Ames), point mutation in CHO/HGPRT cells, *in vitro* and *in vivo* (mouse) cytogenetic assays, unscheduled DNA synthesis, and a dominant-lethal study in rats, all of which were negative for mutagenic effects.

The Reference Dose (RfD) based on the 2-year rat chronic feeding study (NOEL of 2.49 mg/kg bwt/day) and using a hundredfold uncertainty factor is calculated to be 0.025 mg/kg bwt/day. The theoretical maximum residue contribution (TMRC) from previously established tolerances and tolerances established here is 0.002319 mg/kg bwt/day for the general population and utilizes 9% of the RfD. The percentages of the RfD for the most highly exposed subgroups, nonnursing infants (less than 1 year old) and children (1 to 6 years old), are 58% and 25%, respectively. The TMRC was calculated based on the assumption that myclobutanil occurs at the maximum legal limit in all of the dietary commodities for which tolerances are proposed. Even with this probable large overestimate of exposure/risk, the TMRC is well below the RfD for the population as a whole and for each of the 22 subgroups considered. Thus, the dietary risk from exposure to myclobutanil appears to be minimal for the use on stone fruits.

The nature of the residues is adequately understood and adequate

analytical methods, gas liquid chromatography using nitrogen/phosphorus and electron capture detectors, are available for enforcement. Prior to their publication in the Pesticide Analytical Manual, Vol. II, the enforcement methodology is being made available in the interim to anyone who is interested in pesticide enforcement when requested from: Calvin Furlow, Public Information Branch, Field Operations Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm 1128C, CM #2, 1921 Jefferson Davis Hwy, Arlington, VA 22202, (703)-305-5232.

The pesticide is considered useful for the purpose for which the tolerances are sought. Based on the information and data considered, the Agency has determined that the tolerances established by amending 40 CFR parts 180 and 185 will protect the public health. Therefore, the tolerances are established as set forth below. By way of public reminder, this document also reiterates the registrant's responsibility under section 6(a)(2) of FIFRA, to submit additional factual information regarding adverse effects on the environment and to human health by these pesticides.

Any person adversely affected by this regulation may, within 30 days after publication of this document in the **Federal Register**, file written objections to the regulation and may also request a hearing on those objections. Objections and hearing requests must be filed with the Hearing Clerk, at the address given above (40 CFR 178.20). A copy of the objections and/or hearing requests filed with the Hearing Clerk should be submitted to the OPP docket for this rulemaking. The objections submitted must specify the provisions of the regulation deemed objectionable and the grounds for the objections (40 CFR 178.25). Each objection must be accompanied by the fee prescribed by 40 CFR 180.33 (i). If a hearing is requested, the objections must include a statement of the factual issue(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established, resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

A record has been established for this rulemaking under docket number [PP 2F4116 and FAP 2H5644/R2124] (including any objections and hearing requests submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Written objections and requests for hearings, identified by the document control number [PP 2F4116 and FAP 2H5644/R2124], may be submitted to the Hearing Clerk (1900), Environmental Protection Agency, Rm. 3708, 401 M St., SW., Washington, DC 20460.

A copy of electronic objections and requests for hearings can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

A copy of electronic objections and requests for hearings must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer any copies of objections and requests for hearings received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

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

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

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

List of Subjects in 40 CFR Parts 180 and 185

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

Dated: March 30, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

Therefore, chapter I of the title 40 of the Code of Federal Regulations is amended as follows:

PART 180—[AMENDED]

1. In part 180:

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

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

b. In § 180.443(a), by revising the table therein, to read as follows:

§ 180.443 Myclobutanil; tolerances for residues.

(a) * * *

Commodity	Parts per million
Apples	0.5
Cherries (sweet and sour)	5.0
Grapes	1.0
Stone fruits (except cherries)	2.0

* * * * *

PART 185—[AMENDED]

2. In part 185:

a. The authority citation for part 185 continues to read as follows:

Authority: 21 U.S.C. 346a and 348.

b. In section 185.4350, by revising the table therein, to read as follows:

§ 185.4350 Myclobutanil.

* * * * *

Commodity	Parts per million
Plums, dried	8.0
Raisins	10.0

[FR Doc. 95–10861 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7616]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATE: The effective date of each community's suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Robert F. Shea, Jr., Division Director, Program Implementation Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646–3619.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Deputy Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Deputy Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State/location	Community No.	Effective date of eligibility	Current effective map date	Date certain federal assistance no longer available in special Flood Hazard Areas
Region I				
New Hampshire: Raymond, town of, Rockingham County.	330140	Oct. 15, 1975, Emerg.; Apr. 15, 1982, Reg.; May 2, 1995, Susp.	May 2, 1995	May 2, 1995.
Region III				
Pennsylvania:				
Juniata, township of, Huntingdon County.	421692	Feb. 4, 1976, Emerg.; Feb. 17, 1989, Reg.; May 2, 1995, Susp.	.....do	Do.
Upper Chichester, township of, Delaware County.	420439	Dec. 17, 1971, Emerg.; May 16, 1977, Reg.; May 2, 1995, Susp.	.....do	Do.
West Virginia: Mercer County, unincorporated areas.	540124	Dec. 23, 1975, Emerg.; Feb. 1, 1985, Reg.; May 2, 1995, Susp.	.....do	Do.
Region VI				
Louisiana: Farmerville, town of, Union Parish.	220325	May 19, 1978, Emerg.; Mar. 23, 1982, Reg.; May 2, 1995, Susp.	.....do	Do.
Oklahoma:				
Bethany, city of, Oklahoma County.	400254	Jan. 17, 1975, Emerg.; July 31, 1979, Reg.; May 2, 1995, Susp.	.....do	Do.
Purcell, city of, McClain County.	400104	Nov. 21, 1975, Emerg.; July 2, 1981, Reg.; May 2, 1995, Susp.	.....do	Do.
Region I				
Connecticut: Prospect, town of, New Haven County.	090151	July 1, 1975, Emerg.; Feb. 4, 1977, Reg.; May 16, 1995, Susp..	May 16, 1995	May 16, 1995.
Region II				
New York: Hammondsport, village of, Steuben County.	360775	July 18, 1973, Emerg.; Apr. 17, 1978, Reg.; May 16, 1995, Susp.	.....do	Do.
Region III				
Pennsylvania: Huntingdon, borough of, Huntingdon County.	420486	Apr. 16, 1973, Emerg.; Sept. 29, 1978, Reg.; May 16, 1995, Susp.	.....do	Do.
Region IV				
Georgia: North High Shoals, town of, Oconee County.	130368	Oct. 28, 1983, Emerg.; Sept. 1, 1986, Reg.; May 16, 1995, Susp.	.....do	Do.
Region V				
Indiana: Shoals, town of, Martin County.	180166	May 27, 1975, Emerg.; Sept. 1, 1986, Reg.; May 16, 1995, Susp.	.....do	Do.
Ohio:				
Gilboa, village of, Putnam County.	390469	June 20, 1979, Emerg.; May 16, 1995, Reg.; May 16, 1995, Susp.	.....do	Do.
Metamora, village of, Fulton County.	390840	July 21, 1982, Emerg.; May 16, 1995, Reg.; May 16, 1995, Susp.	.....do	Do.

Code for reading third column: Emerg.—Emergency; Reg.—Regular; Rein.—Reinstatement; Susp.—Suspension.

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance.'')

Issued: April 25, 1995.

Frank H. Thomas,

Deputy Associate Director, Mitigation Directorate.

[FR Doc. 95–10859 Filed 5–2–95; 8:45 am]

BILLING CODE 6718–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217 and 227

[Docket No. 950427119–5119–01; I.D. 042495C]

RIN 0648–AH98

Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawling Activities; Additional Turtle Excluder Device Requirements Within Certain Statistical Zones

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary additional restrictions on fishing by shrimp trawlers in nearshore waters along two sections of the Texas and Louisiana coast to protect sea turtles; request for comments.

SUMMARY: NMFS is temporarily imposing additional restrictions on fishing by shrimp trawlers in Gulf of Mexico offshore waters out to 10 nautical miles (nm)(18.5 km) from the COLREGS line, along 2 sections of the Texas and Louisiana coasts, between 27° N. lat. and 28° N. lat. and between 95°13' W. long. and 93°20.5' W. long. for a 30-day period. This area includes nearshore waters in shrimp fishery statistical zones 18 and 20, the western portion of zone 17 east to Calcasieu Pass, Louisiana and the extreme northeastern portion of Zone 19. The restrictions include prohibition of the use of soft turtle excluder devices (TEDs), the use of bottom opening TEDs, the use of webbing flaps that completely cover the escape opening of TEDs, and the use of try nets by shrimp trawlers, unless the try nets are equipped with NMFS-approved TEDs other than soft or bottom-opening TEDs. This action is necessary to prevent the continuation of high levels of mortality and strandings of threatened and endangered sea turtles.

DATES: This action is effective 12:01 a.m. (local time) on April 30, 1995, through 11:59 p.m. (local time) on May 29, 1995. Comments on this action must be submitted by May 30, 1995.

ADDRESSES: Comments on this action and requests for a copy of the environmental assessment (EA) or supplemental biological opinion (BO) prepared for this action should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Charles A. Oravetz, 813–570–5312, or Russell Bellmer, 301–713–1401.

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in United States (U.S.) waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA). The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered.

The incidental take and mortality of sea turtles, as a result of shrimp trawling activities have been documented in the Gulf of Mexico and along the Atlantic Seaboard. Under the ESA and its implementing regulations, taking sea turtles is prohibited, with exceptions set forth at 50 CFR 227.72. The incidental taking of turtles during shrimp trawling in the Gulf and Atlantic Areas is excepted from the taking prohibition, if the sea turtle conservation measures specified in the sea turtle conservation regulations (50 CFR part 227, subpart D) are employed. The regulations require most shrimp trawlers operating in the Gulf of Mexico and Southeast U.S. Atlantic to have a NMFS-approved TED installed in each net rigged for fishing, year round.

The conservation regulations provide a mechanism to implement further restrictions of fishing activities, if necessary to avoid unauthorized takings of sea turtles that may be likely to jeopardize the continued existence of listed species or that would violate the terms and conditions of an incidental take statement or biological opinion (50 CFR 227.72(e)(6)). Upon a determination that incidental takings of sea turtles during fishing activities are not authorized, additional restrictions will be imposed to conserve listed species. These restrictions are effective for a period of up to 30 days and may be renewed for additional periods of up to 30 days each.

November 14, 1994—Biological Opinion

On November 14, 1994, NMFS issued a biological opinion (Biological Opinion), which concluded that the continued long term operation of the shrimp fishery in the nearshore waters of the southeastern U.S. was likely to jeopardize the continued existence of the highly endangered Kemp's ridley sea turtle. This Biological Opinion resulted from an ESA section 7 consultation that was reinitiated in response to the unprecedented number of dead sea turtles that stranded along the coasts of Texas, Louisiana, and Georgia in the spring and summer of 1994, coinciding with heavy nearshore shrimp trawling activity. Pursuant to section 7(b)(4) of the ESA, NMFS provided a reasonable and prudent alternative to the existing management measures that would allow the shrimp fishery to continue without jeopardizing the continued existence of the Kemp's ridley sea turtle. In addition, the Biological Opinion is accompanied by an incidental take statement, pursuant to section 7(b)(4)(i) of the ESA, that specifies the impact of such incidental taking on the species. The incidental take statement provides two levels to identify the expected incidental take of sea turtles by shrimp fishing. The incidental take levels are based upon either documented takes or indicated takes measured by stranding data. Stranding data are considered an indicator of lethal take in the shrimp fishery during periods in which intensive shrimping effort occurs and there are no significant or intervening natural or human sources of mortality other than shrimping conclusively identified as the cause of strandings.

NMFS has established an indicated take level (ITL) by identifying the weekly average number of sea turtle strandings documented in each NMFS statistical zone for the last three years (taking into consideration anomalous years). In Texas and Georgia, where strandings were anomalously high in 1994, the years 1991 through 1993 were used to determine historical levels. The weekly average was computed as a five-week running average (two weeks before and after the week in question) to reflect seasonally fluctuating events such as fishery openings and closures and turtle migrations. The ITL for each zone was set at two times the weekly three year stranding average. For weeks and zones where the historical average is less than one, the ITL has been set at two strandings.

The Emergency Response Plan

The reasonable and prudent alternative of the November 14, 1994, Biological Opinion and the accompanying incidental take statement required NMFS to develop and implement an Emergency Response Plan (ERP) to respond to future stranding events and to ensure compliance with sea turtle conservation measures. The Assistant Administrator for Fisheries, NOAA, (AA) approved the ERP on March 14, 1995, and published a notice of availability on April 21, 1995 (60 FR 19885). The ERP provides for elevated enforcement of TED regulations in two areas in which strandings of Kemp's ridley sea turtles are historically high. The first, the Atlantic Interim Special Management Area includes shrimp fishery statistical Zones 30 and 31 (northeast Florida and Georgia). The second, the Northern Gulf Interim Special Management Area, includes statistical Zones 13 through 20 (Louisiana and Texas from the Mississippi River to North Padre Island). The ERP also establishes procedures for notifying NMFS of sea turtle stranding events, and provides guidelines for implementation of temporary restrictions to prevent take levels in the Biological Opinion from being exceeded.

As described in the ERP, restrictions in addition to those already imposed by 50 CFR 227.72(e) will be placed on shrimping in the Interim Special Management Areas if 75 percent or more of the ITL is reached for 2 consecutive weeks. The ERP states that the restrictions are expected to be:

1. Prohibition of the use of soft TEDs;
2. Prohibition of the use of bottom opening TEDs;
3. Prohibition of the use of try nets, unless equipped with NMFS-approved TEDs other than soft or bottom-opening TEDs; and
4. Prohibition of the use of webbing flaps that completely cover the escape opening of TEDs, as described in the Requirements section herein.

In addition, when strandings remain elevated for one month in zones outside the Interim Special Management Area, the Director, Southeast Region, NMFS, may determine that management actions, similar to those specified for the Interim Special Management Areas, will be implemented.

Recent Stranding Events

Sea turtle strandings on offshore beaches in a number of fishery Statistical Zones in Texas have been elevated beyond historical levels in the spring of 1995.

Shrimp effort declined in south Texas waters in early March from unusually high levels of effort in February, and strandings were generally low throughout Texas during March. In Zone 20, 6 turtles stranded between January 1 and March 18, 1995; all 6 carcasses exhibited severed flippers or other straight-edge wounds. During the 2 consecutive weeks beginning on April 9, 1995, 3 turtles stranded per week on the offshore beaches of Zone 20, where the ITL was 4 turtles. Of those 6 turtles, 3 were Kemp's ridleys. One of the loggerhead turtles recovered in Zone 20 exhibited straight-edge wounds. Most recently, during the first 2 days of the week beginning on April 23, 5 turtles, including 3 ridleys, have stranded in Zone 20.

Elevated strandings for two consecutive weeks have been reported for two additional zones in Texas. Within Zone 19, strandings were above historical levels and met or exceeded the established ITL between March 26, 1995 and April 8, 1995. However, only one turtle stranded in each of the two following weeks. In Zone 21, which lies outside the Interim Special Management Areas, stranding levels were at or above the ITL from March 26 to April 15, but fell to only 1 stranding between April 16 and April 22. Because the most recent stranding reports from Zones 19 and 21 have been low, no management action for those zones is being promulgated at this time, but may be required if strandings again rise in those zones.

The most severe stranding rates occurred in Zone 18. Strandings were low in zone 18 until the week beginning April 9, when 12 turtles stranded on offshore beaches, including 9 Kemp's ridleys. A headstarted Kemp's ridley also stranded. For comparison, from 1991–1993, only 1 turtle stranded in Zone 18 during the same time period. During the week beginning April 16, 16 turtles, including 14 Kemp's ridleys, stranded.

Shrimping Effort and Enforcement

Comprehensive shrimp effort data are not yet available. However, preliminary information regarding activity within observed ports has been collected from NMFS Port Agents and Texas state officials. The data submitted in mid-April, based on landings and port activity, indicated that the fishery active in Texas and Louisiana did not appear to be significantly different from previous years. However, United States Coast Guard (USCG) personnel conducting overflights off Texas during the week of April 23, reported extremely heavy shrimping effort nearshore in Zones 18 and 20. The location and level of effort has varied, and has been affected, in part, by fluctuating weather conditions. Beach workers have reported concentrations of shrimping vessels in the vicinity of strandings during the week beginning April 9 and April 16. Recent turbulent weather may have shifted effort into nearshore waters where white shrimp are being targeted.

Enforcement efforts have been increased in the Northern Gulf Interim Special Management Area, especially in Zones 17 through 20. The USCG has doubled their normal operating level in response to the increased strandings reported in early April. NMFS TED Law Enforcement Team members have been deployed to the northern Gulf since April 1. Additional NMFS agents were added to enforcement efforts in Texas during the week of April 16–22 due to the continued strandings.

Enforcement efforts have not identified any recurring gear problems in the northern Gulf in 1995. NMFS gear specialists have been conducting informational and training workshops to assist shrimpers use TEDs. They report encountering soft TEDs with escape openings that were too small and hard TEDs with illegal ramps. Two net shops in Alabama were identified that were unaware that hard TEDs with ramps were not legal, and they have stopped manufacturing TEDs with ramps.

Analysis of Other Factors

NMFS has investigated factors other than shrimping that may contribute to sea turtle mortality in the northern Gulf, including environmental conditions, oil and gas activities, and other fisheries. There is no information to suggest that red tide or other environmental conditions have contributed to sea turtle strandings thus far in 1995. There were no oil platform removals by explosives during March 1995. One platform was removed on April 17 and 18, 30 miles (48.27 km) south of Cameron, LA. No sea turtles were sighted by the NMFS observers monitoring the rig removal. Seismic survey vessels have been operating throughout the northern Gulf, primarily beyond 10 nm (18.5 km) from shore. One vessel was operating from the beach in the center of the Matagorda Peninsula (Zone 19) out to 9 nm (16.7 km) between April 16 and April 18, during a week of low strandings for that zone. Seismic activities will be ongoing from Freeport through the southern end of the Matagorda Peninsula for the rest of the summer. NMFS has no information to suggest that seismic activities result in sea turtle mortalities. While observers on menhaden vessels have never observed the incidental take of a sea turtle, interactions with the

menhaden fishery are possible, but not likely to be fatal. The menhaden fishery opens the third Monday in April in northern Gulf waters (April 17 in 1995), and therefore would not have contributed to any of the strandings documented before that time.

A preliminary analysis of satellite sea surface data for the Gulf of Mexico, indicates that oceanographic conditions along the Texas-Louisiana coast are normal for this time of the year. The normal current flow from northeast to southwest along the Texas and Louisiana coastline is in place.

Restrictions on Fishing by Shrimp Trawlers

The Biological Opinion provides that conservation measures are to be implemented as mortality levels approach incidental take levels established in the Incidental Take Statement in order to ensure that shrimping is not likely to jeopardize the continued existence of Kemp's ridley. The Biological Opinion specifically provides that such measures will be implemented immediately when sea turtle takings, indicated or documented, reach 75 percent of the established levels. These measures are intended to allow shrimp fishing to continue, while reducing the likelihood of further sea turtle strandings. The ERP provides further guidance on the nature and geographic scope of such measures. As noted in the foregoing discussion, strandings have met or exceeded the 75 percent threshold of the ITL in zones 18 and 20, therefore conservation measures are being promulgated.

Pursuant to 50 CFR 227.72(e)(6), the exemption for incidental taking of sea turtles in 50 CFR 227.72(e)(1) does not authorize the incidental takings during fishing activities if the takings would violate the restrictions, terms or conditions of an incidental take statement or biological opinion, and may be likely to jeopardize the continued existence of a species listed under the Act. The AA has determined that continued takings of sea turtles by shrimp fishing are unauthorized, and therefore promulgates this action.

The measures that NMFS is promulgating include:

1. Prohibition of the use of soft TEDs;
2. Prohibition of the use of bottom opening TEDs;
3. Prohibition of the use of try nets, unless equipped with NMFS-approved TEDs other than soft or bottom-opening TEDs; and,
4. Prohibition of the use of webbing flaps that completely cover the escape opening of TEDs, as described in the Requirements section herein.

These restrictions are being applied in the Gulf of Mexico offshore waters seaward to 10 nm (18.5 km) along 2 sections of the Texas and Louisiana coasts, between 27° N. lat. and 28° N. lat. and between 95°13′ W. long. and 93°20.5′ W. long. Under 50 CFR 217.12, offshore is defined as marine and tidal waters seaward of the 72 COLREGS demarcation line (International Regulations for Preventing Collisions at Sea, 1972), as depicted or noted on nautical charts published by the NOAA (Coast Charts, 1:80,000 scale) and as described in 33 CFR part 80.

This area includes the nearshore waters of Zones 20 and 18, where elevated sea turtle strandings are occurring, and the western portion of Zone 17 east to Calcasieu Pass, LA, and the extreme northeastern portion of zone 19. This portion of Zone 17 is included in the affected area for several reasons. The first is the likelihood that some of the carcasses documented in Zone 18 were taken in Zone 17 and carried into Zone 18 by the westward flowing current. Secondly, the areas immediately around Sabine Pass and Calcasieu Pass have been identified as high-use habitat for Kemp's ridley turtles. They are also the sites of heavy shrimping effort. Thirdly, limiting the restricted area to the eastern boundary of Zone 17 may shift some shrimping effort to the east, increasing the already heavy fishing pressure around Sabine Pass and Calcasieu Pass and increasing the threat to sea turtles from intensive shrimp trawling. Finally, in the week beginning April 16, 1995, 2 Kemph's ridley turtles stranded in the Texas portion of Zone 17, which includes only about 8.5 nm (14.8 km) of the 58 miles (93.3 km) of coastline in Zone 17. No strandings have been reported in the Louisiana portion of Zone 17, but most of the shoreline in Louisiana is inaccessible or poorly monitored for sea turtle strandings. As described in the ERP, NMFS may extend conservation measures in any statistical zone to portions of contiguous zones as determined necessary.

These restrictions will allow fishing by shrimp trawlers to continue in these statistical areas despite elevated rates of turtle strandings. Gear types that have the greatest potential for turtle capture are prohibited. Although soft TEDs and bottom opening TEDs are generally approved for use, NMFS believes that they may not be as effective, under some conditions, as top opening hard TEDs at releasing turtles. NMFS has previously promulgated regulations to address and discuss problems with bottom-opening hard TEDs (59 FR 33447, June 29, 1994; 60 FR 15512, March 24, 1995).

Notwithstanding the required use of floats, turtles may be more susceptible to capture in bottom-opening TEDs. Pursuant to 50 CFR 227.72(e)(2)(ii)(B)(*1*), try nets have been exempted from the TED requirements, because they are only intended for use in brief sampling tows not likely to result in turtle mortality. Turtles are, however, caught in try nets, and either through repeated captures or long tows, try nets can contribute to the mortality of sea turtles. Takes of sea turtles in try nets, including one mortality, have been documented by NMFS. Finally, webbing flaps have been permitted to help reduce shrimp loss with TEDs, but may be hindering turtle release. In a top-opening TED, high pressure is generated above the trawl net which forces the webbing flap closed; while in a bottom-opening TED, the weight of the TED grid can pin the webbing flap shut over the escape opening. Additionally, the webbing flap can be sewn shut to disable the TED deliberately. Under these temporary restrictions, only NMFS-approved hard or special hard TEDs with top escape openings may be used in shrimp trawls in the specified areas. If flaps are used, they may not cover the escape opening. Figure 1 illustrates a top-opening hard TED with a shortened webbing flap meeting the dimension requirements of this emergency action.

Requirements

This action is authorized by 50 CFR 227.72(e)(6). The definitions in 50 CFR 217.12 are applicable to this action, as well as all relevant provisions in 50 CFR parts 217 and 227. For example, § 227.71(b)(3) provides that it is unlawful to fish for or possess fish or wildlife contrary to a restriction specified or issued under § 227.72 (e)(3) or (e)(6).

NMFS hereby notifies owners and operators of shrimp trawlers (as defined in 50 CFR 217.12) that for a 30-day period, starting 12:01 a.m. (local time) on April 30, 1995, and ending 11:59 p.m. (local time) on May 30, 1995, fishing by shrimp trawlers in offshore waters, seaward to 10 nm (18.5 km) from the COLREGS line, along 2 sections of the Texas and Louisiana coast, the first bounded between 27° N. lat. and 28° N. lat. and the second bounded between 95°13′ W. long. and 93°20.5′ W. long., is prohibited unless shrimp trawlers comply with the following restrictions to the exceptions for incidental taking in 50 CFR 227.72(e):

1. Use of soft TEDs described in 50 CFR 227.72(e)(4)(iii) is prohibited.

2. Use of hard TEDs with bottom escape openings and special hard TEDs with bottom escape openings is prohibited. Approved hard TEDs and special hard TEDs must be configured with the slope of the deflector bars upward from forward to aft and with the escape opening at the top of the trawl.

3. Use of try nets with a headrope length of 20 ft (6.1 m) or less is prohibited unless an NMFS-approved top-opening, hard TED or special hard TED is installed when the try nets are rigged for fishing.

4. Use of a webbing flap that completely covers the escape opening in the trawl is prohibited. Any webbing which is attached to the trawl, forward of the escape opening, must be cut to a length so that the trailing edge of such webbing does not approach to within 2 inches (5.1 cm) of the posterior edge of the TED grid (see Figure 1). The requirements for the size of the escape opening are unchanged.

All provisions in 50 CFR 227.72(e), including, but not limited to 50 CFR 227.72(e)(2)(ii)(B)(*1*) (use of try nets), 50 CFR 227.72(e)(4)(iii) (approval of soft TEDs), 50 CFR 227.72(e)(4)(i)(F) (position of escape opening), and 50 CFR 227.72(e)(4)(iv)(C) (webbing flap), that do not conform to these requirements are hereby suspended for the duration of this action.

NMFS hereby notifies owners and operators of shrimp trawlers in the area subject to restrictions that they may be required to carry an NMFS-approved observer aboard such vessel(s) if selected to do so by the Director, Southeast Region, NMFS, upon written notification sent to either the address specified for the vessel registration or documentation purposes, or otherwise served on the owner or operator of the vessel. Shrimp trawlers must comply with the terms and conditions specified in such written notification.

Additional Conservation Measures

The AA may withdraw or modify the requirement for specific conservation measures or any restriction on shrimping activities if the AA determines that such action is warranted. Notification of any additional sea turtle conservation measures, including any extension of this 30-day emergency action, will be published in the **Federal Register** pursuant to 50 CFR 227.72(e)(6).

NMFS will continue to monitor sea turtle strandings to gauge the effectiveness of these conservation measures. If, after these restrictions are instituted, strandings in statistical areas 17, 18, and/or 20 persist at or above 75 percent of the ITL for 2 weeks, NMFS will follow the guidance in the ERP to determine whether to prohibit fishing by some or all shrimp trawlers, as required, in the offshore waters of statistical areas 17, 18, and/or 20 seaward to 10 nm (18.5 km) from the COLREGS line, for a period of 30 days. Contiguous statistical areas or portions of those areas may be included in the closure as necessary. These restrictions may apply to gear types/vessels currently exempted from the TED requirement at 50 CFR 227.72(e)(2)(ii)(A) and/or (B). Area closures will be promulgated through emergency rulemaking notices pursuant to the procedures identified at 50 CFR 227.72(e)(6).

Classification

The AA has determined that this action is necessary to respond to an emergency situation to conserve and provide adequate protection for endangered and threatened sea turtles pursuant to the ESA and other applicable law.

Because neither section 553 of the Administrative Procedure Act (APA), nor any other law requires that general notice of proposed rulemaking be published for this action, and under section 603(b) of the Regulatory Flexibility Act, an initial Regulatory Flexibility Analysis is not required.

This action has been determined to be not significant for purposes of E.O. 12866.

Pursuant to section 553(b)(B) of the APA, the AA finds there is good cause to waive prior notice and opportunity to comment on this rule. It is impracticable and contrary to the public interest to provide prior notice and opportunity for comment because unusually high levels of turtle strandings have been reported in shrimp fishery statistical areas 18 and 20 and continue to occur as shrimping continues. Any delay in this action will likely result in additional fatal takings of listed sea turtles.

Pursuant to section 553(d) of the APA, the AA finds there is good cause to waive the 30-day delayed effective date. In addition to the need to protect listed sea turtles, these restrictions are expected to impose only a minor burden on shrimp fishermen. The predominant TED design in use in the affected area is a bottom-opening hard grid TED. Bottom-opening hard grid TEDs can be modified to comply with these restrictions in one to two hours. Any webbing flap over the escape opening can be shortened in less than ten minutes. Trawlers equipped with soft TEDs may be required to move out of the affected area, either offshore or alongshore, or to equip their nets with hard TEDs. Hard grid TEDs are available for as little as $75.00 and take several hours to install. Finally, some fishermen may not elect to equip their try nets with hard grid TEDs. These fishermen would then be unable to monitor their catch rate during long tows.

The AA prepared an EA for the final rule (57 FR 57348, December 4, 1992) requiring TED use in shrimp trawls and establishing the 30-day notice procedures. A supplemental EA has been prepared for this action. Copies of the EA and the supplemental EA are available (see **ADDRESSES**).

Dated: April 27, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

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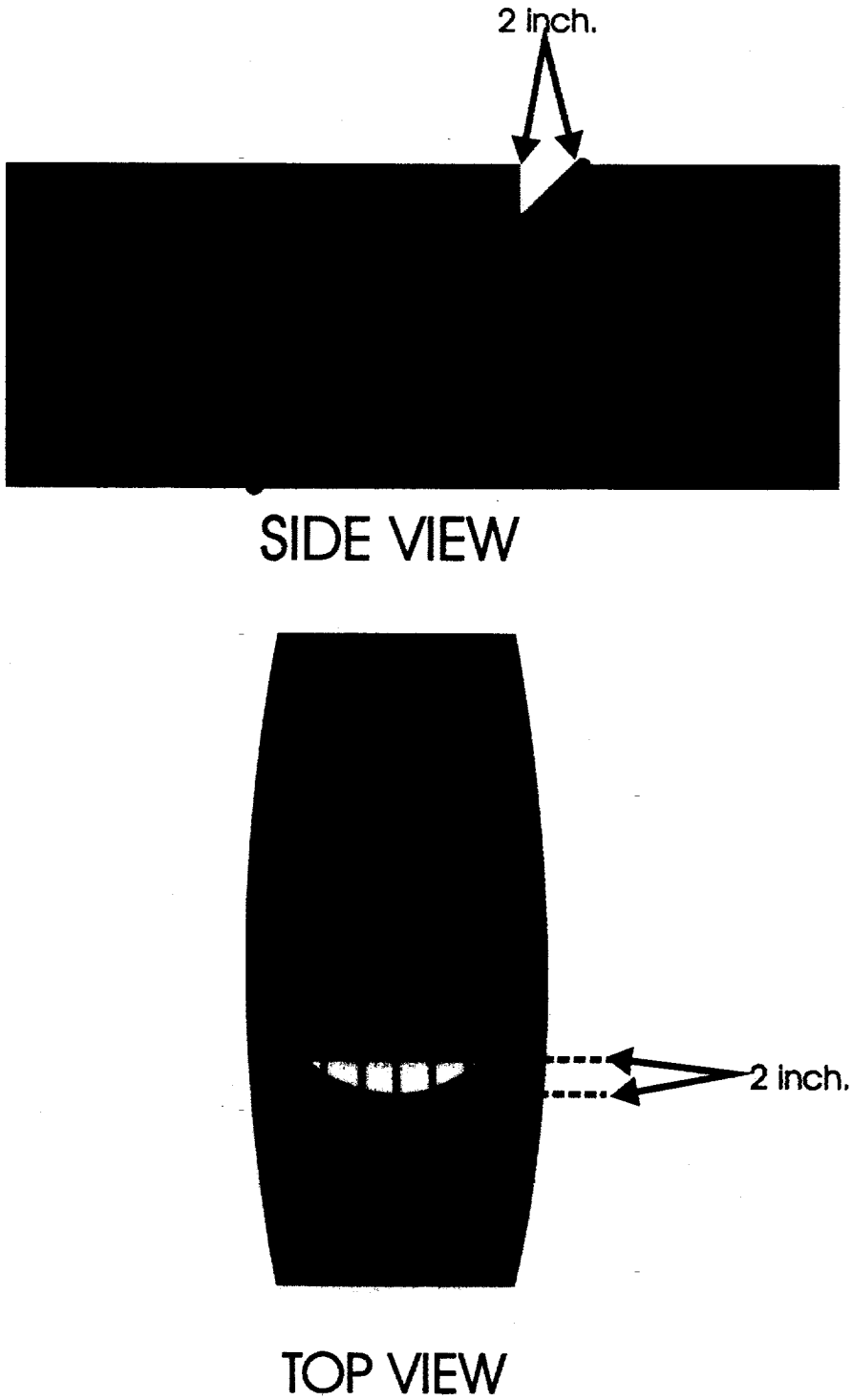

FIGURE 1 SHORTENED WEBBING OVER THE ESCAPE OPENING COMPLYING WITH REQUIREMENT NUMBER 4 OF THIS ACTION.

[FR Doc. 95–10796 Filed 4–27–95; 4:48 pm]
BILLING CODE 3510–22–C

50 CFR Part 661

[Docket No. 950426116–5116–01; I.D. 042095A]

RIN 0648–AH79

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California; 1995 Management Measures

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Annual management measures for the ocean salmon fishery; request for comments.

SUMMARY: NMFS establishes fishery management measures for the ocean salmon fisheries off Washington, Oregon, and California for 1995. Specific fishery management measures vary by fishery and area. The measures establish fishing areas, seasons, quotas, legal gear, recreational fishing days and catch limits, possession and landing restrictions, and minimum lengths for salmon taken in the exclusive economic zone (3–200 nautical miles) off Washington, Oregon, and California. These management measures are intended to prevent overfishing and to apportion the ocean harvest equitably among treaty Indian and non-treaty commercial and recreational fisheries. The measures are intended to allow a portion of the salmon runs to escape the ocean fisheries to provide for spawning escapement and inside fisheries. NMFS also announces 1996 recreational salmon seasons opening earlier than May 1, 1996.

DATES: Effective from 0001 hours Pacific Daylight Time (P.d.t.), May 1, 1995, until the effective date of the 1996 management measures, as published in the **Federal Register**.

Comments must be received by June 2, 1995.

ADDRESSES: Comments on the management measures may be sent to William Stelle, Jr., Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way N.E., BIN C15700, Seattle, WA 98115–0070; or Hilda Diaz-Soltero, Director, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213. Documents cited in this notice are available on request.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140, or Rodney R. McInnis at 310–980–4030.

SUPPLEMENTARY INFORMATION:

Background

The ocean salmon fisheries off Washington, Oregon, and California are managed under a ''framework'' fishery management plan (FMP). The framework FMP was approved in 1984 and has been amended five times (52 FR 4146, February 10, 1987; 53 FR 30285, August 11, 1988; 54 FR 19185, May 4, 1989; 56 FR 26774, June 11, 1991; 59 FR 23013, May 4, 1994). Regulations at 50 CFR part 661 provide the mechanism for making preseason and inseason adjustments to the management measures, within limits set by the FMP, by notification in the **Federal Register**.

These management measures for the 1995 ocean salmon fisheries were recommended by the Pacific Fishery Management Council (Council) at its April 4–7, 1995, meeting.

Schedule Used To Establish 1995 Management Measures

In accordance with the FMP, the Council's Salmon Technical Team (STT) and staff economist prepared several reports for the Council, its advisors, and the public. The first report, ''Review of 1994 Ocean Salmon Fisheries,'' summarizes the 1994 ocean salmon fisheries and assesses how well the Council's management objectives were met in 1994. The second report, ''Preseason Report I Stock Abundance Analysis for 1995 Ocean Salmon Fisheries,'' provides the 1995 salmon stock abundance projections and analyzes the impacts on the stocks and Council management goals if the 1994 regulations or regulatory procedures were applied to the 1995 stock abundances.

The Council met on March 7–10, 1995, in South San Francisco, CA, to develop proposed management options for 1995. Three commercial and three recreational fishery management options were proposed for analysis and public comment. These options presented various combinations of management measures designed to protect numerous weak stocks of coho and chinook salmon and provide for ocean harvests of more abundant stocks. All options provided for no directed harvest of chinook salmon in non-treaty fisheries north of Cape Falcon, OR, and no directed harvest of coho salmon south of Cape Falcon. After the March Council meeting, the STT and staff economist prepared a third report, ''Preseason Report II Analysis of Proposed Regulatory Options for 1995 Ocean Salmon Fisheries,'' which analyzes the effects of the proposed 1995 management options. This report also was distributed to the Council, its advisors, and the public.

Public hearings on the proposed options were held March 27–29, 1995, in Westport, WA; Astoria and North Bend, OR; and Eureka and Sacramento, CA.

The Council met on April 4–7, 1995, in Portland, OR, to adopt its final 1995 recommendations. Following the April Council meeting, the STT and staff economist prepared a fourth report, ''Preseason Report III Analysis of Council-Adopted Management Measures for 1995 Ocean Salmon Fisheries,'' which analyzes the environmental and socio-economic effects of the Council's final recommendations. This report also was distributed to the Council, its advisors, and the public.

Resource Status

Many salmon runs returning to Washington, Oregon, and California streams in 1995 are expected to be somewhat improved from the record low levels in 1994.

Aside from salmon species listed under the Endangered Species Act (discussed below), the primary resource concerns are for: Klamath River fall chinook; Columbia River hatchery chinook; Oregon Production Index area coho stocks destined for the Columbia River and the California and Oregon coasts, particularly Oregon coastal natural coho; and Washington coastal and Puget Sound natural coho. (The Oregon Production Index (OPI) is an annual index of coho abundance from Leadbetter Point, Washington, south through California). Management of all of these stocks is affected by interjurisdictional agreements among Tribal, State, Federal, and/or Canadian managers.

Chinook Salmon Stocks

California Central Valley stocks are relatively abundant compared to the other chinook stocks of the Pacific coast. The Central Valley Index of abundance of combined Central Valley chinook stocks is estimated to be 654,000 fish for 1995, 13 percent above the postseason estimate of the index for 1994 and 7 percent above the average of the index from 1970–1994. The spawning escapement of Sacramento River adult fall chinook was 141,700 adults in 1994, 11 percent greater than the 1993 escapement and within the spawning escapement goal range of 122,000 to 180,000 adult spawners.

Winter-run chinook from the Sacramento River are listed under the ESA as an endangered species (59 FR 440, January 4, 1994) and are a

consideration in establishing ocean fishing regulations. The 1994 spawning escapement was estimated to be 189 adults, the lowest return on record. Neither preseason nor postseason estimates of ocean abundance are available for the winter run.

Klamath River fall chinook ocean abundance is expected to be 172,100 age-3 and age-4 fish at the beginning of the fishing season. Although the abundance forecast is 31 percent above the 1994 actual abundance, it is 43 percent below the average estimates for 1985–94. The spawning escapement goal for the stock is 33–34 percent of the natural adults for each brood but no fewer than 35,000 natural spawners (fish that spawn outside of hatcheries). The natural spawning escapement in 1994 was 33,400 adults, which was below the minimum natural spawner requirement for the fifth consecutive year.

In recent years of low abundances, the procedures used to model the Klamath fall chinook population have consistently overestimated stock abundance. This year the Council modified the predictor used to forecast age-4 ocean abundance. The change resulted in a 24 percent reduction in the 1995 forecast of the age-4 ocean population. A new predictor of the ratio of natural to hatchery adult spawners was also implemented in the 1995 escapement forecast.

Oregon coastal chinook stocks include south-migrating and localized stocks primarily from southern Oregon streams, and north-migrating chinook stocks which generally originate in central and northern Oregon streams. Abundance of south-migrating and localized stocks is expected to be low and similar to the levels observed in 1994. These stocks are important contributors to ocean fisheries off Oregon and northern California. The generalized expectation for north-migrating stocks is for a continuation of average to above-average abundance as observed in recent years. These stocks contribute primarily to ocean fisheries off British Columbia and Alaska. It is expected that the aggregate Oregon coastal chinook spawning escapement goal of 150,000 to 200,000 naturally spawning adults will be met in 1995.

Estimates of Columbia River chinook abundance vary by stock as follows.

(1) *Upper Columbia River spring and summer chinook.* Numbers of upriver spring chinook predicted to return to the river in 1995 are at a record low of 12,000 fish, 43 percent below the 1994 run size of 21,100 fish, and 79 percent below the 1979–84 average of 56,600 fish. The 1995 stock status continues the substantial 1994 decline from recent improvements (1985–90 and 1992–93) in the depressed status of this stock. The 1985–90 and 1992–93 increases from the poor returns in the early 1980s are primarily the result of increases of hatchery stocks. The natural stock component remains severely depressed. Ocean escapement is expected to be significantly below the goal of 115,000 adults counted at Bonneville Dam. Upriver spring chinook are affected only slightly by ocean harvests in Council area fisheries, with the contribution of these stocks being generally 1 percent or less of the total chinook catch north of Cape Falcon, OR. Expected ocean escapement of adult upriver summer chinook is a record low of 8,600 fish. The 1995 stock status remains extremely depressed, with ocean escapement being only 11 percent of the lower end of the spawning escapement goal range of 80,000 to 90,000 adults counted at Bonneville Dam. Upriver summer chinook migrate to the far north and are not a major contributor to ocean fisheries off Washington and Oregon. Snake River spring and summer chinook are listed as threatened under the ESA (57 FR 14653, April 22, 1992).

(2) *Willamette River spring chinook.* Willamette River spring chinook returns are projected to be 48,500 fish, similar to the observed 1994 run of 47,800 fish, and 26 percent below the 1980–84 average return of 65,000 fish. Willamette River spring chinook stocks are important contributors to Council area fishery catches north of Cape Falcon.

(3) *Columbia River fall chinook.* Abundance estimates are made for five distinct fall chinook stock units, as follows.

(a) Upriver bright fall chinook ocean escapement is expected to be 125,000 adults, 7 percent below the 1994 actual return of 134,500 adults. The escapement goal for upriver bright fall chinook is 40,000 adults above McNary Dam, although in recent years the management goal has been 45,000 adults above McNary Dam. This stock has a northern ocean migratory pattern and constitutes less than 10 percent of Council area fisheries north of Cape Falcon.

(b) Lower river natural fall chinook ocean escapement is forecast at 11,500 adults, 11 percent below the 1994 run size of 12,900 adults.

(c) Lower river hatchery fall chinook ocean escapement is forecast at a record low of 42,400 adults, similar to the 1994 preseason estimate but 20 percent below the 1994 return of 52,900 adults. This stock has declined sharply since the record high return in 1987. Lower Columbia River fall chinook stocks normally account for more than half the total catch in Council area fisheries north of Cape Falcon, with lower river hatchery fall chinook being the single largest contributing stock.

(d) Spring Creek hatchery fall chinook ocean escapement is projected to be about 22,500 adults, above the 1994 return of 18,000 adults; the 1986–1990 average ocean escapement was 16,700 adults. The Spring Creek hatchery fall chinook stock has been rebuilding slowly since the record low return in 1987.

(e) Mid-Columbia bright fall chinook ocean escapement is projected to be about 30,100 adults, 6 percent above the 1994 return of 28,500 adults. These fall chinook are returns primarily from hatchery releases of bright fall chinook stock in the area below McNary Dam, although some natural spawning in tributaries between Bonneville and McNary dams is also occurring.

(4) *Snake River wild fall chinook.* Also of concern are Snake River wild fall chinook, which are listed as threatened under the ESA (57 FR 14653, April 22, 1992). Ocean escapement of Snake River fall chinook in 1995 is predicted to be 580 fish, just over one-half the 1994 run. Information on the stock's ocean distribution and fishery impacts are not available. Attempts to evaluate fishery impacts on Snake River fall chinook have used the Lyons Ferry Hatchery stock to represent Snake River wild fall chinook. The Lyons Ferry stock is widely distributed and harvested by ocean fisheries from southern California to Alaska.

(5) *Washington coastal and Puget Sound chinook.* Washington coastal and Puget Sound chinook generally migrate to the far north and are affected insignificantly by ocean harvests from Cape Falcon to the U.S.-Canada border.

Coho Salmon Stocks

Oregon coastal and Columbia River coho stocks are the primary components of the OPI. Beginning in 1988, the Council adopted revised estimation procedures that were expected to more accurately predict abundance of the following individual OPI area stock components: Public hatchery, private hatchery, Oregon coastal natural (OCN) for rivers and lakes, and Salmon Trout Enhancement Program. Prediction methodologies are described in the Council's ''Preseason Report I Stock Abundance Analysis for 1988 Ocean Salmon Fisheries.'' In response to the extremely low abundances in 1994, some changes to the abundance predictors were implemented as described in the Council's ''Preseason Report I Stock Abundance Analysis for

1994 Ocean Salmon Fisheries.'' In particular, the predictor for the OCN river component did not adequately incorporate environmental variability. Therefore, an environment-based model used to predict abundance in 1994 is again being used in 1995. This model incorporates upwelling and sea surface temperatures by year, but its long-term usefulness is doubtful, because it does not take into account the number of spawners. Future use of this model will be evaluated before the 1996 season. The 1995 OPI is forecast to be 443,000 coho, 85 percent above the 1994 preseason forecast of 239,700 coho, and 30 percent above the 1994 observed level of 341,000 fish. The 1995 estimate includes one of the lowest on record for OCN coho: 219,000 fish, 61 percent above the record low abundance of 136,200 OCN fish observed in 1994. The 1994 spawning escapement of the OCN stock was 133,300 fish.

All Washington coastal natural coho stocks and Puget Sound combined natural coho stocks are expected to be more abundant in 1995 than forecast in 1994. Abundances for Washington coastal stocks of Hoh, Queets, and Grays Harbor natural coho are projected to be 36 percent, 75 percent, and 70–92 percent above the 1994 preseason predictions, respectively. Abundances for Puget Sound stocks of Skagit, Stillaguamish, and Hood Canal natural coho are projected to be 66 percent, more than 3 times, and 43 percent above the 1994 preseason predictions, respectively. Despite increased abundance, many natural coho run sizes are forecast to be well below maximum sustainable yield (MSY) spawning escapement goals. Abundance forecasts for coho hatchery production are well above 1994 expectations for most Washington coastal stocks and 10 percent below the 1994 forecast for Puget Sound combined stocks.

Coho populations in California have not been monitored closely nor have they been a controlling factor in establishing ocean salmon management measures in the past. Although no forecast of the ocean abundance of coho originating from California are available, these runs have been generally at low abundance levels for several years. Concern for California coho has prompted petitions to list these runs under the ESA and a formal review of their status has confirmed that concern is well founded. NMFS is considering the results of the status review and may soon propose to list appropriate groups of coho stocks in California as well as elsewhere on the coast.

Pink Salmon Stocks

Major pink salmon runs return to the Fraser River and Puget Sound only in odd-numbered years. In 1995, abundance expectations are for 20 million Fraser River pink salmon and 3.4 million Puget Sound pink salmon.

Management Measures for 1995

The Council adopted allowable ocean harvest levels and management measures for 1995 that are designed to apportion the burden of protecting the weak stocks discussed above equitably among ocean fisheries and to allow maximum harvest of natural and hatchery runs surplus to inside fishery and spawning needs. The management measures below reflect the Council's recommendations.

A. South of Cape Falcon

In the area south of Cape Falcon, the management measures in this rule are based primarily on concerns for Klamath River fall chinook, Sacramento River winter chinook, and California and OCN coho stocks.

The low abundance of Klamath River fall chinook resulted in restrictive fishing seasons in the area between Humbug Mountain, OR, and Horse Mountain, CA, termed the Klamath management zone (KMZ), as well as in the areas adjacent to the KMZ. The Council recommended measures that equally distribute Klamath River fall chinook impacts north and south of the KMZ and provide for a target ocean exploitation rate on age-4 Klamath fall chinook of 9 percent. This level of ocean harvest is intended to provide equal sharing of the harvest of Klamath River fall chinook between the Klamath River Indian Tribes and non-Indian fishers, as well as meet the spawning escapement floor of 35,000 natural adult spawners.

Sacramento River winter-run chinook are listed as an endangered species under the ESA. In 1991, NMFS concluded a formal consultation regarding the impacts of the ocean salmon fishing regulations on the winter run. The biological opinion issued from that consultation concluded that the 1990 level of incidental harvest by ocean fisheries should allow the recovery of the winter-run. NMFS recommended shortening the recreational fishing season off central California and closure of an area at the mouth of San Francisco Bay during the time when the winter-run are entering the Bay. These recommended conservation measures were implemented in 1991 and remain a part of the salmon management measures for 1995. NMFS also recommended reducing ocean impacts on winter-run chinook from their 1990 levels. The overall impact of the 1995 salmon management program on the winter-run is expected to be less than in 1990, the base year for the biological opinion. This expectation is based on the ocean exploitation index model for the Central Valley Index stocks of fall chinook, which predicts an ocean exploitation index of 0.72 in 1995 as compared to 0.79 in 1990. These indices only indicate the relative impact on the winter-run, because these fish are less vulnerable to the ocean fisheries than fall-run chinook due to the timing of the seasons as well as their growth and migration patterns.

Since 1991, all hatchery-reared Sacramento River winter chinook have been tagged. Based on ocean recoveries of tagged winter chinook, it is estimated that approximately 100 hatchery produced winter chinook were taken in the 1994 sport and commercial harvests. There are no estimates of the ocean abundance of either hatchery or wild winter-run chinook, nor are there estimates of the numbers of wild winter-run chinook taken by ocean fisheries. As a result, it is not possible to assess what fraction of the total winter-run chinook population the estimated 100 hatchery-reared adults taken in ocean fisheries represent. NMFS intends to reinitiate consultation prior to next year's seasons under section 7 of the ESA to determine whether further steps are necessary to reduce overall mortality of the stock.

The 1995 abundance estimate for OCN coho is a near-record low of 219,000 fish. At this abundance level, the FMP only allows up to a 20 percent incidental exploitation rate that would result in a spawner escapement of 35 adults per mile on standard index surveys. The 1995 management measures result in a total OCN coho exploitation rate of 12 percent, of which 5 percent are impacts associated with non-Council fisheries (Canadian, Alaskan, and inside fisheries). At this exploitation rate, the expected spawner escapement is 38 adults per mile on standard index surveys—less than the spawning escapement goal of 42 adults per mile. There is also ongoing concern for specific individual stocks within the OCN complex, given the disproportionate geographic distribution of OCN coho spawners. The Council's recommendations include time and area closures, and gear restrictions intended to minimize incidental fishing contact with OCN coho and subsequent hook-and-release mortality while allowing access to harvestable stocks of chinook salmon.

Commercial Troll Fisheries

Retention of coho salmon is prohibited in all areas south of Cape Falcon. All seasons listed below are restricted to all salmon species except coho salmon.

Chinook quotas are being implemented in the area between Florence South Jetty and House Rock, OR, to further ensure that the ocean impacts on Klamath River fall chinook do not exceed those that have been modeled. Specifically, commercial troll fisheries will be limited to: Quotas of 1,000 chinook during May in the area between Sisters Rocks and House Rock; 1,200 chinook during July and August in the area between Sisters Rocks and Mack Arch; 13,500 chinook during May and June in the area between Cape Arago and Humbug Mountain; 10,000 chinook during September and October in the area between Cape Arago and Humbug Mountain; and 14,000 chinook during August in the area between Florence South Jetty and Cape Arago. Troll fisheries in other areas south of Cape Falcon are not limited by chinook quotas because of the minor contribution of Klamath stocks to the fisheries.

From Point San Pedro, CA, to the United States-Mexico border, the commercial fishery for all salmon, except coho, will open May 1 through June 15, then reopen July 19 through September 30. Gear is restricted to no more than six lines per boat.

From Point Reyes to Point San Pedro, CA, the commercial fishery for all salmon, except coho, will open May 24 through July 4, then reopen July 19 through September 30. Gear is restricted to no more than six lines per boat.

From Point Arena to Point Reyes, CA, the commercial fishery for all salmon, except coho, will open July 5 through September 30. Gear is restricted to no more than six lines per boat.

From Horse Mountain to Point Arena, CA, the commercial fishery for all salmon, except coho, will open September 1 through September 30. Gear is restricted to no more than six lines per boat.

From Sisters Rocks to House Rock, OR, the commercial fishery for all salmon, except coho, will be open on the following days through May 31 or attainment of the chinook quota, whichever comes earlier: May 1–2, 5–6, 10–11, 14–15, 18–19, 23–24, 27–28, and 31. The days open may be adjusted inseason, if necessary, to manage the fishery. Gear is restricted to no more than four spreads per line, with the open area restricted to only 0–6 nautical miles (11.1 km) of the baseline from which the territorial sea is measured.

From Sisters Rocks to Mack Arch, OR, the commercial fishery for all salmon, except coho, will open the following days through August 31 or attainment of the chinook quota, whichever comes earlier: July 24–25, 28–29, August 1–2, 5–6, 9–10, 13–14, 17–18, 21–22, 25–26, and 30–31. The days open may be adjusted inseason if necessary to manage the fishery. Gear is restricted to no more than four spreads per line, with the open area restricted to only 0–4 nautical miles (7.4 km) of the baseline from which the territorial sea is measured.

From Cape Falcon to Humbug Mountain, OR, the commercial fishery for all salmon except coho will open May 1 and continue through June 30, except that the area between Cape Arago and Humbug Mountain will close on the attainment of the chinook quota for that area. A control zone in state waters at the mouth of Tillamook Bay will be closed to commercial troll fishing in June. Gear is restricted to no more than four spreads per line.

Later in the season, the area from Cape Arago to Humbug Mountain will reopen for all salmon, except coho, on September 1 and continue through the earlier of October 31 or attainment of the chinook quota. Gear is restricted to no more than four spreads per line.

From Florence South Jetty to Cape Arago, OR, the commercial fishery for all salmon, except coho, will reopen August 1 until attainment of the 14,000 chinook quota, then open again September 1 through October 31. Gear is restricted to no more than four spreads per line.

From Cape Falcon to Florence South Jetty, OR, the commercial fishery for all salmon except coho will reopen August 1 through October 31, except that in September the open area north of Cape Lookout is restricted to 0–3 miles (4.8 km) of the baseline from which the territorial sea is measured. A control zone in state waters at the mouth of Tillamook Bay will be closed to commercial troll fishing in August and September.

Recreational Fisheries

Retention of coho salmon is prohibited in all areas from May 1. From Point Arena, CA, to the United States-Mexico border, the recreational fishery, which opened on March 4 (the nearest Saturday to March 1) for all salmon, continues for all salmon, except coho, from May 1 through October 29 (the nearest Sunday to November 1) with a two-fish daily bag limit.

From Horse Mountain to Point Arena, the recreational fishery, which opened on February 18 (the nearest Saturday to February 15) for all salmon, continues for all salmon, except coho, from May 1 through June 30, with a two-fish daily bag limit. This area will reopen on August 1 for all salmon except coho and continue through November 12 (the nearest Sunday to November 15) with a two-fish daily bag limit.

From Humbug Mountain to Horse Mountain, the recreational fishery will open May 17 for all salmon, except coho, and continue through the earlier of July 8 or attainment of the 10,600-chinook quota. If the quota is exceeded by more than 10 percent, the amount over 10 percent will be deducted from the August quota. This area will reopen on August 16 for all salmon, except coho, and continue through the earlier of August 31 or attainment of the 900-chinook quota, except that the control zone at the mouth of the Klamath River will be closed. Both seasons will be open Wednesday through Saturday only, with a one-fish daily bag limit. This area will reopen for all salmon except coho from September 1 through September 9, open 7 days per week, with a one-fish daily bag limit, and no person may retain more than 6 fish in 7 consecutive days.

From Cape Falcon to Humbug Mountain, the recreational fishery will open May 1 through June 30 for all salmon except coho, with a two-fish daily bag limit, no more than six fish in 7 consecutive days, and a control zone at the mouth of Tillamook Bay will be closed in June. Legal gear is limited to artificial plugs or whole bait, either of which must be no less than 6 inches (15.2 cm) long; only nonpainted weights may be used; and no more than two single-point, single-shank barbless hooks are allowed on whole bait or artificial plugs. All attractors, including divers, are prohibited.

B. North of Cape Falcon

From the United States-Canada border to Cape Falcon, ocean fisheries are managed to protect depressed upper Columbia River spring and summer chinook salmon, lower Columbia River hatchery fall chinook salmon, and Washington coastal and Puget Sound natural coho salmon stocks. Ocean treaty and non-treaty harvests and management measures were based in part on negotiations between Washington State fishery managers, user groups, and the Washington coastal, Puget Sound, and Columbia River Treaty Indian tribes as authorized by the U.S. District Court in *U.S.* v.

Washington, U.S. v. *Oregon,* and *Hoh Indian Tribe et al.* v. *Baldridge.*

Due to the projected low returns for Columbia River chinook salmon stocks, non-treaty commercial troll and recreational ocean fisheries north of Cape Falcon prohibit the retention of chinook salmon in 1995. Snake River wild spring chinook and Snake River wild summer chinook comprise only a very small proportion of total chinook abundance in the Council management area, and it is unlikely that these fish are significantly impacted in Council area fisheries. For Snake River wild fall chinook, which are caught in Council area fisheries, the STT estimated a 65-percent reduction in the ocean exploitation rate in Council area fisheries under the recommended 1995 ocean measures compared to the 1988–93 average.

Commercial Troll Fisheries

The commercial fishery for all salmon except chinook will open between the United States-Canada border and Carroll Island, WA, on August 5 through the earliest of September 15 or attainment of the 18,750-coho quota or the 160,000-pink-salmon guideline. The fishery will follow a cycle of 4 days open and 3 days closed, with a possession and landing limit of 80 coho per opening, and gear restricted to flashers with barbless, bare, blued hooks or flashers with barbless hooks and pink hoochies of 3 inches (7.6 cm) or less.

Recreational Fisheries

Recreational all-salmon-except-chinook fisheries are divided into four subareas. Opening dates, subarea quotas, bag limits, and area and gear restrictions are described below. The fisheries in all subareas will close by September 28 or at attainment of the subarea coho salmon quota.

From the Queets River to Leadbetter Point and from Leadbetter Point to Cape Falcon, the fishery will open July 24, with coho subarea quotas of 20,800 and 28,125, respectively. Both subareas will be open Sunday through Thursday only, with a two-fish daily bag limit; no person may retain more than four fish in 7 consecutive days; and the area will be closed 0–3 miles (4.8 km) off shore and in the control zone at the Columbia River mouth.

From Cape Alava to Queets River, the fishery will open August 1, with a 1,460 coho subarea quota, open Sunday through Thursday only, will be subject to a two-fish daily bag limit, and closed 0–3 miles (4.8 km) of shore.

From the U.S.-Canada border to Cape Alava, the fishery will open August 1 with a 5,850-coho subarea quota, open 7 days per week with a two-fish daily bag limit, and closed 0–3 miles (4.8 km) off shore south of Skagway Rock.

Treaty Indian Fisheries

Ocean salmon management measures proposed by the treaty Indian tribes are part of a comprehensive package of Indian and non-Indian salmon fisheries in the ocean and inside waters agreed to by the various parties. Treaty troll seasons, minimum length restrictions, and gear restrictions were developed by the tribes and agreed to by the Council. Treaty Indian troll fisheries north of Cape Falcon are governed by quotas of 12,000 chinook and 25,000 coho salmon. The all-except-coho seasons will open May 1 and extend through May 31 or until the overall harvest guideline of 7,000 chinook is reached, whichever is earlier. The all-salmon seasons will open August 1 and extend through the earliest of September 30 or attainment of the chinook or coho quotas. The minimum length restrictions for all treaty ocean fisheries, excluding ceremonial and subsistence harvest, is 24 inches (61.0 cm) for chinook and 16 inches (40.6 cm) for coho.

1996 Fisheries

The timing of the March and April Council meetings makes it impracticable for the Council to recommend to NMFS fishing seasons that begin before May 1 of the same year. Therefore, openings for 1996 fishing seasons earlier than May 1 are established in this notification. The Council recommended, and NMFS concurs, that the following two recreational seasons will open in 1996. First, the area from Point Arena to the United States-Mexico border will open on March 2 (the nearest Saturday to March 1) for all salmon. This fishery will be subject to a two-fish daily bag limit unless an evaluation indicates low coho abundance is anticipated in 1996, in which case inseason action may be taken to prohibit retention of coho. The control zone near the mouth of San Francisco Bay will be closed from March 2 through March 31. Second, the area from Horse Mountain to Point Arena will open on February 17 (the nearest Saturday to February 15) for all salmon, except coho, with a two-fish daily bag limit.

The following tables and text are the management measures recommended by the Council for 1995 and, as specified, for 1996. The Secretary concurs with these recommendations and finds them responsive to the goals of the FMP, the requirements of the resource, and the socio-economic factors affecting resource users. The management measures are consistent with requirements of the Magnuson Fishery Conservation and Management Act and other applicable law, including U.S. obligations to Indian tribes with Federally recognized fishing rights.

Halibut Retention

In accordance with the Northern Pacific Halibut Act, regulations governing the Pacific halibut fishery were published in the **Federal Register** on March 20, 1995 (60 FR 14651) under 50 CFR part 301. The regulations state that vessels participating in the salmon troll fishery in Area 2A (all waters off the States of Washington, Oregon, and California), that have obtained the appropriate International Pacific Halibut Commission (IPHC) license, may retain halibut caught incidentally during the May through June salmon fisheries, in conformance with the annual salmon management measures.

As provided by 50 CFR 301.7(c) and 301.23(e), the following measures have been approved. Trollers must obtain a license from the IPHC by May 1 to retain Pacific halibut caught incidental to the salmon troll fishery during May through June in Area 2A. A salmon troller may participate in this fishery or in the directed commercial fishery targeting halibut, but not both. During the May-through-June troll fishery, no more than one halibut may be landed for each 20 chinook landed by a salmon troller. Any halibut retained must be in compliance with the minimum size limit of 32 inches (81.3 cm). A salmon troller must have 20 chinook on board before retaining a halibut. The Oregon Department of Fish and Wildlife will monitor landings, and if they are projected to exceed the 16,068-pound (7.3-mt) preseason allocation specified at 50 CFR 301.10(b)(2), NMFS will take inseason action to close the incidental halibut fishery through a notice published in the **Federal Register**.

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Table 1. Commercial management measures for 1995 ocean salmon fisheries.

(Note: This table contains important restrictions in Parts A, B, C, D, and E which must be followed for lawful participation in the fishery. Areas on the map are not proportional to actual geographic areas.)

A. SEASONS, SUBAREA QUOTAS, AND SPECIES (Shaded areas represent closures.)

MAY	JUNE	JULY	AUGUST	SEPT/OCT	
U.S.-CANADA BORDER				U.S.-CANADA BORDER	
			8/5 thru earliest of 9/15 or 18,750 coho quota (E.1.) or 160,000 pink guideline. All salmon except chinook. Cycle of 4 days open/3 days closed. Possession and landing limit of 80 coho per opening. Legal gear limited to flashers with barbless, bare, blued hooks or flashers with barbless hooks and pink hoochies 3 inches (7.6 cm) or less. See D.1.		Neah Bay
			CARROLL ISLAND 48E00N18NN N. lat.		
					La Push
					Westport Ilwaco/Astoria
CAPE FALCON 45E46N00NN N. lat.				CAPE FALCON 45E46N00NN N. lat.	
5/1 thru 6/30. All salmon except coho. No more than 4 spreads per line. Closed in Control Zone 2, mouth of Tillamook Bay, in June (C.5.).			8/1 thru 10/31. All salmon except coho. No more than 4 spreads per line. Open only 0 to 3 miles (4.8 km) of shore north of Cape Lookout (45E20N15NN N. lat.) in September. Closed in Control Zone 2, mouth of Tillamook Bay, in August and September (C.5.).		Garibaldi Cape Lookout Newport
FLORENCE SOUTH JETTY 44E01N00NN N. lat.				FLORENCE SOUTH JETTY 44E01N00NN N. lat.	Florence
5/1 thru 6/30. All salmon except coho. No more than 4 spreads per line.			8/1 thru earlier of 8/31 or 14,000 chinook quota (E.2.). All salmon except coho. No more than 4 spreads per line.	9/1 thru 10/31. All salmon except coho. No more than 4 spreads per line.	Coos Bay Charleston
CAPE ARAGO 43E18N20NN N. lat.				CAPE ARAGO 43E18N20NN N. lat.	
5/1 thru earlier of 6/30 or 13,500 chinoook quota (E.3.). All salmon except coho. No more than 4 spreads per line.				9/1 thru earlier of 10/31 or 10,000 chinook quota (E.3.). All salmon except coho. No more than 4 spreads per line.	Port Orford
HUMBUG MOUNTAIN 42E40N30NN N. lat.				HUMBUG MOUNTAIN 42E40N30NN N. lat.	

Table 1. Commercial management measures for 1995 ocean salmon fisheries (continued).

MAY	JUNE	JULY	AUGUST	SEPT/OCT	
HUMBUG MOUNTAIN 42E40N30NN N. lat.				HUMBUG MOUNTAIN 42E40N30NN N. lat.	
SISTERS ROCKS 42E35N45NN N. lat. 5/1 thru earlier of 5/31 or 1,000 chinook quota (E.4.). All salmon except coho. Open for 2-day periods only. Open only 0 to 6 nautical miles (11.1 km) of shore. No more than 4 spreads per line. See D.2.			SISTERS ROCKS 42E35N45NN N. lat. 7/24 thru earlier of 8/31 or 1,200 chinook quota (E.5.). All salmon except coho. Open for 2-day periods only. Open only 0 to 4 nautical miles (7.4 km) of shore. No more than 4 spreads per line. See D.3. MACK ARCH 42E13N40NN N. lat.		Gold Beach
HOUSE ROCK 42E06N32NN N. lat.					Brookings Crescent City Eureka
HORSE MOUNTAIN 40E05N00NN N. lat.				HORSE MOUNTAIN 40E05N00NN N. lat.	
				9/1 thru 9/30. All salmon except coho. No more than 6 lines per boat.	Shelter Cove Fort Bragg
POINT ARENA 38E57N30NN N. lat.				POINT ARENA 38E57N30NN N. lat.	
		7/5 thru 9/30. All salmon except coho. No more than 6 lines per boat.			Bodega Bay
POINT REYES 37E59N44NN N. lat.				POINT REYES 37E59N44NN N. lat.	
	5/24 thru 7/4. All salmon except coho. No more than 6 lines per boat.		7/19 thru 9/30. All salmon except coho. No more than 6 lines per boat.		San Francisco
POINT SAN PEDRO 37E35N40NN N. lat.				POINT SAN PEDRO 37E35N40NN N. lat.	
5/1 thru 6/15. All salmon except coho. No more than 6 lines per boat.			7/19 thru 9/30. All salmon except coho. No more than 6 lines per boat.		Half Moon Bay Monterey
U.S.-MEXICO BORDER				U.S.-MEXICO BORDER	

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TABLE 1.—COMMERCIAL MANAGEMENT MEASURES FOR 1995 OCEAN SALMON FISHERIES (Continued)

[B. Minimum size limits (Inches)*]

	Chinook		Coho		Pink
	Total length	Head-off	Total length	Head-off	
North of Cape Falcon	.....	.....	16.0	12.0	None.
Cape Falcon to Humbug Mountain	26.0	19.5	.....	.....	None.
South of Humbug Mountain	26.0	19.5	.....	.....	None.
Chinook not less than 26 inches (19.5 inches head-off) taken in open seasons south of Cape Falcon may be landed north of Cape Falcon only when the season is closed north of Cape Falcon.					

*Metric equivalents for chinook: 26.0 inches=66.0 cm, 19.5 inches=49.5 cm.
Metric equivalents for coho: 16.0 inches=40.6 cm, 12.0 inches=30.5 cm.

C. General Requirements, Restrictions, and Exceptions

C.1. *Hooks*—Single point, single shank barbless hooks are required.

C.2. *Spread*—A single leader leading to an individual lure or bait.

C.3. *Transit Through Closed Areas with Salmon on Board*—It is unlawful for a vessel, that has been issued an ocean salmon permit by any state, to have troll gear in the water while transiting any area closed to salmon fishing while possessing salmon.

C.4. *Landing Salmon in Closed Areas*—Legally caught salmon may be landed in closed areas unless otherwise prohibited by these regulations.

C.5. *Control Zone 2*—The area immediately adjacent to the mouth of Tillamook Bay is closed as established by the Oregon Department of Fish and Wildlife in state regulations.

C.6. Consistent with Council management objectives, the State of Oregon may establish some additional late-season, all-salmon-except-coho fisheries in state waters.

C.7. For the purposes of California Fish and Game Code Section 8232.5, the definition of the Klamath management zone for the ocean salmon season shall be that area from Humbug Mountain, Oregon, to Horse Mountain, California.

C.8. *Inseason Management*—In addition to certain automatic inseason actions and specific inseason regulatory modifications noted under Section D below, NMFS may make inseason adjustments to fisheries north of Cape Falcon which are consistent and complementary to Council spawner escapement objectives in the event that management agreements or understandings with Canada warrant re-evaluation of the Council's assumptions about prior interceptions.

C.9. *Halibut Retention*—Trollers must obtain a license from the International Pacific Halibut Commission (206–634–1838) by May 1 to retain Pacific halibut caught incidental to the salmon troll fishery during May through June in Area 2A (all waters off the States of Washington, Oregon, and California). A salmon troller may participate in this fishery or in the directed commercial fishery targeting halibut, but not both. During the May through June troll fishery, no more than 1 halibut may be landed for each 20 chinook landed by a salmon troller. Any halibut retained must be in compliance with the minimum size limit of 32 inches (81.3 cm). A salmon troller must have 20 chinook on board before retaining a halibut. The Oregon Department of Fish and Wildlife will monitor landings and if they are projected to exceed the 16,068 pound (7.3 mt) preseason allocation, NMFS will take inseason action to close the incidental halibut fishery through a notice published in the **Federal Register**.

D. Possession, Landing, and Special Restrictions by Management Area

If prevented by unsafe weather conditions or mechanical problems from meeting special management area landing restrictions, vessels must notify the U.S. Coast Guard and receive acknowledgement of such notification prior to leaving the area where landing is required. This notification shall include the name of the vessel, port where delivery will be made, approximate amount of salmon (by species) on board, and the estimated time of arrival.

D.1. *U.S.-Canada Border to Carroll Island, August/September All-Salmon-Except-Chinook Season*—The fishery will follow a cycle of 4 days open and 3 days closed, continuing the cycle until the earliest of September 15 or attainment of the coho quota (see E.1.) or pink harvest guideline. Each vessel may possess, land and deliver no more than 80 coho per open period. Vessels must land and deliver within the area or in adjacent closed areas. All salmon must be landed and delivered within 24 hours of each closure. If the catch exceeds 6,000 coho in the first 4-day cycle, the fishery may be modified inseason to maximize the likelihood that the fishery will continue for at least 3 cycles by either (1) adjusting the landing and possession limit or (2) prohibiting retention of coho. The Fraser River Panel of the Pacific Salmon Commission intends to maintain jurisdiction over the level of ocean commercial harvest of pink salmon north of Carroll Island in 1995 and is expected to set a quota of 160,000 pink salmon for this fishery.

D.2. *Sisters Rocks to House Rock in May*—The fishery will be open only on the following days through the earlier of May 31 or attainment of the chinook quota (see E.4.): May 1–2, 5–6, 10–11, 14–15, 18–19, 23–24, 27–28 and 31. The Oregon Department of Fish and Wildlife and NMFS may adjust the open/closure cycle through the inseason management process as necessary to manage the fishery. All salmon caught in the area must be landed and delivered in the immediate area ports only (Gold Beach, Brookings, or Port Orford) within 24 hours of each closure. Landing limits may be imposed inseason as required to maintain an orderly fishery.

D.3. *Sisters Rocks to Mack Arch in July and August*—The fishery will be open only on the following days through the earlier of August 31 or attainment of the chinook quota (see E.5.): July 24–25, 28–29, August 1–2, 5–6, 9–10, 13–14, 17–18, 21–22, 25–26, and 30–31. The Oregon Department of Fish and Wildlife and NMFS may adjust the open/closure cycle through the inseason management process as necessary to manage the fishery. All salmon caught in the area must be landed in the immediate area ports only (Gold Beach, Brookings, or Port Orford) within 24 hours of each closure. Landing limits may be imposed inseason as required to maintain an orderly fishery.

E. Quotas

E.1. *North of Cape Falcon*—All non-treaty troll and recreational ocean fisheries will be limited by either (a) an overall 0 chinook quota or (b) impacts on critical Washington coastal and Puget Sound natural coho stocks equivalent to the preseason quota of 75,000 coho. The troll fishery will be limited by overall catch quotas of 0 chinook and 18,750 coho. Any transfers between subarea quotas of 5,000 fish or less shall be done on a fish-for-fish basis.

E.2. *Florence South Jetty to Cape Arago in August*—Limited to a catch quota of 14,000 chinook.

E.3. *Cape Arago to Humbug Mountain*—Limited by catch quotas of 13,500 chinook for the May/June fishery and 10,000 chinook for the September/October fishery.

E.4. *Sisters Rocks to House Rock*—Limited by a catch quota of 1,000 chinook in May.

E.5. *Sisters Rocks to Mack Arch*—Limited by a catch quota of 1,200 chinook for July and August.

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Table 2. Recreational management measures for 1995 ocean salmon fisheries.

(Note: This table contains important restrictions in Parts A, B, C, and D which must be followed for lawful participation in the fishery. Areas on the map are not proportional to actual geographic areas.)

A. SEASONS, SUBAREA QUOTAS, SPECIES AND BAG LIMITS (Shaded areas represent closures.)

FEB/MAR/APR	MAY	JUNE	JULY	AUGUST	SEPT/OCT/NOV	
U.S.-CANADA BORDER					U.S.-CANADA BORDER	
				8/1 thru earlier of 9/28 or 5,850 coho subarea quota (D.1.). Open 7 days per week. All salmon except chinook. 2 fish per day. Closed 0 to 3 miles (4.8 km) of shore south of Skagway Rock (48E21N58NN N. lat.). Inseason management may be used to maintain season length.		Neah Bay
CAPE ALAVA 48E10N00NN N. lat.					CAPE ALAVA 48E10N00NN N. lat.	
				8/1 thru earlier of 9/28 or 1,460 coho subarea quota (D.1.). Open Sunday thru Thursday only. All salmon except chinook. 2 fish per day. Closed 0 to 3 miles (4.8 km) of shore. Inseason management may be used to maintain season length.		La Push
QUEETS RIVER 47E31N42NN N. lat.					QUEETS RIVER 47E31N42NN N. lat.	
			7/24 thru earlier of 9/28 or 20,800 coho subarea quota (D.1.). Open Sunday thru Thursday only. All salmon except chinook. 2 fish per day. No more than 4 fish in 7 consecutive days. Closed 0 to 3 miles (4.8 km) of shore. Inseason management may be used to maintain season length.			Westport
LEADBETTER POINT 46E38N10NN N. lat.					LEADBETTER POINT 46E38N10NN N. lat.	
			7/24 thru earlier of 9/28 or 28,125 coho subarea quota (D.1.). Open Sunday thru Thursday only. All salmon except chinook. 2 fish per day. No more than 4 fish in 7 consecutive days. Closed 0 to 3 miles (4.8 km) of shore and in Control Zone 1, Columbia River mouth (C.3.). Inseason management may be used to maintain season length.			Ilwaco/Astoria
CAPE FALCON 45E46N00NN N. lat.					CAPE FALCON 45E46N00NN N. lat.	
	5/1 thru 6/30. All salmon except coho. 2 fish per day. No more than 6 fish in 7 consecutive days. See gear restriction C.2. Closed in Control Zone 2, mouth of Tillamook Bay, in June (C.4.).				Limited fall fisheries in State waters (see C.8.).	Garibaldi Pacific City Newport Florence Coos Bay
HUMBUG MOUNTAIN 42E40N30NN N. lat.					HUMBUG MOUNTAIN 42E40N30NN N. lat.	

Table 2. Recreational management measures for 1995 ocean salmon fisheries (continued).

FEB/MAR/APR	MAY	JUNE	JULY	AUGUST	SEPT/OCT/NOV	
HUMBUG MOUNTAIN 42E40N30NN N. lat.					HUMBUG MOUNTAIN 42E40N30NN N. lat.	
	5/17 thru earlier of 7/8 or 10,600 chinook quota (D.2.). Open Wednesday thru Saturday only. All salmon except coho. 1 fish per day. If quota exceeded by more than 10%, the amount over 10% will be deducted from the August quota.			8/16 thru earlier of 8/31 or 900 chinook quota (D.2.). Open Wednesday thru Saturday only. All salmon except coho. 1 fish per day. Closed in Control Zone 3, Klamath River mouth (C.5.).	9/1 thru 9/9. All salmon except coho. 1 fish per day. No more than 6 fish in 7 consecutive days.	Limited fall fisheries in Oregon State waters (see C.8.).	Gold Beach Brookings Crescent City Eureka
HORSE MOUNTAIN 40E05N00NN N. lat.					HORSE MOUNTAIN 40E05N00NN N. lat.	
	2/18 (nearest Saturday to 2/15) thru 4/30. All salmon. 2 fish per day. 5/1 thru 6/30. All salmon except coho. 2 fish per day. In 1996, the season will open 2/17 (nearest Saturday to 2/15) thru 4/30 for all salmon except coho; 2 fish per day.			8/1 thru 11/12 (nearest Sunday to 11/15). All salmon except coho. 2 fish per day.			Shelter Cove Fort Bragg
POINT ARENA 38E57N30NN N. lat.					POINT ARENA 38E57N30NN N. lat.	
	3/4 (nearest Saturday to 3/1) thru 4/30. All salmon. 2 fish per day. 5/1 thru 10/29 (nearest Sunday to 11/1). All salmon except coho. 2 fish per day. In 1996, the season will open 3/2 (nearest Saturday to 3/1) thru 4/30 for all salmon; 2 fish per day. If evaluation indicates low coho abundance in 1996, inseason action may be taken to prohibit retention of coho. In 1996, Control Zone 4, near the mouth of San Francisco Bay, will be closed from 3/2 thru 3/31 (C.6.).						Bodega Bay San Francisco Half Moon Bay Monterey
U.S.-MEXICO BORDER					U.S.-MEXICO BORDER	

BILLING CODE 3510–22–C

TABLE 2.—RECREATIONAL MANAGEMENT MEASURES FOR 1995 OCEAN SALMON FISHERIES (Continued)

[B. Minimum size limits (Total Length in Inches)*]

	Chinook	Coho	Pink
North of Cape Falcon	.....	16.0	None.
Cape Falcon to Hambug Mountain	20.0	.....	None.
South of Hambug Mountain	20.0	.....	None, except 20.0 off California.

*Metric equivalents: 20.0 inches=50.8 cm, 16.0 inches=40.6 cm.

C. Special Requirements, Restrictions and Exceptions

C.1. *Hooks*—Single point, single shank barbless hooks are required north of Point Conception, California (34°27′00″ N. latitude).

C.2. *Gear Restriction Between Cape Falcon and Humbug Mountain*—Legal gear limited to artificial plugs or whole bait, either of which must be no less than 6 inches (15.2 cm) long; nonpainted weights and no more than 2 single point, single shank barbless hooks allowed on whole bait or artificial plugs; all attractors, including divers, are prohibited.

C.3. *Control Zone 1*—The ocean area surrounding the Columbia River mouth bounded by a line extending for 6 nautical miles (11.1 km) due west from North Head along 46°18′00″ N. latitude to 124°13′18″ W. longitude, then southerly along a line of 167° True to 46°11′06″ N. latitude and 124°11′00″ W. longitude (Columbia River Buoy), then northeast along Red Buoy Line to the tip of the south jetty.

C.4. *Control Zone 2*—The area immediately adjacent to the mouth of Tillamook Bay is closed as established by the Oregon Department of Fish and Wildlife in state regulations.

C.5. *Control Zone 3*—The ocean area surrounding the Klamath River mouth bounded on the north by 41°38′48″ N. latitude (approximately 6 nautical miles north of the Klamath River mouth), on the west by 124°23′00″ W. longitude (approximately 12 nautical miles off shore), and on the south by 41°26′48″ N. latitude (approximately 6 nautical miles south of the Klamath River mouth), is closed August 16–31. (6 nautical miles=11.1 km, 12 nautical miles=22.2 km)

C.6. *Control Zone 4 (Sacramento River Winter Chinook Conservation Closure)*—The ocean area bounded by a line commencing at Bolinas Point (Marin County, 37°54′17″ N. latitude, 122°43′35″ W. longitude) southerly to Duxbury Buoy to Channel Buoy 1 to Channel Buoy 2 to Point San Pedro (San Mateo County, 37°35′40″ N. latitude, 122°31′10″ W. longitude) is closed from the opening of the season in 1996 through March 31.

C.7. *Inseason Management*—To meet preseason management objectives such as quotas, harvest guidelines and season duration, certain regulatory modifications may become necessary inseason. Such actions could include modifications to bag limits or days open to fishing and extensions or reductions in areas open to fishing. In addition, NMFS may make inseason adjustments to fisheries north of Cape Falcon which are consistent and complementary to Council spawner escapement objectives in the event that management agreements or understandings with Canada warrant re-evaluation of the Council's assumptions about prior interceptions.

The procedure for inseason transfer of coho among recreational subareas north of Cape Falcon will be as follows:

After conferring with representatives of the affected ports and the Salmon Advisory Subpanel recreational representatives north of Cape Falcon, NMFS may transfer coho inseason among recreational subareas to help meet the recreational season duration objectives (for each subarea). Any transfers between subarea quotas of 5,000 fish or less shall be done on a fish-for-fish basis.

C.8. Consistent with Council management objectives, the State of Oregon may establish limited, all-salmon-except-coho fisheries inside state waters. Fall fisheries under consideration (mid-September through November) include areas at the mouths of Tillamook, Yaquina and Coos bays, and at the mouths of the Elk and Chetco rivers.

C.9. Consistent with Council management objectives, the State of Washington may establish limited fisheries in state waters.

D. Quotas

D.1. *North of Cape Falcon*—All non-treaty troll and recreational ocean fisheries will be limited by either (a) an overall 0 chinook quota or (b) impacts on critical Washington coastal and Puget Sound natural coho stocks equivalent to the preseason quota of 75,000 coho. The recreational fishery will be limited by overall catch quotas of 0 chinook and 56,250 coho.

D.2. *Humbug Mountain to Horse Mountain*—Limited by harvest quotas of 10,600 chinook in May–July, and 900 chinook in August. If the May–July quota is exceeded by more than 10 percent, the amount over 10 percent will be deducted from the August quota.

TABLE 3.—TREATY INDIAN MANAGEMENT MEASURES FOR 1995 OCEAN SALMON FISHERIES

Tribe and area boundaries	Open seasons	Salmon species	Minimum size limit (inches)*		Special restrictions by area
			Chinook	Coho	
A. Seasons, Species, Minimum Size Limits, and Gear Restrictions					
Makah—That portion of the Fishery Management Area (FMA) north of 48°02′15″ N. latitude (Norwegian Memorial) and east of 125°44′00″ W. longitude.	May 1 thru earlier of May 31 or overall chinook guideline. August 1 thru earliest of September 30 or chinook or coho quota	All except coho All	24 24	 16	Barbless hooks. No more than 8 fixed lines per boat or no more than 4 hand-held lines per person.
Quileute—That portion of the FMA between 48°07′36″ N. latitude (Sand Point) and 47°31′42″ N. latitude (Queets River) east of 125°44′00″ W. longitude.	May 1 thru earlier of May 31 or overall chinook guideline. August 1 thru earliest of September 30 or chinook or coho quota	All except coho All	24 24	 16	Barbless hooks. No more than 8 fixed lines per boat.
Hoh—That portion of the FMA between 47°54′18″ N. latitude (Quillayute River) and 47°21′00″ N. latitude (Quinault River) east of 125°44′00″ W. longitude.	May 1 thru earlier of May 31 or overall chinook guideline. August 1 thru earliest of September 30 or chinook or coho quota	All except coho All	24 24	 16	Barbless hooks. No more than 8 fixed lines per boat.

TABLE 3.—TREATY INDIAN MANAGEMENT MEASURES FOR 1995 OCEAN SALMON FISHERIES—Continued

Tribe and area boundaries	Open seasons	Salmon species	Minimum size limit (inches)*		Special restrictions by area
			Chinook	Coho	
Quinault—That portion of the FMA between 47°40′06″ N. latitude (Destruction Island) and 46°53′18″ N. latitude (Point Chehalis) east of 125°44′00″ W. longitude.	May 1 thru earlier of May 31 or overall chinook guideline. August 1 thru earliest of September 30 or chinook or coho quota	All except coho ..... All	24 24	 16	Barbless hooks. No more than 8 fixed lines per boat.

* Metric equivalents: 24 inches=61.0 cm, 16 inches=40.6 cm.
(Note: This table contains important restrictions in Parts A, B, and C which must be followed for lawful participation in the fishery.)

B. Special Requirements, Restrictions, and Exceptions

B.1. All boundaries may be changed to include such other areas as may hereafter be authorized by a federal court for that tribe's treaty fishery.

B.2. Applicable lengths for dressed, head-off salmon, are 18 inches (45.7 cm) for chinook and 12 inches (30.5 cm) for coho. Minimum size and retention limits for ceremonial and subsistence harvest are as follows: *Makah Tribe*—None. *Quileute, Hoh, and Quinault tribes*—Not more than 2 chinook longer than 24 inches in total length may be retained per day. Chinook less than 24 inches total length may be retained.

B.3. The areas within a 6-mile (9.7 km) radius of the mouths of the Queets River (47°31′42″ N. latitude) and the Hoh River (47°45′12″ N. latitude) will be closed to commercial fishing. A closure within 2 miles (3.2 km) of the mouth of the Quinault River (47°21′00″ N. latitude) may be enacted by the Quinault Nation and/or the State of Washington and will not adversely affect the Secretary of Commerce's management regime.

C. Quotas

C.1. The overall treaty troll ocean quotas are 12,000 chinook and 25,000 coho salmon. These quotas include troll catches by the Klallam and Makah tribes in Washington State Statistical Area 4B from May 1 through September 30. The all-salmon-except-coho fishery in May will be limited by an overall harvest guideline of 7,000 chinook with the remainder of the quota available for the all-salmon fishery beginning in August.

Gear Definitions and Restrictions

In addition to gear restrictions shown in Tables 1, 2, and 3 of this preamble, the following gear definitions and restrictions will be in effect.

Troll Fishing Gear

Troll fishing gear for the Fishery Management Area (FMA) is defined as one or more lines that drag hooks behind a moving fishing vessel.

In that portion of the FMA off Oregon and Washington, the line or lines must be affixed to the vessel and must not be intentionally disengaged from the vessel at any time during the fishing operation.

Recreational Fishing Gear

Recreational fishing gear for the FMA is defined as angling tackle consisting of a line with not more than one artificial lure or natural bait attached.

In that portion of the FMA off Oregon and Washington, the line must be attached to a rod and reel held by hand or closely attended; the rod and reel must be held by hand while playing a hooked fish. No person may use more than one rod and line while fishing off Oregon or Washington.

In that portion of the FMA off California, the line must be attached to a rod and reel held by hand or closely attended. Weights directly attached to a line may not exceed 4 pounds (1.8 kg). There is no limit to the number of lines that a person may use while recreationally fishing for salmon off California.

Fishing includes any activity that can reasonably be expected to result in the catching, taking, or harvesting of fish.

Geographical Landmarks

Geographical landmarks referenced in this notice are at the following locations:

Skagway Rock	48°21′58″ N. lat.
Cape Alava	48°10′00″ N. lat.
Carroll Island	48°00′18″ N. lat.
Queets River	47°31′42″ N. lat.
Leadbetter Point	46°38′10″ N. lat.
Cape Falcon	45°46′00″ N. lat.
Cape Lookout	45°20′15″ N. lat.
Florence South Jetty	44°01′00″ N. lat.
Cape Arago	43°18′20″ N. lat.
Humbug Mountain ..	42°40′30″ N. lat.
Sisters Rocks	42°35′45″ N. lat.
Mack Arch	42°13′40″ N. lat.
House Rock	42°06′32″ N. lat.
Horse Mountain	40°05′00″ N. lat.
Point Arena	38°57′30″ N. lat.
Point Reyes	37°59′44″ N. lat.
Point San Pedro	37°35′40″ N. lat.
Point Conception	34°27′00″ N. lat.

Inseason Notice Procedures

Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, 206–526–6667 or 800–662–9825, and by U.S. Coast Guard Notice to Mariners broadcasts. These broadcasts are announced on Channel 16 VHF–FM and 2182 Khz at frequent intervals. The announcements designate the channel or frequency over which the Notice to Mariners will be immediately broadcast. Inseason actions will also be filed with the Office of the **Federal Register** as soon as practicable. Since provisions of these management measures may be altered by inseason actions, fishermen should monitor either the telephone hotline or Coast Guard broadcasts for current information for the area in which they are fishing.

Classification

This notification of annual management measures is exempt from review under E.O. 12866.

Section 661.23 of title 50, Code of Federal Regulations, requires NMFS to publish a notice establishing management measures for ocean salmon fisheries each year and, if time allows, invite public comments prior to the effective date. Section 661.23 further states that if, for good cause, a notice must be filed without affording a prior opportunity for public comment, the measures will become effective; however, comments on the notice must be invited and received for a period of 15 days after filing the notice with the Office of the Federal Register.

Because many ocean salmon seasons are scheduled to start May 1, the management measures must be in effect by this date. Each year the schedule for establishing the annual management measures begins in February with the compilation and analysis of biological and socio-economic data for the previous year's fishery and salmon stock abundance estimates for the current year. These documents are made available and distributed to the public for review and comment. Two meetings of the Council follow in March and April. These meetings are open to the public and public comment on the

salmon management measures is encouraged. In 1995, the Council recommended management measures near the conclusion of its meeting on April 7, which resulted in a short timeframe for implementation.

In addition, delay in the start of the fishing season would deny ocean fishermen access to harvestable salmon stocks that, if taken later in the year, would produce unacceptable impacts on other salmon stocks, such as those listed under the ESA. Due to the migratory patterns of the various salmon stocks, harvest regimes account for the timing and location of harvestable stocks in concert with the stocks of concern. Therefore, in light of the limited available time and the adverse effect of delay, NMFS has determined that good cause exists to waive the requirements of 50 CFR 661.23 and 5 U.S.C. 553(b) for prior notice and opportunity for prior public comments on that notice to be published in the **Federal Register**. For the same reasons, NMFS has determined that good cause exists to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d). For this notice, NMFS is receiving public comments for 30 days from publication of the notice.

The public had opportunity to comment on these management measures during their development. The public participated in the March and April Council, STT, and Salmon Advisory Subpanel meetings, and in public hearings held in Washington, Oregon, and California in late March that generated the management actions recommended by the Council and approved by the Secretary. Written public comments were invited by the Council between the March and April Council meetings.

On March 31, 1991, NMFS issued a biological opinion that considered the effects on Sacramento River winter-run chinook salmon of fishing under the FMP. The opinion concluded that implementation of the plan is not likely to jeopardize the continued existence of the species. The 1995 season falls within the scope of the 1991 opinion, and the seasons and management measures comply with the recommendations and incidental take conditions contained in the biological opinion. Therefore, it was not necessary to reinitiate consultation on Sacramento River winter-run chinook salmon.

NMFS has issued a biological opinion that considered the effects of fishing under the 1995 salmon management measures on wild sockeye salmon, wild spring/summer chinook salmon, and wild fall chinook salmon from the Snake River, which concluded the fishery in 1995, and the recreational fisheries early in 1996, under the FMP are not likely to jeopardize the continued existence of the listed stocks or adversely modify critical habitat.

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*

Dated: April 27, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 95–10804 Filed 4–28–95; 11:27 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 60, No. 85
Wednesday, May 3, 1995

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 870, 871, 872, 873, and 874

RIN 3206–AF32

Federal Employees' Group Life Insurance Program: Merger of Life Insurance Regulations

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing proposed regulations to combine the five parts of title 5 of the Code of Federal Regulations relating to the Federal Employees' Group Life Insurance (FEGLI) Program. This will ease administration and aid in understanding the Program. We are also simplifying the language and incorporating policy information from FPM Supplement 870–1, which is being abolished as of December 31, 1994.

DATES: We must receive comments on or before July 3, 1995.

ADDRESSES: Send your comments to Lucretia F. Myers, Assistant Director for Insurance Programs, Retirement and Insurance Group, Office of Personnel Management, P.O. Box 57, Washington, DC 20044; deliver them to OPM, Room 3451, 1900 E Street NW., Washington, DC; or FAX them to 202–606–0633.

FOR FURTHER INFORMATION CONTACT: Karen Leibach, 202–606–0004.

SUPPLEMENTARY INFORMATION: The FEGLI Act of 1980 made sweeping changes in the Program, including establishing two new forms of optional coverage. At that time, we decided to pattern the regulations after the law by setting up separate parts of the Code for each of the types of insurance (basic, standard optional, additional optional, and family optional coverages). Although we recognized that this method of translating the law into regulations would result in a lot of duplication, we believed that the format helped OPM and agencies put the new provisions in place. We believe that the regulations can now be merged to eliminate the duplication, without losing clearness or content.

The proposed merger involves deleting parts 871, 872, 873, and 874 and combining the information now contained in those parts into an expanded part 870. This results in a complete presentation of material in one place.

In addition to merging the regulations, we have reorganized the material; incorporated some material formerly found in FPM Supplement 870–1, which is being abolished as of December 31, 1994; and simplified the language to make the regulations easier to understand.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities, because the regulations will affect only Federal employees and annuitants.

List of Subjects in 5 CFR Parts 870, 871, 872, 873, and 874

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

Office of Personnel Management.

James B. King,

Director.

Accordingly, OPM proposes to amend title 5, Code of Federal Regulations, as follows:

Part 870 is revised to read as follows:

PART 870—FEDERAL EMPLOYEES' GROUP LIFE INSURANCE PROGRAM

Subpart A—Administration and General Provisions

Sec.
870.101 Definitions.
870.102 The policy.
870.103 Correction of errors.
870.104 Initial decision and reconsideration.

Subpart B—Types and Amount of Insurance

870.201 Types of insurance.
870.202 Basic insurance amount (BIA).
870.203 Annual rates of pay.
870.204 Amount of optional insurance.
870.205 Accidental death and dismemberment.

Subpart C—Eligibility

870.301 Eligibility for life insurance.
870.302 Exclusions.

Subpart D—Cost of Insurance

870.401 Withholdings and contributions for basic insurance.
870.402 Withholdings for optional insurance.
870.403 Withholdings and contributions provisions that apply to both basic and optional insurance.
870.404 Direct premium payments under 5 U.S.C. chapter 84 (Federal Employees' Retirement System—FERS).

Subpart E—Coverage

870.501 Basic insurance: effective dates of automatic coverage.
870.502 Basic insurance: waiver/cancellation of insurance.
870.503 Basic insurance: cancelling a waiver.
870.504 Optional insurance: election.
870.505 Optional insurance: waiver/cancellation of insurance.
870.506 Optional insurance: cancelling a waiver.
870.507 Open enrollment periods.
870.508 Nonpay status.
870.509 Transfers to international organizations.

Subpart F—Termination and Conversion

870.601 Termination of basic insurance.
870.602 Termination of optional insurance.
870.603 Conversion of basic and optional insurance.

Subpart G—Annuitants and Compensationers

870.701 Eligibility for life insurance.
870.702 Election of basic insurance.
870.703 Amount of life insurance.
870.704 Reinstatement of life insurance.
870.705 Waiver or suspension of annuity or compensation.
870.706 Reemployed annuitants.
870.707 MRA-plus-10 annuitants.

Subpart H—Order of Precedence and Designation of Beneficiary

870.801 Order of precedence and payment of benefits.
870.802 Designation of beneficiary.
870.803 Child incapable of self-support.

Subpart I—Assignments of Life Insurance

870.901 Assignments permitted.
870.902 Making an assignment.
870.903 Effective date of assignment.
870.904 Amount of insurance.
870.905 Withholdings.
870.906 Cancellation of insurance.
870.907 Termination and conversion.
870.908 Annuitants and compensationers.
870.909 Designations and changes of beneficiary.
870.910 Notification of current addresses.

Subpart J—Benefits for United States Hostages in Iraq and Kuwait and United States Hostages Captured in Lebanon

870.1001 Purpose.
870.1002 Definitions.
870.1003 Coverage and amount of insurance.
870.1004 Effective date of insurance.
870.1005 Premiums.
870.1006 Cancellation of insurance.
870.1007 Termination and conversion.
870.1008 Order of precedence and designation of beneficiary.
870.1009 Responsibilities of the U.S. Department of State.

Authority: 5 U.S.C. 8716.

Subpart A—Administration and General Provisions

§ 870.101 Definitions.

Annuitant means a former employee entitled to an annuity under a retirement system established for employees. This includes the retirement system of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard.

Assign and *assignment* refer to a judge's irreversible transfer to another individual, corporation, or trustee all ownership of FEGLI coverage (except Option C).

Assignee means the individual, corporation, or trustee to which a judge irreversibly transfers ownership of FEGLI coverage (except Option C).

Child, as used in the definition of *family member*, means a legitimate child, an adopted child, a stepchild who lives with the employee or former employee in a regular parent-child relationship, or a recognized natural child. It does not include a stillborn child, a grandchild, or a foster child. The child must be under age 22, or if over age 22, must be incapable of self-support because of a mental or physical disability which existed before the child reached age 22.

Child, as used in the order of precedence, means a legitimate child, an adopted child, or a recognized natural child. It does not include a stillborn child, a stepchild, a grandchild, or a foster child. An individual who has reached age 18 is considered an adult. However, if the age of adulthood where the individual has his/her legal residence is set at a lower age, the individual is considered an adult upon reaching that lower age. Adopted children do not inherit under the order of precedence stated in 5 U.S.C. 8705 from their birth parents, other than as designated beneficiaries, but inherit from their adoptive parents. However, a child who is adopted by the spouse of a birth parent inherits from that birth parent.

Compensation means compensation under subchapter I of chapter 81 of title 5, United States Code, which is payable because of an on-the-job injury or disease.

Compensationer means an employee or former employee who is entitled to compensation and whom the Department of Labor determines is unable to return to duty.

Date of retirement, as used in 5 U.S.C. 8706(b)(1)(A), means the starting date of annuity.

Dependent means living with or receiving support from the insured individual.

Duly appointed representative of the insured's estate means an individual named in a court order granting the individual the authority to receive, or the right to possess, the insured's property; the order must be issued by a court having jurisdiction over the insured's estate. Where the law of the insured's legal residence provides for the administration of estates through alternative procedures which do away with the need for a court order, this term also means an individual who shows that he/she is entitled to receive, or possess, the insured's property under the terms of those alternative procedures.

Employee means an individual defined by section 8701(a) of title 5, United States Code.

Employing office means the agency office or retirement system office that has responsibility for life insurance actions.

(a) The Administrative Office of the United States Courts is the employing office for judges of the following courts:

(1) All United States Courts of Appeals;

(2) All United States District Courts;

(3) The Court of International Trade;

(4) The Claims Court; and

(5) The District Courts of Guam, the Northern Mariana Islands, and the Virgin Islands.

(b) The Washington Headquarters Services is the employing office for judges of the United States Court of Military Appeals.

(c) The United States Tax Court is the employing office for judges of the United States Tax Court.

(d) The United States Court of Veterans Appeals is the employing office for judges of the United States Court of Veterans Appeals.

Family member means a spouse (including a valid common law marriage) and unmarried dependent child(ren).

Immediate annuity means (1) an annuity that begins no later than 1 month after the date the insurance would otherwise stop, and (2) an annuity under § 842.204(a)(1) of this title for which the starting date has been postponed under § 842.204(c) of this title.

Judge means an individual appointed as a Federal justice or judge under Article I or Article III of the Constitution. Administrative law judges, bankruptcy judges, and magistrates are not judges for purposes of assignment of FEGLI coverage.

OFEGLI means the Office of Federal Employees' Group Life Insurance, which makes payments to beneficiaries under the policy.

OPM means the Office of Personnel Management.

OWCP means the Office of Workers' Compensation Programs, U.S. Department of Labor, which administers subchapter I of chapter 81 of title 5, United States Code.

Parent means the mother or father of a legitimate child or an adopted child. The term *parent* includes the mother of a recognized natural child; it also includes the father of a recognized natural child if the recognized natural child meets the definition provided below.

Recognized natural child, with respect to paternity, is one for whom the father meets one of the following:

(a) (1) Has acknowledged paternity in writing;

(2) Was ordered by a court to provide support;

(3) Before his death, was pronounced by a court to be the father;

(4) Was established as the father by a certified copy of the public record of birth or church record of baptism, if the insured was the informant and named himself as the father of the child; or

(5) Established paternity on public records, such as records of schools or social welfare agencies, which show that with his knowledge the insured was named as the father of the child.

(b) If paternity is not established by paragraph (a) of this definition, such evidence as the child's eligibility as a recognized natural child under other State or Federal programs or proof that the insured included the child as a recognized natural child on his income tax returns may be considered to establish paternity.

Reconsideration means the final level of administrative review of an agency's initial decision to determine if the employing office followed the law and regulations correctly in making the initial decision.

Service means civilian service which is creditable under subchapter III of chapter 83 or chapter 84 of title 5, United States Code. This includes

service under a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard for an individual who elected to remain under a retirement system established for employees described in section 2105(c) of title 5.

Underdeduction means a failure to withhold the required amount of life insurance deductions from an individual's pay, annuity, or compensation. This includes nondeductions (when none of the required amount was withheld) and partial deductions (when only part of the required amount was withheld).

§ 870.102 The policy.

Basic, Option A, Option B, and Option C benefits are payable according to a contract with the company or companies that issue a policy under section 8709 of title 5, United States Code. Any court action to obtain money due from an insurance policy must be taken against the company that issues the policy.

§ 870.103 Correction of errors.

(a) The employing office may make corrections of administrative errors regarding coverage or changes in coverage. Retroactive corrections are subject to the provisions of § 870.401(f).

(b) OPM may order correction of an error after reviewing evidence that it would be against equity and good conscience not to do so.

§ 870.104 Initial decision and reconsideration.

(a) (1) An employee may ask his/her agency to reconsider its initial decision denying life insurance coverage or the opportunity to change coverage.

(2) An annuitant may ask his/her retirement system to reconsider its initial decision affecting life insurance coverage.

(3) A judge may ask his/her agency, or retirement system if applicable, to reconsider its initial decision denying an entitlement related to assignments under 5 U.S.C. 8706(e) or subpart I of this part.

(4) An individual insured under subpart J of this part may ask the U.S. Department of State to reconsider its initial decision affecting life insurance coverage.

(b) An employing office's decision is an initial decision when the employing office gives it in writing and informs the individual of the right to an independent level of review (reconsideration) by the appropriate agency or retirement system.

(c) A request for reconsideration must be made in writing and must include the employee's (or annuitant's) name, address, date of birth, Social Security number, reason(s) for the request, and, if applicable, retirement claim number.

(d) A request for reconsideration must be made within 30 calendar days from the date of the initial decision. This time limit may be extended when the individual shows that he/she was not notified of the time limit and was not otherwise aware of it or that he/she was unable, due to reasons beyond his/her control, to make the request within the time limit.

(e) The reconsideration must take place at or above the level at which the initial decision was made.

(f) After reconsideration, the agency or retirement system must issue a final decision. This decision must be in writing and must fully state the findings.

Subpart B—Types and Amount of Insurance

§ 870.201 Types of insurance.

(a) There are two types of life insurance under the FEGLI Program: Basic and optional.

(b) There are three types of optional insurance: Option A (standard optional insurance), Option B (additional optional insurance), and Option C (family optional insurance).

§ 870.202 Basic insurance amount (BIA).

(a) (1) An employee's basic insurance amount (BIA) is either: (i) His/her annual rate of basic pay, rounded to the next higher thousand, plus $2,000; or

(ii) $10,000; whichever is higher. However, the BIA can never be more than the annual rate of pay for Level II Executive Schedule positions under section 5313 of title 5, U.S.C., rounded to the next higher thousand, plus $2,000.

(2) The BIA of an individual who is eligible to continue basic life insurance coverage as an annuitant or compensationer is the BIA in effect at the time his/her insurance as an employee would stop under § 870.601.

(b) An employee's BIA automatically changes whenever annual pay is increased or decreased by an amount sufficient to raise or lower pay to a different $1,000 bracket.

(c) The amount of an employee's basic life insurance coverage is equal to his/her BIA multiplied by the appropriate factor based on the employee's age, as follows:

Age	Factor
35 or under	2.0
36	1.9
37	1.8
38	1.7
39	1.6
40	1.5
41	1.4
42	1.3
43	1.2
44	1.1
45 or over	1.0

§ 870.203 Annual rates of pay.

(a) (1) An insured employee's annual pay is his/her annual rate of basic pay as fixed by law or regulation.

(2) Annual pay for this purpose includes the following:

(i) Interim geographic adjustments and locality-based comparability payments as provided by Pub. L. 101–509;

(ii) Premium pay under 5 U.S.C. 5545(c)(1);

(iii) For a law enforcement officer as defined under 5 U.S.C. 8331(20) and § 831.903 of this title, premium pay under 5 U.S.C. 5545(c)(2);

(iv) Night differential pay for wage employees;

(v) Environmental differential pay for employees exposed to danger or physical hardship;

(vi) Tropical differential pay for citizen employees in Panama; and

(vii) Special pay adjustments for law enforcement officers.

(b) To convert a pay rate of other than annual salary to an annual rate, multiply the pay rate by the number of pay periods in a 52-week work year.

(c) The annual pay for a part-time employee is his/her basic pay applied to his/her tour of duty in a 52-week work year.

(d) The annual pay for an employee on piecework rates is the total basic earnings for the previous calendar year, not counting premium pay for overtime or holidays.

(e) The annual pay for an employee with a regular schedule who works at different pay rates is the weighted average of the rates at which the employee is paid, projected to an annual basis.

(f) The annual pay for a non-Postal intermittent employee or an employee who works at different pay rates without a regular schedule is the annual rate which he/she is receiving at the end of the pay period.

(g) If an employee legally serves in more than 1 position at the same time, and at least 1 of those positions entitles him/her to life insurance coverage, the annual pay is the sum of the annual basic pay fixed by law or regulation for each position. Exception: This doesn't apply to part-time flexible schedule employees in the Postal Service.

§ 870.204 Amount of optional insurance.

(a) Option A coverage is $10,000. However, if an employee's annual rate of pay is more than the sum of the annual rate of basic pay for Level II Executive Schedule positions under 5 U.S.C. 5313 plus $10,000, Option A coverage automatically increases. The amount of Option A coverage in this case is the difference between the employee's annual rate of pay, (rounded to the next higher thousand if not already an even thousand) and the BIA.

(b) (1) Option B coverage comes in 1, 2, 3, 4, or 5 multiples of an employee's annual pay (after the pay has been rounded to the next higher thousand, if not already an even thousand). A multiple can not be more than the annual rate of basic pay for Level II Executive Schedule positions under 5 U.S.C. 5313, rounded to the next higher thousand.

(2) The amount of Option B coverage automatically changes whenever annual pay is increased or decreased by an amount sufficient to raise or lower pay to a different $1,000 bracket.

(c) Option C coverage is $5,000 payable upon the death of a spouse and $2,500 payable upon the death of a child. Payments are made to the insured individual.

§ 870.205 Accidental death and dismemberment.

(a) (1) Accidental death and dismemberment coverage is an automatic part of basic and Option A insurance for employees.

(2) There is no accidental death and dismemberment coverage with Options B and C.

(3) Individuals who are insured as annuitants or compensationers do not have accidental death and dismemberment coverage.

(b) Under basic insurance, accidental death benefits are equal to the BIA, but without the age factor described in § 870.202(c).

(c) (1) Under basic insurance, accidental dismemberment benefits for the loss of a hand, foot, or eye are equal to one-half the BIA. For loss of 2 of these, benefits are equal to the BIA.

(2) For more than one type of loss in a single accident, total benefits cannot be more than the BIA.

(3) Accidental dismemberment benefits are paid to the employee.

(d) Under Option A, accidental death and dismemberment benefits are equal to the amount of Option A.

Subpart C—Eligibility

§ 870.301 Eligibility for life insurance.

(a) Each nonexcluded employee is automatically insured for basic insurance unless he/she waives it.

(b) (1) Optional insurance must be specifically elected; it is not automatic.

(2) An employee may elect optional insurance if:

(i) He/she has basic insurance;

(ii) He/she doesn't have a waiver of that type of optional insurance still in effect; and

(iii) His/her periodic pay, after all other deductions, is enough to cover the full cost.

§ 870.302 Exclusions.

(a) The following employees are excluded from life insurance coverage by law:

(1) An employee of a corporation supervised by the Farm Credit Administration, if private interests elect or appoint a member of the board of directors.

(2) An individual who is not a citizen or national of the United States and whose permanent duty station is outside the United States. Exception: An individual who met the definition of employee on September 30, 1979, by service in an Executive agency, the United States Postal Service, or the Smithsonian Institution in the area which was then known as the Canal Zone.

(3) An individual first employed by the Government of the District of Columbia on or after October 1, 1987. Exception: An employee of St. Elizabeths Hospital, who accepts employment with the District of Columbia Government following Federal employment without a break in service, as provided in section 6 of Pub. L. 98–621.

(4) Teachers in Department of Defense dependents schools overseas, if employed by the Federal Government in a nonteaching position during the recess period between school years.

(b) The following employees are also excluded from life insurance coverage:

(1) An employee serving under an appointment limited to 1 year or less. Exceptions:

(i) An employee whose full-time or part-time temporary appointment has a regular tour of duty and follows a position in which he/she was insured, with a break in service of no more than 3 days;

(ii) An acting postmaster;

(iii) A Presidential appointee appointed to fill an unexpired term; and

(iv) Certain temporary employees who receive provisional appointments as defined in §§ 316.401 and 316.403 of this title.

(2) An employee who is employed for an uncertain or purely temporary period, who is employed for brief periods at intervals, or who is expected to work less than 6 months in each year. Exception: An employee who is employed under an OPM-approved career-related work-study program under Schedule B lasting at least 1 year and who is in pay status for at least one-third of the total period of time from the date of the first appointment to the completion of the work-study program.

(3) An intermittent employee (a non-full-time employee without a regularly scheduled tour of duty). Exception: An employee whose intermittent appointment follows, with a break in service of no more than 3 days, a position in which he/she was insured and to which he/she is expected to return.

(4) An employee whose pay, on an annual basis, is $12 a year or less.

(5) A beneficiary or patient employee in a Government hospital or home.

(6) An employee paid on a contract or fee basis. Exception: An employee who is a United States citizen, who is appointed by a contract between the employee and the Federal employing authority which requires his/her personal service, and who is paid on the basis of units of time.

(7) An employee paid on a piecework basis. Exception: An employee whose work schedule provides for full-time or part-time service with a regularly scheduled tour of duty.

(c) OPM makes the final determination about whether the above categories apply to a specific employee or group of employees.

Subpart D—Cost of Insurance

§ 870.401 Withholdings and contributions for basic insurance.

(a) The cost of basic insurance is shared between the insured individual and the Government. The employee pays two-thirds of the cost, and the Government pays one-third.

(b) (1) During each pay period in which an insured employee is in pay status for any part of the period, $0.165 must be withheld from the employee's biweekly pay for each $1,000 of the employee's BIA. The amount withheld from the pay of an employee who is paid on other than a biweekly basis must be prorated and adjusted to the nearest one-tenth of 1 cent.

(2) The amount withheld from the pay of an insured employee whose annual pay is paid during a period shorter than 52 workweeks is the amount obtained

by converting the biweekly rate to an annual rate and prorating the annual rate over the number of installments of pay regularly paid during the year.

(3) The amount withheld from the pay of an insured employee whose BIA changes during a pay period is based on the BIA in force at the end of the pay period.

(4) No payment is required while an insured employee is in nonpay status for up to 12 months.

(c) For each pay period in which an employee is insured, the employing agency must contribute an amount equal to one-half the amount withheld from the employee's pay. This agency contribution must come from the appropriation or fund that is used for the payment of the employee's pay. For an elected official, the contribution must come from the appropriation or fund that is available for payment of other salaries in the same office.

(d) (1) For an annuitant who elects to continue basic insurance and chooses the maximum reduction of 75 percent after age 65 under § 870.702(a)(2), the amount withheld monthly is $0.3575 for each $1,000 of the BIA. For a compensationer who makes this election, the amount withheld weekly is $0.0825 for each $1,000. These withholdings stop the month after the month in which the individual reaches age 65. There are no withholdings from individuals who retired or began receiving compensation before January 1, 1990, and who elected the 75 percent reduction. For the purpose of this paragraph, an individual who separates from service after meeting the requirements for an immediate annuity under 5 U.S.C. 8412(g) is considered to retire on the day before the annuity begins.

(2) For an annuitant who elects to continue basic insurance and chooses the maximum reduction of 50 percent after age 65 under § 870.702(a)(3), the amount withheld monthly is $0.8775 for each $1,000 of the BIA until the annuitant reaches age 65; the amount is then reduced to $0.52 for each $1,000. For a compensationer who makes this election, the amount withheld weekly is $0.2025 for each $1,000 of the BIA until age 65; the amount is then reduced to $0.12 for each $1,000.

(3) For an annuitant who elects to continue basic insurance and chooses no reduction after age 65 under § 870.702(a)(4), the amount withheld monthly is $2.0475 for each $1,000 of the BIA until the annuitant reaches age 65; the amount is then reduced to $1.69 for each $1,000. For a compensationer who makes this election, the amount withheld weekly is $0.4725 for each $1,000 of the BIA until age 65; the amount is then reduced to $0.39 for each $1,000.

(e) (1) For each period in which an annuitant or compensationer is insured, OPM must contribute an amount equal to one-half the amount that would be withheld under paragraph (d)(1) of this section. Exception: For USPS employees who become annuitants or compensationers after December 31, 1989, the Postal Service pays the Government contributions.

(2) The Government contribution is the same amount whether the individual elects a maximum 75 percent reduction, a maximum 50 percent reduction, or no reduction.

(3) The Government contribution stops the month after the month in which the individual reaches age 65.

(f) When an agency withholds less than or none of the proper amount of basic life insurance deductions from an individual's pay, annuity, or compensation, the agency must submit an amount equal to the sum of the uncollected deductions and any applicable agency contributions required under 5 U.S.C. 8708 to OPM for deposit in the Employees' Life Insurance Fund.

§ 870.402 Withholdings for optional insurance.

(a) The insured individual pays the full cost of all optional insurance. There is no Government contribution toward the cost of any optional insurance. Exception: The United States Postal Service may make a contribution toward the cost of optional insurance for USPS employees in some situations.

(b) During each pay period in any part of which an insured employee is in pay status, the employing agency must withhold the full cost of optional insurance from his/her pay.

(c) Subject to the provisions for reemployed annuitants in § 870.706(d), the full cost of optional insurance must be withheld from the annuity of an annuitant and from the compensation of a compensationer. These withholdings stop after the end of the month in which an annuitant or compensationer reaches age 65.

(d) (1) The biweekly cost per $10,000 of Option A coverage is:

For persons under age 35	$0.40
For persons ages 35 through 39	.50
For persons ages 40 through 44	.70
For persons ages 45 through 49	1.10
For persons ages 50 through 54	1.80
For persons ages 55 through 59	3.00
For persons ages 60 and over	7.00

(2) The amount withheld from pay, annuity, or compensation paid on other than a biweekly basis must be prorated and adjusted to the nearest cent.

(e) (1) The biweekly cost per $1,000 of Option B coverage is:

For persons under age 35	$0.04
For persons ages 35 through 39	.05
For persons ages 40 through 44	.07
For persons ages 45 through 49	.11
For persons ages 50 through 54	.18
For persons ages 55 through 59	.30
For persons ages 60 and over	.70

(2) The amount withheld from pay, annuity, or compensation paid on other than a biweekly basis must be prorated and adjusted to the nearest one-tenth of 1 cent.

(f) (1) The biweekly cost of Option C coverage is based on the age of the employee, annuitant, or compensationer. The cost is:

For persons under age 35	$0.30
For persons ages 35 through 39	.31
For persons ages 40 through 44	.52
For persons ages 45 through 49	.70
For persons ages 50 through 54	1.00
For persons ages 55 through 59	1.50
For persons ages 60 and over	2.60

(2) The amount withheld from pay, annuity, or compensation paid on other than a biweekly basis must be prorated and adjusted to the nearest cent.

(g) For the purpose of this subpart, an individual is considered to reach age 35, 40, 45, 50, 55, or 60 on the first day of the first pay period beginning on or after the January 1 following his/her corresponding birthday.

(h) The amount withheld from the pay of an insured employee whose annual pay is paid during a period shorter than 52 workweeks is the amount obtained by converting the biweekly rate for his/her age group to an annual rate and prorating the annual rate over the number of installments of pay regularly paid during the year.

(i) When an agency withholds less than or none of the proper amount of optional life insurance deductions from an individual's pay, annuity, or compensation, the agency must submit an amount equal to the uncollected deductions required under 5 U.S.C. 8714a to OPM for deposit in the Employees' Life Insurance Fund.

§ 870.403 Withholdings and contributions provisions that apply to both basic and optional insurance.

(a) Withholdings (and Government contributions, when applicable) are based on the amount of insurance in force at the end of the pay period.

(b) Withholdings are not required for the period between the end of the pay period in which an employee separates from service and the date his/her annuity or compensation begins.

(c) The deposit described in §§ 870.401(f) and 870.402(i) must be made no later than 60 calendar days after the date the employing office determines the amount of the underdeduction that has occurred, regardless of whether or when the underdeduction is recovered by the agency. The agency must determine whether to waive collection of the overpayment of pay, in accordance with 5 U.S.C. 5584, as implemented by 4 CFR ch. I, subchapter G. However, if the agency involved is excluded from the provisions of 5 U.S.C. 5584, it may use any applicable authority to waive the collection.

(d) Effective October 21, 1972, when an employee returns to work after being suspended or fired erroneously, no withholdings are made from the back pay.

(e) If an individual's periodic pay, compensation, or annuity isn't sufficient to cover the full withholdings, any amount available for life insurance withholding must be applied first to basic insurance, with any remainder applied to optional insurance.

§ 870.404 Direct premium payments under 5 U.S.C. chapter 84 (Federal Employees' Retirement System—FERS).

(a) If the FERS annuity, excluding subchapter III of 5 U.S.C. chapter 84 (Thrift Savings Plan), is too low to cover any of the insurance premiums, the retirement system must notify the annuitant of the opportunity to pay his/her share of the basic premium and the optional premium(s) directly to the retirement system.

(b) The retirement system must establish a method for accepting these direct premium payments. The retirement system must provide the annuitant with a premium payment schedule and the requirements for continued enrollment.

(c) The annuitant must send the retirement system the required premium(s) for every pay period during which the coverage(s) continue, excluding the 31-day temporary extension of coverage provided in § 870.601. The annuitant must make payment after the pay period in which he/she is covered, according to the schedule established by the retirement system. If it does not receive payment by the due date, the retirement system must notify the annuitant that coverage(s) will be continued only if he/she makes payment within 15 days after receiving the notice. The basic and optional insurance coverage(s) of an annuitant who does not pay within the specified time limit terminate. An individual whose coverage(s) terminate because of nonpayment of premium cannot reelect or reinstate coverage, except as provided in paragraph (d) of this section.

(d) If, for reasons beyond his/her control, an annuitant is unable to pay within 15 days after receiving the notice, he/she may request reinstatement of coverage by writing to the retirement system. Such a request must be made within 30 calendar days from the date of termination and must be accompanied by proof that the annuitant was prevented from paying within the time limit for reasons beyond his/her control. The retirement system will decide if the individual is eligible for reinstatement of coverage. If the decision is yes, the coverage is reinstated back to the date of termination.

(e) Termination of coverage for failure to pay premiums within the time limit established according to paragraph (c) of this section is effective at the end of the last pay period for which payment has been received on time.

(f) The retirement system must submit all direct premium payments, along with its regular life insurance premiums, to OPM according to procedures set by OPM.

Subpart E—Coverage

§ 870.501 Basic insurance: Effective dates of automatic coverage.

(a)(1) When an employee is appointed or transferred to a position in which he/she is eligible for insurance, the employee is automatically insured for basic insurance on the day he/she enters on duty in pay status, unless, before the end of the first pay period, the employee files a waiver of basic insurance with the employing office or had previously filed a waiver which remains in effect.

(2) An insured employee who moves to another covered position is automatically insured on the effective date of the move, unless the employee files a waiver of basic insurance with the new employing office before the end of the first pay period in the new position.

(b) An employee who returns to pay and duty status after a period of more than 12 months of nonpay status is automatically insured at the time he/she actually enters on duty in pay status, unless, before the end of the first pay period, the employee files a waiver of basic insurance coverage with the employing office or had previously filed a waiver which remains in effect.

(c) For an employee who serves in cooperation with a non-Federal agency and who is paid in whole or in part from non-Federal funds, OPM sets the effective date. This date must be part of an agreement between OPM and the non-Federal agency. The agreement must provide either:

(1) That the required withholdings and contributions be made from federally controlled funds and deposited into the Employees' Life Insurance Fund on a timely basis, or

(2) That the cooperating non-Federal agency, by written agreement with the Federal agency, make the required withholdings and contributions from non-Federal funds and transmit that amount to the Federal agency for deposit into the Employees' Life Insurance Fund on a timely basis.

(d) If an employee waived basic insurance on or before February 28, 1981, the waiver was automatically cancelled effective on the 1st day the employee entered on duty in pay status on or after April 1, 1981. Basic insurance coverage was automatically effective on the date of the waiver's cancellation, unless the employee filed a new waiver of basic insurance with the employing office before the end of the pay period during which the coverage became effective.

§ 870.502 Basic insurance: Waiver/cancellation of insurance.

(a) An insured individual may cancel his/her basic insurance at any time by filing a waiver of basic insurance coverage. An employee files with the employing office. An annuitant files with OPM or other office that administers his/her retirement system. If still employed, a compensationer files with the employing office, and if not still employed, with OWCP. The waiver is effective, and the insurance stops, at the end of the pay period in which the waiver is properly filed.

(b) An individual who cancels his/her basic insurance automatically cancels all forms of optional insurance.

§ 870.503 Basic insurance: Cancelling a waiver.

(a) An annuitant who has filed a waiver of basic insurance cannot cancel the waiver.

(b) An employee who has filed a waiver of basic insurance may cancel the waiver and become insured if:

(1) At least 1 year has passed since the effective date of the waiver, and

(2) He/she provides satisfactory medical evidence of insurability.

(c) OFEGLI reviews the Request for Insurance filed by an employee who has complied with paragraph (b) of this section and decides whether to approve it. The insurance is effective when, after OFEGLI's approval, the employee actually enters on duty in pay status in

a position in which he/she is eligible for insurance. If the employee doesn't enter on duty in pay status within 31 days following the date of OFEGLI's approval, the approval is automatically revoked and the employee is not insured.

(d) When an employee who has been separated from service for at least 180 days is reinstated on or after April 1, 1981, a previous waiver of basic insurance is automatically cancelled. Unless the employee files a new waiver, basic insurance becomes effective on the 1st day he/she actually enters on duty in pay status in a position in which he/she is eligible for coverage. Exception: For employees who waived basic insurance after February 28, 1981, separated, and returned to Federal service before December 9, 1983, the waiver remained in effect; these employees were permitted to elect basic insurance by applying to their employing office before March 7, 1984.

§ 870.504 Optional insurance: Election.

(a)(1) Each employee must, on the form entitled Life Insurance Election, elect or waive Option A, Option B, and Option C coverage within 31 days after becoming eligible, unless during earlier employment he/she filed an election or waiver which remains in effect. The 31-day time limit for Option B or Option C begins on the 1st day after February 28, 1981, on which an individual meets the definition of an employee.

(2) Within 6 months after an employee becomes eligible, an employing office may determine that the employee was unable, for reasons beyond his/her control, to elect any type of optional insurance within the time limit. In this case, the employee must elect or waive that type of optional insurance within 31 days after he/she is notified of the determination. The insurance is retroactive to the 1st day of the first pay period beginning after the date the individual became eligible or after April 1, 1981, whichever is later. The individual must pay the full cost of the insurance from that date for the time that he/she is in pay status, retired, or receiving compensation and under age 65.

(b) An employee who doesn't file a Life Insurance Election form with his/her employing office specifically electing any type of optional insurance is considered to have waived it and does not have that type of optional insurance.

(c) For the purpose of having Option A as an employee, an election of this insurance filed on or before February 28, 1981, is considered to have been cancelled effective at the end of the pay period which included March 31, 1981, unless the employee didn't actually enter on duty in pay status during the 1st pay period which began on or after April 1, 1981. In that case the election is considered to have been cancelled on the 1st day after the end of the next pay period in which the employee actually entered on duty in pay status. In order to have Option A as an employee after the date of this cancellation, an employee must specifically elect the coverage by filing the Life Insurance Election form with his/her employing office, subject to the provisions of § 870.504(a) or 870.506.

(d) Optional insurance is effective the 1st day an employee actually enters on duty in pay status on or after the day the employing office receives the election.

(e) For an employee whose optional insurance stopped for a reason other than a waiver, the insurance is reinstated on the 1st day he/she actually enters on duty in pay status in a position in which he/she again becomes eligible.

§ 870.505 Optional insurance: Waiver/cancellation of insurance.

(a) An insured individual may cancel entirely any type of optional insurance, or reduce the number of multiples of his/her Option B insurance, at any time by filing a waiver of optional insurance coverage. An employee files with the employing office. An annuitant files with OPM or other office that administers his/her retirement system. If still employed, a compensationer files with the employing office, and if not still employed, with OWCP.

(b) A cancellation of optional insurance becomes effective, and optional insurance stops, at the end of the pay period in which the waiver is properly filed. Exception: If Option C is cancelled because there are no eligible family members, the effective date is retroactive to the end of the pay period in which there stopped being any eligible family members.

(c) A waiver of optional insurance remains in effect until it is cancelled as provided in § 870.506.

§ 870.506 Optional insurance: Cancelling a waiver.

(a)(1) An employee who has waived Option B coverage may elect it, and an employee who has Option B of fewer than five multiples of annual pay may increase the number of multiples, upon his/her marriage or divorce, upon a spouse's death, or upon acquiring an eligible child.

(2) The number of multiples of Option B coverage that an employee can obtain or add (which can't exceed a total of five) is limited to the following:

(i) For marriage, the number of additional family members (spouse and eligible children) acquired with the marriage;

(ii) For acquisition of children, the number of eligible children acquired; and

(iii) For divorce or death of a spouse, the total number of eligible children of the enrollee.

(3) An employee who has waived Option C coverage may elect it upon his/her marriage or upon acquiring an eligible child. An employee may also elect Option C coverage upon divorce or death of a spouse, if the employee has any eligible children.

(4)(i) The employee must file the election on the Life Insurance Election form, along with proof of the event, with the employing office no later than 60 days following the date of the event that permits the election.

(ii) This 60-day time limit may be extended if the individual isn't serving in a covered position on the date of the event or if the individual separates from covered service prior to the end of the 60-day time limit. This extension cannot exceed the 31-day time limit for electing insurance following employment in a covered position or the 31-day period following the 1st day on which the individual becomes eligible to cancel a waiver of basic insurance.

(5)(i) The effective date of Option B insurance elected under this paragraph is the 1st day the employee actually enters on duty in pay status on or after the day the employing office receives the election.

(ii) The effective date of Option C insurance elected under this paragraph is the day the employing office receives the election.

(b)(1) An employee who has waived Option A or Option B coverage may elect it if:

(i) At least 1 year has passed since the effective date of the waiver, and

(ii) He/she provides satisfactory medical evidence of insurability.

(2) An employee who has Option B coverage of fewer than five multiples of annual pay may increase the number of multiples if:

(i) At least 1 year has passed since the effective date of his/her last election of fewer than five multiples (including a reduction in the number of multiples), and

(ii) He/she provides satisfactory medical evidence of insurability.

(iii) The requirement for at least 1 year to have passed since the effective date of the last election doesn't apply when an employee elected fewer than five multiples because of the limitation under paragraph (a)(2) of this section.

(c) OFEGLI reviews the request filed by an employee who has complied with paragraph (b) of this section and decides whether to approve it. The optional insurance is effective when, after OFEGLI's approval, the employee actually enters on duty in pay status in a position in which he/she is eligible for insurance. If the employee doesn't enter on duty in pay status within 31 days following the date of OFEGLI's approval, the approval is automatically revoked and the employee does not have the optional insurance requested.

(d)(1) If an employee waived Option A insurance on or before February 28, 1981, the waiver was automatically cancelled effective on the 1st day the employee entered on duty in pay status on or after April 1, 1981. Option A was effective on the date of the waiver's cancellation, if the employee filed an election of Option A during the March 1, 1981 through March 31, 1981 open enrollment period. If the employee didn't file the election form with his/her employing office during the March, 1981 open enrollment period, the employee will be considered to have waived Option A on March 31, 1981.

(2) When an employee who has been separated from service for at least 180 days is reinstated on or after April 1, 1981, a previous waiver of optional insurance is automatically cancelled, as follows:

(i) An employee who returned to service between April 1, 1981 and December 8, 1983, after a 180-day break in service was permitted to elect any form of optional insurance by applying to his/her employing office before March 7, 1984.

(ii) An employee who returns to service after December 8, 1983, following a 180-day break in service may elect any form of optional insurance by applying to his/her employing office within 31 days after reinstatement. Coverage is effective on the 1st day the employee actually enters on duty in pay status in a position in which he/she is eligible for insurance on or after the date the employing office receives the election. If the employee doesn't file a Life Insurance Election form within the 31-day period, the employee is considered to have waived optional insurance. However, an employee who fails to file during the 31-day period due to reasons beyond his/her control may enroll belatedly under the conditions stated in § 870.504(a)(2).

(e) An annuitant or compensationer is not eligible to cancel a waiver or to increase multiples of Option B under this section.

(f) The United States Postal Service may have less limiting requirements for cancelling waivers for USPS employees in some situations.

§ 870.507 Open enrollment periods.

(a) There are no regularly scheduled open enrollment periods for life insurance. Open enrollment periods are held only when specifically scheduled by OPM.

(b) During an OPM-scheduled open enrollment period, eligible employees may cancel their existing waivers of basic and/or optional insurance by electing the insurance on an OPM-designated form.

(c)(1) OPM sets the effective date for all insurance elected during an open enrollment period. The newly elected insurance is effective on the 1st day of the first pay period which begins on or after the OPM-established date and which follows a pay period during which the employee was in pay and duty status for at least 32 hours.

(2) A part-time employee must be in pay and duty status for one-half the regularly scheduled tour of duty shown on his/her current Standard Form 50 for newly elected coverage to become effective.

(3) An employee who has no regularly scheduled tour of duty or who is employed on an intermittent basis must be in pay and duty status for one-half the hours customarily worked before newly elected coverage can become effective. For the purpose of this paragraph, employing offices can determine the number of hours customarily worked by averaging the number of hours worked in the most recent calendar year quarter prior to the start of the open enrollment period.

(d) Within 6 months after an open enrollment period ends, an employing office may determine that an employee was unable, for reasons beyond his/her control, to cancel an existing waiver by electing to be insured during the open enrollment period. In this case, if the employee wants coverage, he/she must submit an election within 31 days after being notified of the determination. Coverage is retroactive to the first pay period which begins on or after the effective date set by OPM and which follows a pay period during which the employee was in pay and duty status for at least 32 hours. If the employee doesn't file an election within this 31-day time limit, he/she will be considered to have waived coverage.

§ 870.508 Nonpay status.

(a) An employee who is on leave without pay is entitled to continue life insurance for up to 12 months. No premium payments are required.

(b) If an insured employee who is entitled to free insurance while in nonpay status accepts a temporary appointment to a position in which he/she would normally be excluded from insurance, the insurance continues. The amount of basic insurance is based on whichever position's salary is higher. Withholdings are made from the employee's pay in the temporary position.

(c) If an insured employee goes on leave without pay to serve as a full-time officer or employee of certain employee organizations, within 60 days of the start of the leave-without-pay he/she may elect to continue life insurance. The insurance continues for the length of the appointment, even if the leave-without-pay lasts longer than 12 months. The employee must pay to the employing office the full cost of basic and optional insurance. There is no Government contribution for these employees.

(d) If an insured employee goes on leave without pay while assigned to a State government, local government, or institution of higher education, life insurance continues for the length of the assignment, even if the leave-without-pay lasts longer than 12 months. The employee must pay his/her premiums to the Federal agency on a current basis. The agency must continue to pay its contribution as long as the employee makes his/her payments.

§ 870.509 Transfers to international organizations.

An employee transferred to an international organization as provided in 5 U.S.C. 3582 may continue life insurance coverage. Regulations governing these transfers are in part 352 of this title.

Subpart F—Termination and Conversion

§ 870.601 Termination of basic insurance.

(a) Except as provided in § 870.701, the basic insurance of an insured employee stops on the date he/she separates from service, subject to a 31-day extension of coverage.

(b) The basic insurance of an employee who separates from service after meeting the requirement for an immediate annuity under § 842.204(a)(1) of this title and who postpones receiving the annuity, as provided by § 842.204(c) of this title, stops on the date he/she separates from service, subject to a 31-day extension of coverage.

(c) The basic insurance of an insured employee who moves without a break in service to a position in which he/she is

excluded from life insurance stops on his/her last day in the former position, subject to a 31-day extension of coverage.

(d)(1) Except as provided in § 870.701, the basic insurance of an insured employee who is in nonpay status stops on the date the employee completes 12 months in nonpay status, subject to a 31-day extension of coverage. The 12 months' nonpay status may be broken by periods of less than 4 consecutive months in pay status. If an employee has at least 4 consecutive months in pay status after a period of nonpay status, he/she is entitled to begin the 12 months' continuation of basic insurance again. If an employee has used up his/her 12 months' continuation in nonpay status and returns to duty for less than 4 consecutive months, his/her basic insurance stops on the 32nd day after the last day of the last pay period in pay status.

(2) For the purpose of this paragraph, 4 consecutive months in pay status means any 4-month period during which the employee is in pay status for at least part of each pay period.

§ 870.602 Termination of optional insurance.

(a) The optional insurance of an insured employee stops when his/her basic insurance stops, subject to the same 31-day extension of coverage.

(b) The optional insurance of an employee who separates from service after meeting the requirement for an immediate annuity under § 842.204(a)(1) of this title and who postpones receiving the annuity, as provided by § 842.204(c) of this title, stops on the date he/she separates from service, subject to a 31-day extension of coverage.

(c) If, because of a waiver, an insured employee isn't eligible to continue optional coverage as an annuitant or compensationer (see § 870.701), the optional insurance stops on the date that his/her basic insurance is continued or reinstated under the provisions of § 870.701, subject to a 31-day extension of coverage.

(d) If, at the time of an individual's election of basic insurance during receipt of annuity or compensation (see § 870.701), he/she elects no basic life insurance, the optional insurance stops at the end of the month in which the election is received in OPM, subject to a 31-day extension of coverage.

(e) Except as provided in § 870.404, optional insurance stops, subject to a 31-day extension of coverage, at the end of the pay period in which it's determined that an individual's periodic pay, compensation, or annuity, after all other deductions, isn't enough to cover the full cost of the optional insurance. If an individual has more than one type of optional insurance, and his/her pay, compensation, or annuity is sufficient to cover some but not all of the insurance, Option C terminates first, followed by Option A and then Option B.

§ 870.603 Conversion of basic and optional insurance.

(a)(1) When group coverage terminates for any reason other than voluntary cancellation, an employee may apply to convert all or any part of his/her basic and optional insurance to an individual policy; no medical examination is required. The premiums for the individual policy are based on the employee's age and class of risk. An employee is eligible to convert the policy only if he/she doesn't return, within 3 calendar days from the terminating event, to a position allowing coverage under the group plan.

(2) The employing agency must notify the employee of the loss of coverage and the right to convert to an individual policy either before or immediately after the event causing the loss of coverage.

(3) The employee must submit the request for conversion information to OFEGLI. It must be postmarked within 31 days following the date of the terminating event or within 31 days of the date the employee received the notice of loss of group coverage and right to convert, whichever is later.

(4) An employee who fails to use his/her conversion right within 31 days after receiving notice of the right to convert or within 31 days of the terminating event, whichever is later, is considered to have refused coverage, unless OFEGLI determines the failure was for reasons beyond the employee's control, as described in paragraph (a)(5) of this section.

(5) When the employee fails to request conversion information within the time limit set in paragraph (a)(3) of this section for reasons beyond his/her control, he/she may make a belated request by writing to OFEGLI. The employee must make the request within 6 months after becoming eligible to convert the insurance. The employee must show that he/she wasn't notified of the loss of coverage and the right to convert and was not otherwise aware of it or that he/she was unable to convert to an individual policy for reasons beyond his/her control. OFEGLI will determine if the employee is eligible to convert. When the request is approved, the employee must convert within 31 days of that determination.

(b) The individual conversion policy is effective the day after the group coverage ends. The employee must pay the premiums for any period retroactive to that date.

(c) The 31-day extension of coverage provided under this subpart does not depend upon timely notification of the right to convert to an individual policy. The extension cannot be continued beyond 31 days.

Subpart G—Annuitants and Compensationers

§ 870.701 Eligibility for life insurance.

(a) When an insured employee retires, basic life insurance (but not accidental death and dismemberment) continues or is reinstated if he/she:

(1) Is entitled to retire on an immediate annuity under a retirement system for civilian employees, including the retirement system of a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard;

(2) Was insured for the 5 years of service immediately before the date the annuity starts, or for the full period(s) of service during which he/she was eligible to be insured if less than 5 years; and

(3) Has not converted to an individual policy as described in § 870.603. If it is not determined that an individual is eligible to continue the group coverage as an annuitant until after he/she has converted, the group enrollment must be reinstated. The conversion policy must be voided, and the premiums already paid on the policy must be refunded to the individual.

(b) A compensationer's basic life insurance (but not accidental death and dismemberment) continues or is reinstated if he/she:

(1) Has been insured for the 5 years of service immediately before the date of entitlement to compensation, or for the full period(s) of service during which he/she was eligible to be insured if less than 5 years; and

(2) Has not converted to an individual policy as described in § 870.603. If it is not determined that an individual is eligible to continue the group coverage as a compensationer until after he/she has converted, the group enrollment must be reinstated. The conversion policy must be voided, and the premiums already paid on the policy must be refunded to the individual.

(c) An individual who meets the requirements under paragraphs (a) or (b) of this section or § 870.707 for continuation or reinstatement of life insurance must complete a written election on the appropriate form at the time entitlement is established. For the election to be valid, OPM must receive

the election form before it has made a final decision on the individual's application for annuity or supplemental annuity or an individual's request to continue life insurance as a compensationer. If there is no valid election, OPM considers the individual to have chosen the option described in paragraph (a)(2) of § 870.702.

(d) If the annuity or compensation of an insured individual is terminated, or if the Department of Labor finds that an insured compensationer is able to return to duty, his/her basic life insurance held as an annuitant or compensationer stops on the date of the termination or finding. There is no 31-day extension of coverage or conversion right.

(e)(1) An annuitant or compensationer who is eligible to continue or have reinstated basic insurance is also eligible to continue or have reinstated optional insurance if he/she meets the same coverage requirements for optional insurance as those stated in paragraph (a) or (b) of this section for basic insurance.

(2) For the purpose of continuing insurance as an annuitant or compensationer, an employee is not considered to have been eligible for Option C during any period when the employee had no eligible family member.

§ 870.702 Election of basic insurance.

(a) An individual who makes an election under § 870.701(c) must select one of the following options:

(1) Termination of the insurance. The individual's insurance stops upon conversion to an individual policy as provided under § 870.603. If the individual doesn't convert to an individual policy, insurance stops at the end of the month in which OPM or the employing office receives the election;

(2) Continuation or reinstatement of basic insurance with a maximum reduction of 75 percent during retirement. Premiums are withheld from annuity or compensation (except as provided under § 870.401(d)(1)). The amount of basic life insurance in force reduces by 2 percent a month until the maximum reduction is reached. This reduction starts at the beginning of the 2nd month after the date the insurance would otherwise have stopped or the date of the insured's 65th birthday, whichever is later;

(3) Continuation or reinstatement of basic insurance with a maximum reduction of 50 percent during retirement. Premiums are withheld from annuity or compensation. The amount of basic insurance in force reduces by 1 percent a month until the maximum reduction is reached. This reduction starts at the beginning of the 2nd month after the date the insurance would otherwise have stopped or the date of the insured's 65th birthday, whichever is later; or

(4) Continuation or reinstatement of basic insurance with no reduction after age 65. Premiums are withheld from annuity or compensation.

(b)(1) An insured individual may cancel an election under paragraph (a)(3) or (a)(4) of this section at any time. The amount of basic insurance automatically switches to the amount that would have been in force if the individual had originally elected the 75 percent reduction. This revised amount is effective at the end of the month in which OPM receives the request to cancel the previous election.

(2) If the individual files a waiver of insurance, the coverage stops without a 31-day extension of coverage or conversion right. This is effective at the end of the month in which OPM receives the waiver.

§ 870.703 Amount of life insurance.

(a)(1) The amount of an annuitant's or compensationer's basic insurance is his/her BIA on the date insurance would otherwise have stopped because of separation from service or completion of 12 months in nonpay status, minus any reductions applicable under § 870.702(a).

(2) For the purpose of paying benefits upon the death of a retired insured individual under age 45, the BIA is multiplied by the appropriate age factor shown in § 870.202(c). Exception: If the insured individual retired before October 10, 1980.

(b) The amount of an annuitant's or compensationer's Option A coverage reduces by 2 percent a month up to a maximum reduction of 75 percent. This reduction starts at the beginning of the 2nd month after the date the insurance would otherwise have stopped or the date of the insured's 65th birthday, whichever is later.

(c) (1) The number of multiples of Option B coverage an annuitant or compensationer can continue is the smallest number of multiples in force during the applicable period of service required to continue Option B.

(2) Each multiple of an annuitant's or compensationer's Option B coverage reduces by 2 percent a month. This reduction starts at the beginning of the 2nd month after the date the insurance would otherwise have stopped or the insured's 65 birthday, whichever is later. At 12 noon on the day before the 50th reduction, the insurance stops, with no extension of coverage or conversion right.

(d) The amount of an annuitant's or compensationer's Option C coverage on each family member reduces by 2 percent a month. This reduction starts at the beginning of the 2nd month after the date the insurance would otherwise have stopped or the annuitant's or compensationer's 65th birthday, whichever is later. At 12 noon on the day before the 50th reduction, the insurance stops, with no extension of coverage or conversion right.

(e)(1) Judges retiring under 28 U.S.C. 371 (a) and (b), 28 U.S.C. 372(a), and 26 U.S.C. 7447 are considered employees under the FEGLI law. Basic and optional insurance for these judges continues without interruption or reduction upon retirement.

(2) If a judge chooses to receive compensation instead of an annuity, his/her optional insurance reduces as stated in paragraphs (b), (c), and (d) of this section.

§ 870.704 Reinstatement of life insurance.

(a) An annuitant whose disability annuity terminates because he/she recovers from the disability or because his/her earning capacity returns, and whose disability annuity is later restored under 5 U.S.C. 8337(e) (after December 31, 1983), may elect to resume the basic insurance held immediately before his/her disability annuity terminated. OPM must receive the election within 60 days after OPM mails a notice of insurance eligibility and election form.

(b) An annuitant described in paragraph (a) of this section may elect to resume any optional insurance held immediately before the annuity terminated if:

(1) He/she has made an election under paragraph (a) of this section; and

(2) OPM receives the election within 60 days after OPM mails a notice of insurance eligibility and election form.

(c) Basic and optional insurance reinstated under paragraphs (a) and (b) of this section are effective on the 1st day of the month after the date OPM receives the election form. Any applicable annuity withholdings are also reinstated on the 1st day of the month after OPM receives the election form.

(d) The amounts of basic and optional insurance reinstated under paragraphs (a) and (b) of this section are the amounts that would have been in force if the individual's annuity hadn't terminated.

§ 870.705 Waiver or suspension of annuity or compensation.

(a) Except as provided in paragraph (b) of this section, when annuity or

compensation is waived or suspended, optional life insurance continues. When the annuity or compensation is resumed, back payments must be withheld for the full cost of the optional insurance for the period of waiver or suspension during which the person is under age 65.

(b) If suspension of annuity or compensation is because of reemployment, the reemploying office must withhold the full cost of the insurance during each pay period of reemployment.

§ 870.706 Reemployed annuitants.

(a) (1) If an insured annuitant is appointed to a position in which he/she is eligible for insurance, the amount of his/her basic life insurance as an annuitant (and any applicable annuity withholdings) is suspended on the day before the 1st day in pay status under the appointment, unless the reemployed annuitant waives all insurance coverage. The benefit payable upon the death of a reemployed annuitant who has basic insurance in force as an employee cannot be less than the benefit which would have been payable if the individual hadn't been reemployed.

(2) Except as provided in paragraph (b) of this section, the basic insurance obtained as an employee stops, with no 31-day extension of coverage or conversion right, on the date reemployment terminates. Any suspended basic insurance (and any applicable annuity withholdings) is reinstated on the day following termination of the reemployment.

(b) Basic insurance obtained during reemployment can be continued after the reemployment terminates if:

(1) The annuitant qualifies for a supplemental annuity or receives a new retirement right;

(2) He/she has had basic insurance as an employee for at least 5 years of service immediately before separation from reemployment or for the full period(s) during which such coverage was available to him/her, whichever is less; and

(3) He/she doesn't convert to nongroup insurance when basic insurance as an employee would otherwise terminate.

(c) If the basic insurance obtained during reemployment is continued as provided in paragraph (b) of this section, any suspended basic life insurance stops, with no 31-day extension of coverage or conversion right.

(d)(1) An annuitant appointed to a position in which he/she is eligible for basic insurance, is also eligible for optional insurance as an employee, unless he/she has on file an uncanceled waiver of basic or optional insurance.

(2) If the individual has Option A or C as an annuitant, that insurance (and applicable annuity withholdings) is suspended on the day before his/her 1st day in pay status under the appointment. Unless he/she waives Option A or C (or waives basic insurance), he/she obtains Option A or C as an employee.

(3) If the individual has Option B as an annuitant, that insurance (and applicable annuity withholdings) continues as if the individual weren't reemployed, unless:

(i) The individual files with his/her employing office an election of Option B on the Life Insurance Election form within 31 days after the date of reemployment. In this case Option B (and applicable annuity withholdings) as an annuitant is suspended on the date that Option B as an employee becomes effective; or

(ii) The individual waives basic insurance.

(4) Except as provided in paragraph (e) of this section, the optional insurance obtained as an employee stops, with no 31-day extension or conversion right, on the date reemployment terminates. The amount of suspended optional insurance which remains in force after applicable monthly reductions after age 65 (and corresponding withholdings) is reinstated on the day after reemployment terminates.

(e) Optional life insurance obtained during reemployment may be continued after the reemployment terminates if the annuitant:

(1) Qualifies for a supplemental annuity or receives a new retirement right;

(2) Continues his/her basic life insurance under paragraph (d)(2), (3), or (4) of § 870.701; and

(3) Has had optional insurance in force for the 5 years of service immediately before separation from reemployment or for the full period(s) of service during which it was available to him/her, whichever is less.

(f) If optional insurance obtained during reemployment is continued as provided in paragraph (e) of this section, any suspended optional insurance stops, with no 31-day extension of coverage or conversion right.

(g) If a reemployed annuitant waives life insurance as an employee, the waiver also cancels his/her life insurance as an annuitant.

§ 870.707 MRA-plus-10 annuitants.

(a) The basic insurance of an individual whose coverage terminates under § 870.601(a), and who meets the requirements for continuing basic insurance after retirement as stated in § 870.601(b), resumes on the starting date of annuity or on the date OPM receives the application for annuity, whichever is later. The individual must file an election as provided in § 870.701(c) so that OPM receives it within 60 days after OPM mails a notice of insurance eligibility and election form.

(b) Optional insurance of an individual whose coverage terminates under § 870.602(a), and who meets the requirements for continuing optional insurance after retirement under § 870.602(b), resumes on the starting date of annuity or on the date OPM receives the application for annuity, whichever is later.

Subpart H—Order of Precedence and Designation of Beneficiary

§ 870.801 Order of precedence and payment of benefits.

(a) Benefits are paid according to the order of precedence stated in 5 U.S.C. 8705, as follows:

(1) To the designated beneficiary (or beneficiaries);

(2) If none, to the widow(er);

(3) If none, to the child, or children in equal shares, with the share of any deceased child going to his/her children;

(4) If none, to the parents in equal shares or the entire amount to the surviving parent;

(5) If none, to the executor or administrator of the estate;

(6) If none, to the next of kin according to the laws of the State in which the insured individual legally resided.

(b) If an insured individual provided in a valid designation of beneficiary for insurance benefits to be payable to the insured's estate, or to the Executor, Administrator, or other representative of the insured's estate, or if the benefits would otherwise be payable to the duly appointed representative of the insured's estate under the order of precedence specified in 5 U.S.C. 8705(a), payment of the benefits to the duly appointed representative of the insured's estate bars recovery by any other person.

(c) Option A or B insurance in force on a person on the date of his/her death is paid, on receipt of a valid claim, in the same order of precedence and under the same conditions as basic insurance. A designation of beneficiary for basic

insurance is also a designation of beneficiary for Option A or B, unless the insured individual states otherwise in his/her designation.

(d) Upon the death of an insured family member, Option C benefits are paid to the employee, annuitant, or compensationer responsible for withholdings under § 870.402(f), except as provided in paragraph (e) of this section.

(e) In spite of an assignment of life insurance under subpart I of this part, if an employee, annuitant, or compensationer entitled to receive Option C benefits dies before the benefits are paid, the Option C benefits are paid to the individual(s) entitled to receive basic life insurance benefits.

§ 870.802 Designation of beneficiary.

(a) If an insured individual wants benefits paid differently from the order of precedence, he/she may file a designation of beneficiary. A designation of beneficiary cannot be filed by anyone other than the insured individual.

(b) A designation of beneficiary must be in writing, signed, and witnessed by two people. The employing office (or OPM, in the case of an individual receiving an annuity or compensation must receive the designation before the death of the insured.

(c) A designation, change, or cancellation of beneficiary in a will or any other document not witnessed and filed as required by this section has no legal effect with respect to benefits under this chapter.

(d) A witness to a designation of beneficiary cannot be named as a beneficiary.

(e) Any individual, firm, corporation, or legal entity can be named as a beneficiary, except an agency of the Federal or District of Columbia Government.

(f) An insured individual may change his/her beneficiary at any time without the knowledge or consent of the previous beneficiary. This right cannot be waived or restricted.

(g) A designation of beneficiary is automatically cancelled 31 days after the individual stops being insured.

(h) An insured individual may provide that a designated beneficiary is entitled to the insurance benefits only if the beneficiary survives him/her for a specified period of time (not more than 30 days). If the beneficiary doesn't survive for the specified period, insurance benefits will be paid as if the beneficiary had died before the insured.

§ 870.803 Child incapable of self-support.

(a) When it receives a claim for Option C benefits because of the death of a child over age 21, OFEGLI determines, based on whatever evidence it considers necessary, whether the deceased child was incapable of self-support because of a mental or physical disability which existed before the child reached age 22.

(b) If an employee elects Option C under § 870.506(a)(3), and the opportunity to elect is based solely on the acquisition of a child over age 21, the employee must submit to the employing office at the time of making the election a doctor's certificate stating that the child is incapable of self-support because of a physical or mental disability which existed before the child reached age 22 and which is expected to continue for more than 1 year. The certificate must include the name of the child, the type of disability, how long it has existed, and its expected future course and duration. The certificate must be signed by the doctor and show his/her office address.

Subpart I—Assignments of Life Insurance

§ 870.901 Assignments permitted.

(a) Section 208 of the Bankruptcy Amendments and Federal Judgeship Act of 1984, Pub. L. 98–353, effective July 10, 1984, permits Federal judges to irreversibly assign their FEGLI coverage to one or more individuals, corporations, or trustees. A judge may assign ownership of all life insurance under this part, except Option C. If a judge owns more than one type of coverage, he/she must assign all the insurance; a judge cannot assign only a portion of the coverage. Option C cannot be assigned.

(b) A judge cannot name conditional assignees in case the primary assignee dies before the insured judge.

(c) If the insurance is assigned to two or more individuals, corporations, or trustees, the judge must specify percentage shares, rather than dollar amounts or types of insurance, to go to each assignee.

(d) If a judge who has made an assignment later elects increased insurance coverage under § 870.506 or during an open enrollment period, the increased coverage is considered included in the already-existing assignment. The right to increase coverage remains with the judge, rather than transferring to the assignee.

(e) A judge who assigns ownership of insurance continues to be the insured individual, but the assignee receives those rights of an insured employee that are specified in this part.

(f) Once assigned, the value of the insurance increases or decreases automatically as provided by this part.

§ 870.902 Making an assignment.

To assign insurance, a judge must make a written request for an approved assignment form. The judge must complete and submit to the employing office the signed and witnessed form indicating the intent to irreversibly assign all ownership of the insurance. (Assignments submitted prior to November 28, 1986, were accepted without an approved assignment form.)

§ 870.903 Effective date of assignment.

An assignment under this section is effective on the date the employing office receives the properly completed, signed, and witnessed assignment form.

§ 870.904 Amount of insurance.

The amount of insurance is based on the judge's basic pay as stated in subpart B of this part.

§ 870.905 Withholdings.

Premium withholdings for assigned insurance are withheld from the salary, annuity, or compensation of the judge, as provided in subpart D of this part.

§ 870.906 Cancellation of insurance.

The assignee has the right to cancel insurance according to the provisions of §§ 870.502 and 870.505. When there is more than 1 assignee, all assignees must agree to the cancellation. A cancellation of basic insurance also cancels all optional insurance.

§ 870.907 Termination and conversion.

(a) Assigned insurance terminates under the conditions stated in subpart F of this part.

(b) (1) When a judge's insurance terminates, an assignee has the right to convert all or part of the group insurance to an individual policy on the judge. The conditions stated in subpart F of this part apply to assignees who elect to convert.

(2) When there is more than 1 assignee, each assignee has the right to convert all or part of his/her share of the insurance. Any assignee who doesn't convert loses all ownership of the insurance.

(3) When there is more than 1 assignee and they wish to convert the assigned insurance to individual policies on the judge, the maximum amount of insurance each assignee will be able to convert is determined by the dollar amount corresponding to the assignee's share of the total insurance. This amount will be rounded up to the next higher thousand, if it's not already an even thousand dollar amount.

(4) Premiums for converted life insurance are based on the insured judge's age and class of risk at the time the conversion policy is issued.

(5) The employing office must notify each assignee of the conversion right at the time the assigned group insurance terminates.

§ 870.908 Annuitants and compensationers.

(a) If a judge assigns basic insurance and later becomes eligible to continue such insurance coverage while receiving annuity or compensation as provided in § 870.701:

(1) At the time he/she retires or becomes eligible to receive compensation, the judge may elect unreduced or partially reduced insurance coverage as provided in § 870.702(a).

(2) After the judge has made the election described in paragraph (a)(1) of this section, the assignee (or, if more than one, all of the assignees acting together) may, at any time, elect to cancel all or part of the basic insurance coverage as provided in § 870.702(b).

(b) Judges retiring under 28 U.S.C. 371 (a) and (b), 28 U.S.C. 372(a), and 26 U.S.C. 7747 are considered employees under the FEGLI law. Insurance for these judges continues without interruption or reduction upon retirement. The amount of basic insurance for a judge who elects to receive compensation in lieu of annuity will be computed according to § 870.703(e)(2).

§ 870.909 Designations and changes of beneficiary.

(a) Each assignee (or the legally appointed guardian of an assignee) may designate a beneficiary or beneficiaries to receive insurance benefits upon the death of the insured judge and may also later change the beneficiaries. Assignees may designate themselves the primary beneficiaries and name other conditional beneficiaries to receive insurance benefits if the assignees die before the insured judge.

(b) Benefits for assigned insurance are paid to an assignee's estate if the assignee dies before the insured judge and:

(1) The assignee did not designate a beneficiary; or

(2) The assignee's designated beneficiary dies before the insured judge.

(c) An assignment automatically cancels a judge's prior designation of beneficiary.

(d) The provisions of § 870.802 apply to designations of beneficiary made by assignees.

§ 870.910 Notification of current addresses.

Each assignee and each beneficiary of an assignee must keep the office where the assignment is filed informed of his/her current address.

Subpart J—Benefits for United States Hostages in Iraq and Kuwait and United States Hostages Captured in Lebanon

§ 870.1001 Purpose.

This subpart sets forth the conditions for life insurance coverage according to the provisions of section 599C of Pub. L. 101–513.

§ 870.1002 Definitions.

In this subpart:

Hostage and *hostage status* have the meaning set forth in section 599C of Pub. L. 101–513.

Pay period for individuals insured under this subpart means the pay period set by the U.S. Department of State.

Period of eligibility means the period beginning on the effective date set forth in § 870.1004 and ending 12 months after hostage status ends.

§ 870.1003 Coverage and amount of insurance.

(a) An individual is covered under this subpart when the U.S. Department of State determines that the individual is eligible under section 599C of Pub. L. 101–513.

(b) (1) The amount of basic life insurance for these individuals is the amount specified in § 870.202, subject to the applicable conditions stated in this subpart.

(2) The BIA under § 870.202 is the amount of the payment specified in section 599C(b)(2) of Pub. L. 101–513, rounded to the next higher $1,000, plus $2,000.

(c) Individuals who have basic insurance under this section also have group accidental death and dismemberment insurance.

(d) Individuals insured by this subpart are not eligible for optional insurance.

(e) Individuals insured by this subpart are not considered employees for the purpose of this part.

(f) Eligibility for insurance under this subpart depends on the availability of funds under section 599C(e) of Pub. L. 101–513.

§ 870.1004 Effective date of insurance.

Insurance under this subpart was effective on August 2, 1990, for hostages in Iraq and Kuwait and on January 1, 1990, for hostages captured in Lebanon, unless the U.S. Department of State sets a later date.

§ 870.1005 Premiums.

(a) Government contributions and employee withholdings required under subpart D of this part are paid from the funds provided under section 599C(e) of Pub. L. 101–513.

(b) If an individual isn't insured for the full pay period, premiums are paid only for the days he/she is actually insured. The daily premium is the monthly premium multiplied by 12 and divided by 365.

(c) OPM may accept the payments required by this section in advance from a State Department appropriation, if necessary to fund the 12-month period of coverage beginning the earlier of:

(1) The day after sanctions or hostilities end; or

(2) The day after the individual's hostage status ends.

(d) OPM will place any funds received under paragraph (c) of this section in an account set up for that purpose. OPM will make the deposit required under 5 U.S.C. 8714 from the account when the appropriate pay period occurs.

§ 870.1006 Cancellation of insurance.

(a) An individual who is insured under this subpart may cancel his/her insurance at any time by written request. The cancellation is effective on the 1st day of the pay period after the pay period in which the U.S. Department of State receives the request.

(b) Cancellation must be requested by the insured individual and cannot be requested by a representative acting on the individual's behalf.

(c) An individual who cancels the insurance under this section cannot obtain the insurance again, unless the U.S. Department of State determines that it would be against equity and good conscience not to allow the individual to be insured.

§ 870.1007 Termination and conversion.

(a) Insurance under this subpart terminates 12 months after hostage status ends, unless the individual cancels the insurance earlier.

(b) Insured individuals whose coverage terminates are eligible for the 31-day extension of coverage and conversion as set forth in subpart F of this part, unless the individual cancelled the coverage.

§ 870.1008 Order of precedence and designation of beneficiary.

Insurance benefits are paid under the order of precedence set forth in 5 U.S.C. 8705 and under the provisions of subpart H of this part.

§ 870.1009 Responsibilities of the U.S. Department of State.

(a) The U.S. Department of State functions as the ''employing office'' for individuals insured under this subpart.

(b) The U.S. Department of State must determine the eligibility of individuals under Pub. L. 101–513 for insurance under this subpart. This includes determining whether an individual is barred from insurance under chapter 87 of title 5 U.S.C. because of other life insurance, as provided in section 599C of Pub. L. 101–513.

PART 871—[REMOVED]

2. Part 871 is removed.

PART 872—[REMOVED]

3. Part 872 is removed.

PART 873—[REMOVED]

4. Part 873 is removed.

PART 874—[REMOVED]

5. Part 874 is removed.

[FR Doc. 95–10778 Filed 5–2–95; 8:45 am]

BILLING CODE 6325–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 92–NM–75–AD]

Airworthiness Directives; Construcciones Aeronauticas, S.A. (CASA), Model C–212–CB, –CC, –CD, –CE, –CF, and –DF Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all CASA Model C–212–CB, –CC, –CD, –CE, –CF, and –DF series airplanes. This proposal would require supplemental structural inspections, and repair or replacement, as necessary, to ensure the continued airworthiness of these airplanes. This proposal is prompted by a structural reevaluation, which identified certain significant structural components to inspect for fatigue cracks as these airplanes approach and exceed the manufacturer's original fatigue design life goal. The actions specified by the proposed AD are intended to prevent reduced structural integrity of these airplanes.

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. 92–NM–75–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 Construcciones Aeronauticas, S.A., Getafe, Madrid, Spain. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Sam Grober, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1187; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 92–NM–75–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. 92–NM–75–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

In June 1988, the FAA sponsored a conference on aging airplane issues, which was attended by representatives of the aviation industry from around the world. It became obvious that, because of the tremendous increase in air travel, the relatively slow pace of new airplane production, and the apparent economic feasibility of operating older technology airplanes rather than retiring them, increased attention needed to be focused on this aging fleet and maintaining its continued operational safety.

The FAA, in concert with the Regional Airline Association (RAA); several U.S. and non-U.S. operators of the affected airplanes; the Dirección General de Aviación Civil (DGAC), which is the airworthiness authority for Spain; and Construcciones Aeronauticas, S.A. (CASA); has agreed to undertake the task of identifying and implementing procedures to ensure continuing structural airworthiness of aging commuter-class airplanes. This group reviewed selected service bulletins, applicable to CASA Model C–212–CB, –CC, –CD, –CE, –CF, and –DF series airplanes, to be recommended for mandatory rulemaking action to ensure the continued operational safety of these airplanes.

The group reviewed and recommended CASA Supplemental Inspection Document (SID) C–212–PV–01–SID, dated June 1, 1987 (hereinafter referred to as the ''Document''), for mandatory rulemaking action. The Document describes procedures for implementing a structural inspection program, which includes inspections of the following Principal Structural Elements (PSE's) on the airplane:

1. 6 PSE's of the flap controls;
2. 24 PSE's of the fuselage structure, attach lugs and bolts, frame, and attachments;
3. 14 PSE's of the horizontal and vertical tails;
4. 14 PSE's of the wings; and
5. 8 PSE's of the engine support structure, firewall attach fittings, attach fittings to the wing, and attach bolts.

The Document also provides information addressing retirement lives, stress analysis, and fatigue inspections.

The intent of this Document is to positively address fatigue cracking of

the significant structural components described previously as these airplanes approach and exceed the manufacturer's original fatigue design life goal. Fatigue cracking of these components, if not detected and corrected in a timely manner, could result in reduced structural integrity of the airplane.

The DGAC classified the Document as mandatory and issued Spanish airworthiness directive 02–88, Revision 1, dated May 17, 1993, in order to assure the continued airworthiness of these airplanes in Spain.

Additionally, results of fatigue tests accomplished by CASA at the time of type certification of these airplanes have revealed that, for Model C–212–CB series airplanes, certain horizontal stabilizer-to-fuselage attach fittings must be replaced prior to incorporation of the SID program.

This airplane model is manufactured in Spain and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DGAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DGAC, 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 supplemental structural inspections, and repair or replacement, as necessary. The actions would be required to be accomplished in accordance with the Document described previously. This proposed AD also would require that results of these inspections, positive or negative, be reported to CASA.

This proposed AD also would require replacement of certain horizontal stabilizer to fuselage attach fittings on Model C–212–CB series airplanes. The replacement would be required to be accomplished in accordance with procedures specified in the CASA C–212 Aircraft Maintenance Manual.

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 33 airplanes of U.S. registry and 16 U.S. operators would be affected by this proposed AD.

The FAA estimates that 2 Model C–212–CB series airplanes of U.S. registry would be required to replace certain horizontal stabilizer to fuselage attach fittings. The proposed replacement would take approximately 250 work hours at an average labor rate of $60 per work hour. Required parts would cost approximately $18,941 per airplane. Based on these figures, the total cost of this proposed replacement to the 2 U.S. operators of Model C–212–CB series airplanes is estimated to be $67,882, or $33,941 per airplane.

Incorporation of the SID into an operator's maintenance program is estimated to necessitate 60 work hours at an average labor rate of $60 per work hour. Sixteen U.S. operators would be required to incorporate the SID into their maintenance programs. Based on these figures, the total cost to these 16 U.S. operators is estimated to be $57,600, or $3,600 per operator.

The recurring inspections cost is estimated to be 310 work hours per airplane at an average labor rate of $60 per work hour. Based on these figures, the recurring cost for these proposed requirements is estimated to be $613,800 for the affected U.S. fleet, or $18,600 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 FAA recognizes that the obligation to maintain aircraft in an airworthy condition is vital, but sometimes expensive. Because AD's require specific actions to address specific unsafe conditions, they appear to impose costs that would not otherwise be borne by operators. However, because of the general obligation of operators to maintain aircraft in an airworthy condition, this appearance is deceptive. Attributing those costs solely to the issuance of this AD is unrealistic because, in the interest of maintaining safe aircraft, prudent operators would accomplish the required actions even if they were not required to do so by the AD.

A full cost-benefit analysis has not been accomplished for this proposed AD. As a matter of law, in order to be airworthy, an aircraft must conform to its type design and be in a condition for safe operation. The type design is approved only after the FAA makes a determination that it complies with all applicable airworthiness requirements. In adopting and maintaining those requirements, the FAA has already made the determination that they establish a level of safety that is cost-beneficial. When the FAA, as in this proposed AD, makes a finding of an unsafe condition, this means that the original cost-beneficial level of safety is no longer being achieved and that the proposed actions are necessary to restore that level of safety. Because this level of safety has already been determined to be cost-beneficial, a full cost-benefit analysis for this proposed AD would be redundant and unnecessary.

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:

Construcciones Aeronauticas, S.A. (CASA): Docket 92–NM–75–AD.

Applicability: All Model C–212–CB, –CC, –CD, –CE, –CF, and –DF series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously. To prevent reduced structural integrity of the airplane, accomplish the following:

(a) For Model C–212–CB series airplanes: Prior to the accumulation of 16,500 total hours time-in-service, or within 6 months after the effective date of this AD, whichever occurs later, replace the horizontal stabilizer to fuselage attach fittings, part numbers 212–31101.05 and 212–31102.05, with part numbers 212–31122.03 and 212–31123.05, respectively, in accordance with the CASA C–212 Aircraft Maintenance Manual, Chapter 5, Section 5–20, task number 55.15.

Note 2: Replacement of the attach fittings on Model C–212–CB series airplanes may be accomplished by replacing part numbers 212–31101.05 and 212–31102.05 with part numbers 212–31123.30 and 212–31122.29, respectively.

(b) For all airplanes: Incorporate a revision into the FAA-approved maintenance inspection program that provides for inspection of the Principal Structural Elements (PSE) defined in CASA Supplemental Inspection Document (SID) C–212–PV–01–SID, dated June 1, 1987 (hereinafter referred to as the ''Document''), at the later of the times specified in paragraphs (b)(1) and (b)(2) of this AD.

(1) Prior to the accumulation of 20,000 total landings or 20,000 total hours time-in-service, whichever occurs first. Or

(2) Within 9 months after the effective date of this AD.

(c) Any cracked structure detected during the inspections required by paragraph (b) of this AD must be repaired or replaced, prior to further flight, in accordance with the instructions in the Document, or in accordance with other data meeting the certification basis of the airplane that is approved by the FAA or by the Dirección General de Aviación Civil (DGAC).

(d) Within 10 days after accomplishing each inspection required by paragraph (b) of this AD, report the results (positive or negative) of each inspection required by paragraph (b) of this AD to CASA in accordance with the Document. 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.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

Issued in Renton, Washington, on April 27, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10828 Filed 5–2–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–35–AD]

Airworthiness Directives; Boeing Model 727–100 and –200 Series Airplanes Equipped With an Engine Nose Cowl Installed in Accordance With Supplemental Type Certificate (STC) SA4363NM

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 727–100 and –200 series airplanes. This proposal would require replacing the attachin–nutplates on certain engine nose cowls with washers and self-locking nuts. This proposal is prompted by reports indicating that nose cowls separated (or nearly separated) from the engines of certain airplanes following failure of the engine fan blade and subsequent vibration of the engine, which caused loosening of the attach bolts on the nose cowl of the engine. The actions specified by the proposed AD are intended to prevent the attach bolts from becoming loose, which could result in subsequent separation of the nose cowl from the engine.

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. 95–NM–35–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from VALSAN Partnership Ltd., Aviation Products Management, Product Support Office, 39450 Third Street East, suite 121, Palmdale, California 93550. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Phil Forde, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue SW., Renton, Washington 98055–4056; telephone (206) 227–2771; 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–35–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–35–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA received reports from three operators of McDonnell Douglas Model DC–9–80 series airplanes indicating that a nose cowl separated from the engine of the airplane. In addition, the FAA received one report indicating that the nose cowl nearly separated from an airplane equipped with a Pratt & Whitney JT8D–200 series engine. These incidents occurred following severe vibration of the engine due to failure of the engine fan blade. Such vibration of the engine could cause the attach bolts on the nose cowl of the engine to become loose. This condition, if not corrected, could result in separation of the nose cowl from the engine of the airplane.

On December 2, 1994, the FAA issued AD 94–25–06, amendment 39–9090 (59 FR 64566, December 15, 1994), to address this unsafe condition on McDonnell Douglas Model DC–9–80 series airplanes and Model MC–88 airplanes. Subsequently, the FAA has determined that certain Boeing Model 727–100 and –200 series airplanes are equipped with an engine nose cowl installed in accordance with Supplemental Type Certificate (STC) SA4363NM, which is identical to the engine nose cowl installed on the McDonnell Douglas airplanes affected by AD 94–25–06. Therefore, the FAA has determined that these Boeing Model 727–100 and –200 series airplanes also are subject to the addressed unsafe condition.

The FAA has reviewed and approved VALSAN B727–RE Service Bulletin 71–006, Revision 1, dated March 3, 1995, which describes procedures for replacing the attaching nutplates of the No. 1 and No. 3 engine nose cowls with washers and self-locking nuts. The replacement involves removing the attaching nutplates from the No. 1 and No. 3 engine nose cowls, reversing the installation direction of the attach bolt, installing washers and self-locking nuts in place of the removed nutplates, and increasing bolt torque values. Accomplishment of this replacement will minimize the possibility of the attach bolts becoming loose as a result of severe engine vibration, thereby minimizing the possibility of the nose cowl separating from the engine.

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 replacing the attaching nutplates on certain engine nose cowls with washers and self-locking nuts. The actions would be required to be accomplished in accordance with the service bulletin described previously.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been included in this notice to clarify this long-standing requirement.

There are approximately 22 Model 727–100 and –200 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 19 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 6 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. The cost for required parts would be negligible. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $6,840, or $360 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 95–NM–35–AD.

Applicability: Model 727–100 and –200 series airplanes equipped with an engine nose cowl installed in accordance with Supplemental Type Certificate (STC) SA4363NM, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been

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

Compliance: Required as indicated, unless accomplished previously.

To prevent the attach bolts on the nose cowl of the engine from becoming loose, and subsequent separation of the nose cowl from the engine, accomplish the following:

(a) Within 12 months after the effective date of this AD, replace the attaching nutplates of the No. 1 and No. 3 engine nose cowls with washers and self-locking nuts in accordance with VALSAN B727–RE Service Bulletin 71–006, Revision 1, dated March 3, 1995.

(b) As of the effective date of this AD, no person shall install a nose cowl having part number 259–0002–501 or 259–0002–503 on any airplane.

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

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

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

Issued in Renton, Washington, on April 27, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10829 Filed 5–2–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 71

[Airspace Docket No. 94–ASO–20]

Proposed Alteration and Establishment of VOR Federal Airways; Florida

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would modify several existing airways and establish a new Federal Airway V–601, in the Miami, FL, area. This proposed action is necessary because of the decommissioning of the Miami, FL, Very High Frequency Omnidirectional Range and Tactical Air Navigation (VORTAC) and the commissioning of the Dolphin, FL, VORTAC.

DATES: Comments must be received on or before June 16, 1995.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Air Traffic Division, ASO–500, Docket No. 94–ASO–20, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320.

The official docket may be examined in the Rules Docket, Office of the Chief Counsel, Room 916, 800 Independence Avenue SW., Washington, DC, weekdays, except Federal holidays, between 8:30 a.m. and 5:00 p.m.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Patricia P. Crawford, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone: (202) 267–9255.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 94–ASO–20.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–220, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–3485.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to establish Federal Airway V–601 and to modify various Federal airways in the Miami, FL, area. Establishing this airway and amending the existing airways are necessary because of the commissioning of a new navigational aid, Dolphin VORTAC, to replace the Miami VORTAC. The Dolphin VORTAC will serve the south Florida area once the Miami VORTAC has been decommissioned. Domestic VOR Federal airways are published in paragraph 6010(a) of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Domestic VOR Federal airways listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal.

Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

ICAO Considerations

As part of this proposal relates to navigable airspace outside the United States, this notice is submitted in accordance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Rules and Procedures Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promote the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to ensure that civil aircraft operations on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator is consulting with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. app. 1348(a), 1354(a), 1510; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp.; p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways

* * * * *

V–3 (Revised)

From Key West, FL; INT Key West 083° and Dolphin, FL, 191°T(195°M) radials; Dolphin; Ft. Lauderdale, FL; Palm Beach, FL; Vero Beach, FL; Melbourne, FL; Ormond Beach, FL; Brunswick, GA; Savannah, GA; Vance, SC; Florence, SC; Sandhills, NC; Raleigh-Durham, NC; INT Raleigh-Durham 016° and Flat Rock, VA, 214° radials; Flat Rock; Gordonsville, VA; INT Gordonsville 331° and Martinsburg, WV, 216° radials; Martinsburg; Westminster, MD; INT Westminster 048° and Modena, PA, 258° radials; Modena; Solberg, NJ; INT Solberg 044° and Carmel, NY, 243° radials; Carmel; Hartford, CT; INT Hartford 084° and Boston, MA, 224° radials; Boston; INT Boston 014° and Pease, NH, 185° radials; Pease; INT Pease 004° and Augusta, ME, 233° radials; Augusta; Bangor, ME; INT Bangor 039° and Houlton, ME, 203° radials; Houlton; Presque Isle, ME; to PQ, Canada. The airspace within R–2916, R–2934, R–2935 and within Canada is excluded.

* * * * *

V–7 (Revised)

From Dolphin, FL; INT Dolphin 293°T(297°M) and Lee County, FL, 120° radials; Lee County; Lakeland, FL; Cross City, FL; Tallahassee, FL; Wiregrass, AL; INT Wiregrass 333° and Montgomery, AL, 129° radials; Montgomery; Vulcan, AL; Muscle Shoals, AL; Graham, TN; Central City, KY; Pocket City, IN; INT Pocket City 016° and Terre Haute, IN, 191° radials; Terre Haute; Boiler, IN; Chicago Heights, IL; INT Chicago Heights 358° and Falls, WI, 170° radials; Falls; Green Bay, WI; Menominee, MI; Marquette, MI. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit.

* * * * *

V–35 (Revised)

From Dolphin, FL; INT Dolphin 267°T(271°M) and Cypress, FL, 110°T(110°M) radials; INT Cypress 110° and Lee County, FL, 139° radials; Lee County; INT Lee County 326° and St. Petersburg, FL, 152° radials; St. Petersburg; INT St. Petersburg 350° and Cross City, FL, 168° radials; Cross City, FL; Greenville, FL; Pecan, GA; Macon, GA; INT Macon 005° and Athens, GA, 195° radials; Athens; Electric City, SC; Sugarloaf Mountain, NC; Holston Mountain, TN; Glade Spring, VA; Charleston, WV; INT Charleston 051° and Elkins, WV, 264° radials; Clarksburg, WV; Morgantown, WV; Indian Head, PA; Johnstown, PA; Tyrone, PA; Philipsburg, PA; Stonyfork, PA; Elmira, NY; Syracuse, NY. The airspace below 2,000 feet MSL outside the United States is excluded. The portion outside the United States has no upper limit. The airspace within R–2916 is excluded.

* * * * *

V–97 (Revised)

From Dolphin, FL; La Belle, FL; St. Petersburg, FL; Tallahassee, FL; Pecan, GA; Atlanta, GA; INT Atlanta 001° and Volunteer, TN, 197° radials; Volunteer; London, KY; Lexington, KY; Cincinnati, OH; Shelbyville, IN, INT Shelbyville 313° and Boiler, IN, 136° radials; Boiler; Chicago Heights, IL; to INT Chicago Heights 358° and Chicago O'Hare, IL, 127° radials. From INT Northbrook, IL, 290° and Janesville, WI, 112° radials; Janesville; Lone Rock, WI; Nodine, MN; to Gopher, MN. The airspace below 2,000 feet MSL outside the United States is excluded.

* * * * *

V–157 (Revised)

From Key West, FL; INT Key West 038°T(037°M) and Dolphin, FL, 244°T(248°M) radials; Dolphin; INT Dolphin 331°T(335°M) and La Belle, FL, 113°T radials; La Belle; Lakeland, FL; Ocala, FL; Gainesville, FL; Taylor, FL; Waycross, GA; Alma, GA; Allendale, SC; Vance, SC; Florence, SC; Fayetteville, NC; Kinston, NC; Tar River, NC; Lawrenceville, VA; Richmond, VA; INT Richmond 039° and Patuxent, MD, 228° radials; Patuxent; Smyrna, DE; Woodstown, NJ; Robbinsville, NJ; INT Robbinsville 044° and LaGuardia, NY, 213° radials; LaGuardia; INT LaGuardia 032° and Deer Park, NY, 326° radials; INT Deer Park 326° and Kingston, NY, 191° radials; Kingston, NY; to Albany, NY. The airspace within R–2901A and R–6602A is excluded. The airspace at and above 7,000 feet MSL which lies within the Lake Placid MOA is excluded during the time the Lake Placid MOA is activated. The airspace within R–4005 and R–4006 is excluded.

* * * * *

V–267 (Revised)

From Dolphin, FL; INT Dolphin 354°T(358°M) and Pahokee, FL, 157° radials; Pahokee; Orlando, FL; Craig, FL; Dublin, GA;

Athens, GA; INT Athens 340° and Harris, GA, 148° radials; Harris; Volunteer, TN.

* * * * *

V–437 (Revised)

From Dolphin, FL; INT Dolphin 354°T(358°M) and Pahokee, FL, 157° radials; Pahokee; Melbourne, FL; INT Melbourne 322° and Ormond Beach, FL, 211° radials; Ormond Beach; Savannah, GA; Charleston, SC; Florence, SC. The airspace within R–2935 is excluded.

* * * * *

V–511 (Revised)

From Lakeland, FL; INT Lakeland 140° and Dolphin, FL, 331°T(335°M) radials; Dolphin.

* * * * *

V–521 (Revised)

From Dolphin, FL; INT Dolphin 318°T(322°M) and Lee County, FL, 099° radials; Lee County; INT Lee County 014° and Lakeland, FL, 154° radials; Lakeland; Cross City, FL; INT Cross City 287° and Marianna, FL, 141° radials; Marianna; Wiregrass, AL; INT Wiregrass 333° and Montgomery, AL, 129° radials; Montgomery; INT Montgomery 357° and Vulcan, AL, 139° radials; Vulcan.

* * * * *

V–599 (Revised)

From Lee County, FL; INT Lee County 083°T(085°M) and Dolphin, FL, 331°T(335°M) radials; Dolphin.

* * * * *

V–601 (New)

From Pahokee, FL; INT Pahokee 212°T(212°M) and Marathon, FL; 354°T(357°M) radials; Marathon.

* * * * *

Issued in Washington, DC, on April 24, 1995.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 95–10775 Filed 5–2–95; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 162

RIN 1515–AB62

Seizure of Merchandise

AGENCY: Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, Customs is proposing to amend its regulations in response to enactment of the Customs Modernization Act (''The Mod Act''). Among its other provisions, the Mod Act amended Section 596(c) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)) to clarify and codify Customs authority to seize and forfeit merchandise introduced or attempted to be introduced into the United States contrary to law. The Mod Act distinguishes between circumstances under which seizure of such merchandise is mandatory and those in which it is permissive. The proposed amendment follows the legislation and specifies the circumstances under which the mandatory and permissive seizures may take place. The proposed amendment also contains provisions for the detention of merchandise and the remission of articles subject to seizure and forfeiture.

DATES: Comments must be received on or before July 3, 1995.

ADDRESSES: Comments (preferably in triplicate) may be submitted to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Franklin Court, 1301 Constitution Avenue, NW., Washington, DC 20229, and may be inspected at Franklin Court, 1099 14th Street NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Todd Schneider, Penalties Branch (202) 482–6950.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1993, the President signed the North American Free Trade Agreement Implementation Act (Pub. L. 103–182). The Customs Modernization portion of this Act (Title VI), popularly known as the Customs Modernization Act, or ''the Mod Act'' became effective when it was signed. Section 624 of Title VI amended section 596(c) of the Tariff Act of 1930 (19 U.S.C. 1595a(c)) to codify and clarify the circumstances under which merchandise may be seized and forfeited by Customs. Customs is now proposing to amend its regulations so that they will conform to the amended statute.

The Mod Act amendments to section 1595a(c) provide that merchandise which is introduced or attempted to be introduced into the United States contrary to law shall be treated in two different manners depending upon the circumstances of the introduction or attempted introduction. In instances where the merchandise is stolen, smuggled, or clandestinely imported or introduced or is a controlled substance or contraband article, seizure is mandatory.

Paragraph (a) of the proposed amendment addresses conditions where seizure is mandatory.

Paragraph (b) of the proposed amendment covers those situations in which seizure is permissive. Seizure is permissive in instances where the merchandise is subject to health, safety or conservation restrictions which have not been complied with; when licenses, permits or other authorizations of a U.S. Government agency are required but do not accompany the merchandise; when copyright, trademark, or trade name violations are involved; when trade dress merchandise involved is in violation of a court order citing section 43 of the Act of July 5, 1946 (15 U.S.C. 1125); and when the merchandise is marked intentionally in violation of section 304, Tariff Act of 1930 (19 U.S.C. 1304). The legislation also provides that merchandise may be seized if it is merchandise for which the importer has received written notices that previous importations of identical merchandise from the same supplier were found to have been marked in violation of section 304, Tariff Act of 1930 (19 U.S.C. 1304).

Paragraph (c) of the proposed amendment provides instructions on procedures which Customs will follow in resolving questions which result from seizures which have been made under section 1595a(c).

Paragraph (d) of the proposed amendment contains language specifying that merchandise which is misclassified or incorrectly valued, where there is no issue of admissibility, will be subject to seizure only under section 1592.

The Mod Act also provides that merchandise which is subject to quantitative restrictions requiring a visa, permit, license or other similar document from the United States Government or a foreign government or issuing authority pursuant to a bilateral or multilateral agreement shall be subject to detention until the appropriate visa, license, permit or similar document or stamp is presented to Customs. However, if the visa, license, permit, or similar document or stamp is counterfeit as presented, the merchandise may be seized. This provision is contained in paragraph (e) of the proposed amendment.

Comments

Before adopting the proposed amendment, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Regulations (31 CFR 1.4), and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the

Regulations Branch, 1099 14th Street NW., Suite 4000, Washington, DC.

Regulatory Flexibility Act

Because the proposed regulations closely follow legislative requirements, pursuant to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*), it is certified that the proposed regulations, if adopted, will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604.

Executive Order 12866

This amendment does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Drafting Information

The principal author of this document was Peter T. Lynch, Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 162

Customs duties and inspection, Law enforcement, Seizures and forfeitures.

Proposed Amendment

It is proposed to amend Part 162, Customs Regulations (19 CFR part 162) as set forth below:

PART 162—RECORDKEEPING, INSPECTION, SEARCH, AND SEIZURE

1. The authority citation for part 162 would be revised in part to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1624.

* * * * *

Section 162.23 also issued under 19 U.S.C. 1595a(c).

* * * * *

2. In part 162, a new § 162.23 is added to read as follows:

§ 162.23 Seizure under section 596(c), Tariff Act of 1930, as amended (19 U.S.C. 1595a(c)).

(a) *Mandatory seizures.* The following, if introduced or attempted to be introduced into the United States contrary to law, shall be seized pursuant to section 596(c), Tariff Act of 1930, as amended (19 U.S.C. 1595a(c)):

(1) Merchandise that is stolen, smuggled, or clandestinely imported or introduced;

(2) A controlled substance, as defined in the Controlled Substance Act (21 U.S.C. 801 *et seq.*), not imported in accordance with law; or

(3) A contraband article, as defined in section 1 of the Act of August 9, 1939 (49 U.S.C. App. 781).

(b) *Permissive seizures.* The following, if introduced or attempted to be introduced into the United States contrary to law, may be seized pursuant to section 596(c), Tariff Act of 1930, as amended (19 U.S.C. 1595a(c)):

(1) Merchandise, the importation or entry of which is subject to any restriction or prohibition imposed by law relating to health, safety, or conservation, and which is not in compliance with the applicable rule, regulation or statute;

(2) Merchandise the importation or entry of which requires a license, permit or other authorization of a United States Government agency, and which is not accompanied by such license, permit or authorization;

(3) Merchandise or packaging in which copyright, trademark or trade name protection violations are involved (including, but not limited to, a violation of sections 42, 43 or 45 of the Act of July 5, 1946 (15 U.S.C. 1124, 1125 or 1127), sections 506 or 509 of title 17, United States Code, or sections 2318 or 2320 of title 18, United States Code);

(4) Trade dress merchandise involved in the violation of a court order citing section 43 of the Act of July 5, 1946 (15 U.S.C. 1125);

(5) Merchandise marked intentionally in violation of 19 U.S.C. 1304;

(6) Merchandise for which the importer has received written notices that previous importations of identical merchandise from the same supplier were found to have been in violation of 19 U.S.C. 1304; or

(7) Merchandise subject to quantitative restrictions, found to bear a counterfeit visa, permit, license, or similar document, or stamp from the United States or from a foreign government or issuing authority pursuant to a multilateral or bilateral agreement (but see paragraph (e), of this section).

(c) *Resolution of seizure under section 1595a(c).* When merchandise is either required or authorized to be seized under this section, the forfeiture incurred may be remitted in accord with 19 U.S.C. 1618, to include as a possible option the exportation of the merchandise under such conditions as Customs shall impose, unless its release would adversely affect health, safety, or conservation, or be in contravention of a bilateral or multilateral agreement or treaty.

(d) *Seizure under 19 U.S.C. 1592.* If merchandise is imported, introduced or attempted to be introduced contrary to a provision of law governing its classification or value, and there is no issue of admissibility, such merchandise shall not be seized pursuant to 19 U.S.C. 1595a(c). Any seizure of such merchandise shall be in accordance with section 1592 (see § 162.75).

(e) *Detention only.* Merchandise subject to quantitative restrictions requiring a visa, permit, license, or other similar document, or stamp from the United States Government or from a foreign government or issuing authority pursuant to a bilateral or multilateral agreement, shall be subject to detention in accordance with 19 U.S.C. 1499, unless the appropriate visa, permit, license, or similar document, or stamp is presented to Customs (but see paragraph (b)(7) of this section for instances when seizure may occur).

Michael H. Lane,

Acting Commissioner of Customs.

Approved: April 5, 1995.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 95–10855 Filed 5–2–95; 8:45 am]

BILLING CODE 4820–02–P

Internal Revenue Service

26 CFR Part 1

[FI–42–94]

RIN 1545–AS85

Mark to Market for Dealers in Securities; Hearing Cancellation

AGENCY: Internal Revenue Service, Treasury.

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

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to the mark-to-market method of accounting for securities that is required to be used by a dealer in securities.

DATES: The public hearing originally scheduled for Wednesday, May 3, 1995, beginning at 10:00 a.m. is cancelled.

FOR FURTHER INFORMATION CONTACT : Mike Slaughter of the Regulations Unit, Assistant Chief Counsel (Corporate), (202) 622–7190, (not a toll-free number).

SUPPLEMENTARY INFORMATION: The subject of the public hearing is proposed regulations under section 475 of the Internal Revenue Code. A notice of proposed rulemaking and notice of public hearing appearing in the **Federal Register** for Wednesday, January 4, 1995 (60 FR 397), announced that the public hearing on proposed regulations under section 475 of the Internal Revenue Code would be held on Wednesday,

May 3, 1995, beginning at 10 a.m., in the IRS Auditorium Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, D.C.

The public hearing scheduled for Wednesday, May 3, 1995, is cancelled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Assistant Chief Counsel (Corporate).

[FR Doc. 95–10798 Filed 4–27–95; 5:07 pm]

BILLING CODE 4830–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[IL107–1–6708b; FRL–5190–5]

Approval and Promulgation of Implementation Plans; Illinois

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency (USEPA) proposes to approve Illinois's September 26, 1994, State Implementation Plan (SIP) revision request to grant a variance from Stage II vapor control requirements to J.M. Sweeney Co. (Sweeney), located in Cicero, Cook County, Illinois. This variance has been granted because Sweeney has demonstrated that immediate compliance with the requirements at issue would impose an arbitrary and unreasonable hardship. This variance expires on March 31, 1995. In the final rules section of this **Federal Register**, the USEPA is approving this action as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If USEPA receives comments adverse to or critical of the approval discussed above, USEPA will withdraw the approval before its effective date by publishing a subsequent rule that withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking notice. Please be aware that USEPA will institute another rulemaking notice on this action only if warranted by significant revision to the rulemaking based on any comments receives in response to today's action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed rule must be received on or before June 2, 1995. If no such comments are received, USEPA hereby advises that the direct final approval will be effective July 3, 1995.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR18–J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Regulation Development Branch (AR18–J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Mark J. Palermo, Regulation Development Section, Regulation Development Branch (AR18–J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6082.

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

Dated: March 29, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 95–10820 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[DE–16–1–5887b, DE20–1–6548b; FRL-5180–6]

Approval and Promulgation of Air Quality Implementation Plans; Delaware: Regulation 24, Control of Volatile Organic Compound Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Delaware on January 11, 1993 and January 20, 1994. The revision consists of Sections 1 to 9, 13 to 35, 37 to 43 and Appendices A to H to Regulation 24—''Control of Volatile Organic Compound Emissions''. These regulations are necessary to satisfy the Clean Air Act (CAA) and to support attainment and maintenance of the National Ambient Air Quality Standard (NAAQS) for ozone in Delaware. In the final rules section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the 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. 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.

DATES: Comments must be submitted in writing by June 2, 1995.

ADDRESSES: Comments may be mailed to Marcia L. Spink, Associate Director, Air Programs, Mailcode 3AT00, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. Copies of the documents relevant to this action are available for public inspection during normal business hours at the EPA office listed above; and the Delaware Department of Natural Resources & Environmental Control, 89 Kings Highway, P.O. Box 1401, Dover, Delaware 19903.

FOR FURTHER INFORMATION CONTACT: Rose Quinto, (215) 597–3164, at the EPA Region III address above.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title (Regulation 24, Control of Volatile Organic Compound Emissions) which is located in the Rules and Regulations Section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Authority: 42 U.S.C. 7401–7671q.

Dated: January 27, 1995.

Stanley L. Laskowski,

Acting Regional Administrator, Region III.

[FR Doc. 95–10818 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[IN44–1–6538b; FRL–5190–7]

Approval and Promulgation of Implementation Plans; Indiana

AGENCY: Environmental Protection Agency (USEPA).

ACTION: Proposed rule.

SUMMARY: The United States Environmental Protection Agency

(USEPA) proposes to approve Indiana's March 23, 1994, submittal of requested revisions to the Indiana State Implementation (SIP) for lead. In the final rules section of this **Federal Register**, the USEPA is approving this action as a direct final rule without prior proposal because USEPA views this as a noncontroversial action and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final rule. If no adverse comments are received in response to that direct final rule, no further activity is contemplated in relation to this proposed rule. If USEPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on the proposed rule. USEPA will not institute a second comment period on this action. Any parties interested in commenting on this notice should do so at this time.

DATES: Comments on this proposed rule must be received on or before June 2, 1995.

ADDRESSES: Written comments should be mailed to: J. Elmer Bortzer, Chief, Regulation Development Section, Regulation Development Branch (AR18–J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

Copies of the State submittal and USEPA's analysis of it are available for inspection at: Regulation Development Section, Regulation Development Branch (AR18–J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Rosanne Lindsay, Regulation Development Section, Regulation Development Branch (AR–18J), U.S. Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6036.

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

Dated: April 3, 1995.

David A. Ullrich,

Acting Regional Administrator.

[FR Doc. 95–10811 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[NV9–1–6574; FRL–5201–8]

Clean Air Act Partial Approval and Partial Disapproval and Promulgation of Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program for Nevada

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: The EPA today proposes to partially approve and partially disapprove the State Implementation Plan (SIP) revision submitted by the State of Nevada for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM). The implementation plan was submitted by the State to satisfy the Federal mandate, found in Section 507 of the Clean Air Act (CAA), to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the CAA. The rationale for the partial approval and partial disapproval is set forth in this document; additional information is available at the address indicated below.

DATES: Comments on this proposed action must be received in writing by June 2, 1995. Public comments on this document are requested and will be considered before taking final action on this SIP revision.

ADDRESSES: Comments can be mailed to the U.S. Environmental Protection Agency, Division Director, Air and Toxics Division, 75 Hawthorne Street, San Francisco, CA 94105, Attention: R. Michael Stenburg.

Copies of the State's submittal and EPA's technical support document are available for inspection during normal business hours at the following locations: (1) U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105; (2) Nevada Division of Environmental Protection, Bureau of Air Quality, 123 West Nye Lane, Room 123, Carson City, NV 89710.

FOR FURTHER INFORMATION CONTACT: R. Michael Stenburg, A-1, U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105, (415) 744-1102.

SUPPLEMENTARY INFORMATION:

I. Background

Implementation of the provisions of Title V of the Clean Air Act (CAA), as amended in 1990, will require regulation of many small businesses so that areas may attain and maintain the national ambient air quality standards (NAAQS) and reduce the emission of air toxics. Small businesses frequently lack the technical expertise and financial resources necessary to evaluate such regulations and to determine the appropriate mechanisms for compliance. In anticipation of the impact of these requirements on small businesses, the CAA requires that States adopt a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), and submit this PROGRAM as a revision to the Federally approved SIP. In addition, the CAA directs the Environmental Protection Agency (EPA) to oversee these small business assistance programs and report to Congress on their implementation. The requirements for establishing a PROGRAM are set out in Section 507 of Title V of the CAA. In February 1992, EPA issued Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments, in order to delineate the Federal and State roles in meeting the new statutory provisions and as a tool to provide further guidance to the States on submitting acceptable SIP revisions.

The State of Nevada has submitted a SIP revision to EPA in order to satisfy the requirements of Section 507. In order to gain full approval, the State submittal must provide for each of the following PROGRAM elements: (1) the establishment of a Small Business Assistance Program (SBAP) to provide technical and compliance assistance to small businesses; (2) the establishment of a State Small Business Ombudsman to represent the interests of small businesses in the regulatory process; and (3) the creation of a Compliance Advisory Panel (CAP) to determine and report on the overall effectiveness of the SBAP.

II. Analysis

1. Small Business Assistance Program

Section 507(a) sets forth six requirements [1] that the State must meet to have an approvable SBAP. The first requirement is to establish adequate mechanisms for developing, collecting and coordinating information concerning compliance methods and technologies for small business stationary sources, and programs to encourage lawful cooperation among such sources and other persons to further compliance with the Act. The

[1] A seventh requirement of Section 507(a), establishment of an Ombudsman office, is discussed in the next section.

State has met this requirement by describing a satisfactory program that, when operational, would utilize a variety of outreach techniques to disseminate information to small business stationary sources. These efforts include distributing fact sheets, working with industry trade groups, conducting seminars, developing newsletters for industry-specific mailing lists, disseminating news media articles and developing videotapes. In addition, the State will provide statewide toll-free access to the Small Business Assistance Program, develop a library of reference materials, organize an information clearinghouse and utilize electronic bulletin boards to receive and communicate regulatory information.

The second requirement is to establish adequate mechanisms for assisting small business stationary sources with pollution prevention and accidental release detection and prevention, including providing information concerning alternative technologies, process changes, products and methods of operation that help reduce air pollution. The State has met this requirement by describing a satisfactory program that, when operational, would provide sources with technical information and assistance on air pollution prevention, including technical assistance on process changes and methods of operation that help reduce air pollution. Resources utilized will include the Pollution Prevention Information Clearinghouse which provides information on pollution prevention programs, an electronic database and a toll-free hotline. In addition, the State will help sources develop plans for accidental release prevention and detection. This effort will be coordinated with the appropriate local, state and federal programs. Resources utilized will include a Chemical Safety Audit Program to provide mechanisms for examining process management systems and preventing accidental releases of hazardous air pollutants.

The third requirement is to develop a compliance and technical assistance program for small business stationary sources which assists small businesses in determining applicable requirements and in receiving permits under the Act in a timely and efficient manner. The State has met this requirement by describing a satisfactory program that, when operational, would provide clear and timely compliance advice and assistance to small businesses, including permit assistance, and technical assistance on compliance options such as alternative technologies and material substitution. The state will provide this assistance using informational materials available on request, statewide toll free access to SBAP, staff presentations at workshops for key target groups and coordination through the appropriate trade associations and industry groups.

The fourth requirement is to develop adequate mechanisms to assure that small business stationary sources receive notice of their rights under the Act in such manner and form as to assure reasonably adequate time for such sources to evaluate compliance methods and any relevant or applicable proposed or final regulation or standards issued under the Act. The State has met this requirement by describing a satisfactory program that, when operational, will notify sources of their rights and responsibilities under the Clean Air Act and Nevada Statutes and Regulations through preparation and distribution of information materials, as well as in providing direct technical assistance.

The fifth requirement is to develop adequate mechanisms for informing small business stationary sources of their obligations under the Act, including mechanisms for referring such sources to qualified auditors or, at the option of the State, for providing audits of the operations of such sources to determine compliance with the Act. The State has met this requirement by describing a satisfactory program that, when operational, would inform small business sources of their obligations under the Act through preparation and distribution of information materials, as well as providing direct technical assistance. Compliance assessments will be provided by the State free of charge to sources and will not involve regulatory or enforcement actions unless a clear and immediate danger is identified. The State will also provide sources with a list of qualified auditors.

The sixth requirement is to develop procedures for consideration of requests from a small business stationary source for modification of (A) any work practice or technological method of compliance, or (B) the schedule of milestones for implementing such work practice or method of compliance preceding any applicable compliance date, based on the technological and financial capability of any such small business stationary source. The State has met this requirement by specifying administrative procedures for small businesses to request modifications of work practices, compliance methods and the implementation for work practices or compliance methods,

The State has provided supplementary written information describing an implementation schedule of milestones showing when the programs will be operational, what the program resources will be and where the programs will be located organizationally.

2. Ombudsman

Section 507(a)(3) requires the designation of a State office to serve as the Ombudsman for small business stationary sources. The State has met this requirement by providing supplementary written information describing a milestone schedule showing when the Ombudsman will be operational. This position will be located within the Nevada State Environmental Commission office. The Ombudsman will serve as an advocate for small business stationary sources in the investigation and resolution of complaints and disputes against the State or local air pollution control agencies. The Ombudsman will also aid in the dissemination of information to small businesses and other interested parties and will encourage small businesses to participate in the development of regulations that affect them.

3. Compliance Advisory Panel

Section 507(e) requires the State to establish a Compliance Advisory Panel (CAP) that must include two members selected by the Governor who are not owners or representatives of owners of small businesses; four members selected by the State legislature who are owners, or represent owners, of small businesses; and one member selected by the head of the agency in charge of the Air Pollution Permit Program. The State has not met this requirement because it has not indicated an implementation schedule of milestones showing when the officials will be appointed and when the program will be operational. The composition of the seven member panel will be in accordance with the Clean Air Act requirements.

In addition to establishing the minimum membership of the CAP the CAA delineates four responsibilities of the Panel: (1) To render advisory opinions concerning the effectiveness of the SBAP, difficulties encountered and the degree and severity of enforcement actions; (2) to periodically report to EPA concerning the SBAP's adherence to the principles of the Paperwork Reduction Act, the Equal Access to Justice Act, and the Regulatory Flexibility Act;[2] (3) to

[2] Section 507(e)(1)(B) requires the CAP to report on the *compliance* of the SBAP with these three Federal statutes. However, since State agencies are not required to comply with them, EPA believes that the State PROGRAM must merely require the

review and assure that information for small business stationary sources is easily understandable; and (4) to develop and disseminate the reports and advisory opinions made through the SBAP. The State has partially met these requirements by specifying that, when operational, the panel will evaluate the effectiveness of the SBAP, issue advisory opinions, prepare periodic reports to EPA regarding the program's compliance with the Paperwork Reduction Act, the Regulatory Flexibility Act and the Equal Access to Justice Act. The State has not indicated that the CAP will review and assure that information for small business stationary sources is easily understandable.

4. Eligibility

Section 507(c)(1) of the CAA defines the term ''small business stationary source'' as a stationary source that:

(A) is owned or operated by a person who employs 100 or fewer individuals,

(B) is a small business concern as defined in the Small Business Act;

(C) is not a major stationary source;

(D) does not emit 50 tons per year (tpy) or more of any regulated pollutant; and

(E) emits less than 75 tpy of all regulated pollutants.

The State of Nevada has not established a definition of a small business and therefore has not established procedures for including or excluding sources from that definition. Although the program has been developed to assist small businesses, the State has determined that assistance will be provided to any business seeking assistance.

III. Today's Action

In today's action, EPA is proposing to partially approve and to partially disapprove the SIP revision submitted by the State of Nevada. The submittal does not adequately meet all of the requirements for the Compliance Advisory Panel. EPA is proposing to partially approve this submittal for satisfying all of the requirements for the Small Business Assistance Program, the Ombudsman and most of the requirements for the Compliance Advisory Panel. EPA is also proposing to partially disapprove this submittal for not satisfying the Compliance Advisory Panel requirements for indicating an implementation schedule of milestones showing when the officials will be appointed and when the program will be operational and for not indicating that the Compliance Advisory Panel will review and assure that information for small business stationary sources is easily understandable. If the State submits the necessary information to correct these deficiencies before EPA goes final, then EPA will fully approve the submittal.

The OMB has exempted this action from review under Executive Order l2866.

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 populations of less than 50,000.

By today's action, EPA is partially approving a State program created for the purpose of assisting small businesses in complying with existing statutory and regulatory requirements. The program being partially approved today does not impose any new regulatory burden on small businesses; it is a program under which small businesses may elect to take advantage of assistance provided by the state. Therefore, because the EPA's partial approval of this program does not impose any new regulatory requirements on small businesses, I certify that it does not have a significant economic impact on any small entities affected.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Intergovernmental relations.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 24, 1995.

John Wise,

Acting Regional Administrator.

[FR Doc. 95–10880 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

CAP to report on whether the SBAP is adhering to the general principles of these Federal statutes.

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40 CFR Part 52

[WA25–1–6520b; FRL–5190–2]

Approval and Promulgation of State Implementation Plans: Washington

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA proposes to approve the State Implementation Plan (SIP) revision submitted by the State of Washington for the purpose of approving the Southwest Air Pollution Control Authority's (SWAPCA) 400 General Regulations for Air Pollution Sources. 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 the 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 the 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.

DATES: Comments on this proposed rule must be received in writing by June 2, 1995.

ADDRESSES: Written comments should be addressed to Montel Livingston, Environmental Protection Specialist (AT–082), Air Programs Section, at the EPA Regional Office listed below. Copies of the documents relevant to this proposed rule are available for public inspection during normal business hours at the following locations. The interested persons wanting to examine these documents should make an appointment with the appropriate office at least 24 hours before the visiting day.

U.S. Environmental Protection Agency, Region 10, Air Programs Section, 1200 6th Avenue, Seattle, WA 98101.

The State of Washington Department of Ecology, 300 Desmond Drive, Lacey, WA 98504.

FOR FURTHER INFORMATION CONTACT: Kelly McFadden, Environmental Engineer, Air Programs Branch (AT–082), EPA, 1200 6th Avenue, Seattle, WA 98101, (206) 553–1059.

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

Dated: March 30, 1995.

Chuck Clarke,

Regional Administrator.

[FR Doc. 95–10813 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 180

[OPP–300383; FRL–4945–6]

RIN 2070–AB78

Poly(phenylhexylurea), Cross-Linked; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes to establish an exemption from the requirement of a tolerance for residues of poly(phenylhexylurea), cross-linked, when used as an inert ingredient (encapsulating agent) in pesticide formulations applied to growing crops only under 40 CFR 180.1001(d) to replace the existing exemption from the requirement of a tolerance for residues of cross-linked polyurea-type encapsulating polymer under 40 CFR 180.1082. The Monsanto Co. requested this proposed regulation.

DATES: Written comments, identified by the document control number, [OPP–300383], must be received on or before June 2, 1995.

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

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

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP–300383]. No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Mary Waller, Registration Support Branch, Registration Division (7505W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: 2800 Crystal Drive, North Tower, 6th Floor, Arlington, VA 22202, (703)-308-8811; e-mail: Waller.Mary@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Monsanto Co., Suite 1100, 700 14th St., NW., Washington, DC 20005, submitted pesticide petition (PP) 4E04408 to EPA requesting that the Administrator, pursuant to section 408(e) of the Federal Food Drug, and Cosmetic Act (FFDCA) (21 U.S.C. 346a(e)), propose to amend 40 CFR part 180 by replacing the existing exemption from the requirement of a tolerance for residues of cross-linked polyurea-type encapsulating polymer listed under 40 CFR 180.1082 with an exemption from the requirement of a tolerance for residues of poly(phenylhexylurea), cross-linked, when used as an inert ingredient (encapsulating agent) in pesticide formulations applied to growing crops only under 40 CFR 180.1001(d).

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

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

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

1. The minimum number-average molecular weight of poly(phenylhexylurea), cross-linked, is 36,000. Substances with molecular weights greater than 400 generally are not absorbed through the intact skin, and substances with molecular weights greater than 1,000 generally are not absorbed through the intact gastrointestinal tract. Chemicals not absorbed through skin or GI tract generally are incapable of eliciting a toxic response.

2. Poly(phenylhexylurea), cross-linked, is not a cationic polymer, nor is it reasonably expected to become a cationic polymer in a natural aquatic environment.

3. Poly(phenylhexylurea), cross-linked, does not contain less than 32.0 percent by weight of the atomic element carbon.

4. Poly(phenylhexylurea), cross-linked, contains as an integral part of its composition the atomic elements carbon, hydrogen, nitrogen, and oxygen.

5. Poly(phenylhexylurea), cross-linked, does not contain as an integral part of its composition, except as impurities, any elements other than those listed in 40 CFR 723.250(d)(3)(ii).

6. Poly(phenylhexylurea), cross-linked, is not a biopolymer, a synthetic equivalent of a biopolymer, or a derivative or modification of a biopolymer that is substantially intact.

7. Poly(phenylhexylurea), cross-linked, is not manufactured from reactants containing, other than impurities, halogen atoms or cyano groups.

8. Poly(phenylhexylurea), cross-linked, does not contain a reactive functional group that is intended or reasonably expected to undergo further reaction.

9. Poly(phenylhexylurea), cross-linked, is neither designed nor reasonably expected to substantially degrade, decompose, or depolymerize.

The establishment of an exemption from the requirement of a tolerance for residues of poly(phenylhexylurea), cross-linked, when used as an inert ingredient (encapsulating agent) in pesticide formulations applied to growing crops only under 40 CFR 180.1001 will obviate the need to maintain an exemption of polyurea-type encapsulating polymer as listed under 40 CFR 180.1082. The polymer listed in 40 CFR 180.1082 is described as being ''formed by the reaction of polymethylene polyphenylisocyanate and hexamethylene diamine.'' The resultant polymer can best be described as poly(phenylhexylurea), cross-linked, the subject of this proposed regulation.

In addition, based on the polymer's conformance to the set of criteria that are used to identify low-risk polymers, the additional use restrictions described in 40 CFR 180.1082 (i.e., use as an encapsulating material for formulations of alachlor (2-chloro-*N*-(2,6-diethylphenyl)-*N*-(methoxymethyl) acetamide) for use on dry beans, lima beans, peas, potatoes and soybeans, when applied to the soil before edible portions of the crops form are no longer applicable.

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

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

Interested persons are invited to submit written comments on the proposed regulation. Comments must bear a notation indicating the document control number, [OPP-300383]. All written comments filed in response to this petition will be available in the Public Response and Program Resources Branch, at the address given above, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

A record has been established for this rulemaking under docket number [OPP-300383] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

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

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

List of Subject in 40 CFR Part 180

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

Dated: April 20, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

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

PART 180—[AMENDED]

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

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

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

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* *
Poly(phenylhexylurea), cross-linked; minimum average molecular weight 36,000.	.....	Encapsulating agent.
* * *	* * *	* *

* * * * *

§ 180.1082 [Removed]

3. By removing § 180.1082 *Cross-linked polyurea-type encapsulating polymer (Alachlor); exemption from the requirement of a tolerance.*

[FR Doc. 95–10867 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 185

[OPP–300260A; FRL–4951–8]

RIN 2070–AC18

Acephate, Triadimefon, Iprodione, and Imazalil; Revocation of Food Additive Regulations; Reopening and Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; Reopening and extension of comment period.

SUMMARY: EPA is reopening and extending until June 2, 1995, the comment period for a proposed rule that was published in the **Federal Register** of January 18, 1995 (60 FR 3607) that proposed the revocation of certain section 409 food additive regulations established under the Federal Food, Drug and Cosmetic Act (FFDCA) for four chemicals: acephate, triadimefon, iprodione, and imazalil. The original comment period on the proposal extended until April 18, 1995, but because of the unavailability of certain documents in the docket, the comment period is being extended.

DATES: Written comments, identified by the document control number [OPP-300360A], must be received on or before June 2, 1995.

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

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

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [OPP-300360A]. No CBI should be submitted through e-mail. Electronic comments on this proposed rule may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

FOR FURTHER INFORMATION CONTACT: By mail: Niloufar Nazmi, Special Review and Reregistration Division (7508W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. WF32C5, Crystal Station #1, 2800 Crystal Drive, Arlington, VA 22202, (703)-308-8028; e-mail: nazmi.niloufar@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: A record has been established for this rulemaking under docket number [OPP-300360A] (including any comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov.

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this rulemaking, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

List of Subjects in 40 CFR Part 185

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

Dated: April 25, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 95–10869 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

40 CFR Part 300

[FRL–5197–1]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of intent to delete Alpha Chemical Corporation Site from the National Priorities List: request for comments.

SUMMARY: The Environmental Protection Agency (EPA) Region IV announces its intent to delete the Alpha Chemical Corporation Site from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL is codified as Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300, which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Florida Department of Environmental Protection (FDEP) have determined that the Site poses no significant threat to public health or the environment and therefore, no further response pursuant to CERCLA is appropriate.

DATES: Comments concerning this Site may be submitted on or before: June 2, 1995.

ADDRESSES: Comments may be mailed to: Joe Franzmathes, Director, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, N.E., Atlanta, Georgia 30365.

Comprehensive information on this Site is available through the Region IV

public docket, which is available for viewing at the Alpha Chemical Corporation information repositories at two locations. Locations, contacts, phone numbers and viewing hours are:

U.S. EPA Record Center, attn: Shannon Neal, 345 Courtland Street, N.E., Atlanta, Georgia 30365, Phone: (404) 347–0506. Hours: 8:00 a.m. to 4:00 p.m., Monday through Friday, by appointment only;

Lakeland Public Library, 100 Lake Morton Drive, Lakeland, Florida 33801, Phone: (813) 499–8242, Hours: 9:00 a.m. to 9:00 p.m., Monday through Thursday, 9:00 a.m. to 5:00 p.m., Friday and Saturday, 1:30 p.m. to 5:00 p.m., Sunday.

FOR FURTHER INFORMATION CONTACT:

Barbara Dick, U.S. EPA Region IV, Mail Code: WD–SSRB, 345 Courtland Street, N.E., Atlanta, Georgia 30365, (404) 347–2643 x6273.

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Intended Site Deletion

I. Introduction

The EPA Region IV announces its intent to delete the Alpha Chemical Corporation Site, Lakeland, Florida, from the NPL, which constitutes Appendix B of the NCP, 40 CFR Part 300, and requests comments on this deletion. EPA identifies sites on the NPL that appear to present a significant risk to public health, welfare, or the environment. Pursuant to Section 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed remedial actions if conditions at the site warrant such action.

EPA proposes to delete the Alpha Chemical Corporation Site at 4620 N. Galloway Road, Lakeland, Florida 33809 from the NPL.

EPA will accept comments concerning this Site for thirty days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how this Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the Agency uses to delete sites from the NPL. In accordance with 40 CFR Section 300.425(e), sites may be deleted from or recategorized on the NPL where no further response is appropriate. In making this determination, EPA shall consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible or other parties have implemented all appropriate response actions required;

(ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further action by responsible parties is appropriate; or

(iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Whenever there is a significant release from a site deleted from the NPL, the site may be restored to the NPL without the application of the Hazardous Ranking System.

III. Deletion Procedures

The following procedures were used for the intended deletion of the Site:

1. FDEP has concurred with the deletion decision;

2. A notice has been published in local newspapers and has been distributed to appropriate Federal, State and local officials, and other interested parties announcing a 30-day public comment period on the proposed deletion from the NPL; and

3. The Region has made all relevant documents available at the information repositories.

The Region will respond to significant comments, if any, submitted during the comment period.

Deletion of the Site from the NPL does not itself create, alter, or revoke any individual rights or obligations. The NPL is designed primarily for informational purposes to assist Agency management.

A deletion occurs when the Regional Administrator places a final notice in the **Federal Register**. Generally, the NPL will reflect any deletions in the final update following the Notice. Public notices and copies of the Responsiveness Summary, if any, will be made available to local residents by the Regional office.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the intention to delete this Site from the NPL.

The Alpha Chemical Corporation Site in western Polk County, Florida encompasses 32 acres of land. Since 1967 Alpha Resins Corporation (ARC) has manufactured polyester resins at the Site and until 1976 discharged wastewater from the resin manufacturing into two onsite surface impoundments. The ponds operated as percolation basins under a permit with the FDEP. In 1976 a thermal oxidizer was installed and water was no longer placed into the percolation ponds.

By 1977 the smaller of the two permitted ponds had dried. This unlined pond was used as a solid waste landfill for ARC and its employees for approximately one year. A dam was constructed in the center of the other wastewater pond and half was lined in concrete after pumping the sediments and water into the other half. The concrete-lined pond received caustic wash waste and did not discharge any of the waste stream to the environment. This concrete-lined pond was later filled with soil. The unlined pond remained; however, its use was discontinued.

In October 1981 Alpha Chemical Corporation was one of the original sites proposed for placement on the NPL. In the early 1980's EPA collected samples from the Site and offsite wells, and in 1983 FDEP issued an Environmental Groundwater Assessment report. The report determined that groundwater contamination was confined to the surficial aquifer and had not migrated offsite. Contaminants detected onsite included ethylbenzene, xylene, naphthalene, and benzene. Alpha Chemical Corporation became a final site on the first NPL list in September 1983.

ARC installed ground water monitoring wells and sampled the soil and groundwater and found phthalates, halogenated and non-halogenated volatile organic compounds (VOCs), phenols, polynuclear aromatic hydrocarbons (PAHs), and non-priority pollutants such as benzyl alcohol and benzoic acid in groundwater from the shallow onsite monitoring wells. ARC signed a consent order with FDEP in March 1985 to perform a Remedial Investigation (RI), Endangerment Assessment (EA), and if necessary, a Feasibility Study (FS).

The EA concluded that the contaminated samples are confined to a few sampling locations. Groundwater sampling results in 1987 from all groundwater monitoring wells and sand point wells showed an overall trend of decreasing levels of constituents in the groundwater. No positively identified constituents were detected in the shallow monitoring wells located immediately south of the wetland, indicating offsite migration was unlikely.

FDEP and EPA met the community in a public meeting in November 1986, to discuss the EA and RI and again in a 1988 public meeting to discuss the results of the FS. EPA and FDEP

addressed questions from the audience concerning health effects, aquifer characteristics, onsite landfill impacts, sampling efforts, remedial alternatives, and monitoring.

In May 1988 EPA signed a Record of Decision (ROD) selecting a remedy for the Alpha Chemical Corporation Site. The ROD called for placing a low permeability cap over the small unlined pond and long-term monitoring of the surface and groundwater to ensure that the remedy is effective and that the landfill continues to meet the applicable and relevant or appropriate requirements (ARARs). (Section 121(d)(2)(A) of CERCLA, 42 U.S.C. § 9621(d)(2)(A), requires with respect to any contaminant that will remain on site after the remedy is complete, that the degree of cleanup must meet all ARARs.)

A consent decree between EPA and ARC was entered into court in May 1989, requiring ARC to perform the remedial design/remedial action (RD/RA) and to record appropriate deed restrictions. The remedial design consisted of capping the unlined pond with a synthetic low permeability cap. The cap design ensured that surface runoff would be diverted and vertical infiltration would be prevented.

The remedial action involved removing water from the unlined pond and filling with clean clay soil. A synthetic low permeability liner and layers of drainage material, filter fabric, and topsoil were placed over the compacted fill material. Drainage swales were installed around the cap to prevent vertical infiltration. The cap surface was seeded and drainage ditches sodded to preclude erosional damage to the cap. Construction of the cap over the unlined pond required two weeks and was completed on September 15, 1989. EPA sent out fact sheets to inform the public that remedial construction had been completed. During the following year, ARC decided to sod the cap as an extra measure of precaution against the threat of erosion.

The ROD identified groundwater and surface water cleanup standards for five indicator chemicals at the site. One of these chemicals, 1,2-dichloropropane, was not detected in groundwater at the time the ROD was written and another chemical, benzoic acid, did not have a groundwater cleanup value; therefore, the ROD required periodic monitoring for only three contaminants, ethylbenzene, styrene, and total xylenes. Quarterly groundwater samples taken from two monitoring wells have been analyzed for these three compounds since the remedial action construction was complete in September 1989. Six other wells selected for monitoring in the Remedial Design/Remedial Action Project Operations Plan (POP) were eliminated from the monitoring requirements since the three contaminants being monitored in these wells were consistently below contingency levels, often at non-detect levels. Prior to site close out, it was confirmed that 1,2-dichloropropane was still not present in the groundwater.

When the ROD was issued in 1988, the Agency had established Recommended Maximum Contaminant Levels (RMCLs) for four of the five groundwater contaminants at the Alpha Chemical Corporation Site. These RMCLs were also used as the contingency levels, or cleanup goals, in the POP and are shown in the table below. Since then EPA has established MCL Goals (MCLGs) and MCLs for these four contaminants at the site. The fifth contaminant, benzoic acid, did not have a RMCL nor does it have a MCLG or MCL. The protective groundwater values for the four contaminants have changed as follows:

Contaminant	Recommended MCL (ug/l)	MCL goal (ug/l)	MCL (ug/l)
1,2-Dichloropropane	6	0	5
Xylene	440	10,000	10,000
Styrene	140	100	100
Ethylbenzene	680	700	700

In addition, the ROD required groundwater monitoring to ensure that source control (the cap and landfill) achieved the clean-up standards identified in the ROD as ARARs. The Agency is now confident that the remedy, as carried out pursuant to the ROD, is, and will continue to be, protective of human health and the environment, because the post-ROD, more protective MCL levels have been attained at this Site for 1,2-dichloropropane and styrene.[1] In addition, the other two contaminants of concern, xylene and ethylbenzene, have attained RMCLs, which are the clean-up standards established in the ROD.

The Agency has groundwater monitoring data showing that groundwater downgradient of the landfill has attained all ARARs, as identified in the ROD. Monitoring results have shown that groundwater concentrations of xylene have consistently been below the RMCL and MCLG for 10 years in all monitoring wells being monitored. Since one detection at 100 ug/l in 1990, styrene has been below both the RMCL and the MCLG in all groundwater samples. Concentrations of ethylbenzene in the groundwater have been below the RMCL and MCLG since 1991, with the exception of a detection of 690 ug/l in December 1992 and 1200 ug/l in June 1994. Overall monitoring results clearly show these minor exceedances are isolated cases. This data demonstrates the effectiveness of the source control remedy selected in the ROD as the preferred alternative for protecting human health and the environment at the Site.

The ROD also required surface water monitoring to be conducted to confirm surface water ARARs were being attained and specified surface water values for ambient criteria for protection of fresh water life for the five contaminants. Prior to site close out, all five contaminants were confirmed to be below the surface water values cited in the ROD. Current ARARs for surface water are the Florida Surface Water Quality Criteria and the Federal Ambient Quality Criteria; however, no state or federal criteria values have been designated for any of the five contaminants. Freshwater quality screening values for 1,2-dichloropropane and ethylbenzene have been established by Region IV Waste Management Division and these two contaminants have not been found in surface water above the screening values. In addition, the three VOCs constantly being monitored over the long-term have either not been detected or were detected at low levels in surface water samples.

As required by the consent decree, ARC has recorded approriate deed restrictions for the property.

In summary, sampling results from all monitoring wells and surface water collections confirm that the contaminants have decreased to levels below ARARs and that all appropriate actions have been taken to ensure that the Site remains protective of human health and the environment. ARC's inspections of the cap have indicated that the remedy is performing as designed.

EPA completed a Five-Year Review at the Site to determine whether the cap remains effective in 1994. Review activities included a Site visit, a reassessment of the ARARs, and sampling. The Five-Year Review and monitoring results have demonstrated that the remedy at Alpha Chemical Corporation Site has been effective at

[1] Zero level MCLGs are not used as ARARs, instead the MCL is used if applicable and appropriate. 40 CFR 300.430(e)(2)(i)(C).

meeting the ARARs. EPA has met the requirement for performing a five-year review at the Site, as specified in Section 121(c) of SARA. The next five-year review will check future problems and be performed no later than February 1999.

Confirmational monitoring of groundwater demonstrates that no significant risk to public health or the environment is posed by the Site. The results of the monitoring confirmed that the remedy is effective and that the landfill continues to meet ARARs.

EPA, with concurrence of FDEP, has determined that all appropriate actions at the Alpha Chemical Corporation Site have been completed, and that no further response is necessary. Therefore, EPA is proposing deletion of the Site from the NPL.

Dated: April 11, 1995.

Patrick M. Tobin,

Acting Regional Administrator, USEPA Region IV.

[FR Doc. 95–10750 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

Notices

Federal Register
Vol. 60, No. 85
Wednesday, May 3, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.
Title: Current Industrial Reports – Broadwoven Fabrics (Gray).
Form Number(s): MQ22T.
Agency Approval Number: 0607–0625.
Type of Request: Revision of a currently approved collection.
Burden: 1,339 hours.
Number of Respondents: 487.
Avg Hours Per Response: 56 minutes.
Needs and Uses: This survey is part of the Census Bureau's Current Industrial Reports Program which measures United States production of various manufactured products. The Census Bureau conducts this survey quarterly to gather information on the level of production of selected broadwoven fabrics. The interagency Committee for the Implementation of Textile Agreements (CITA) uses survey data to monitor potential market disruptions resulting from trade in gray broadwoven fabric. Other government agencies, trade associations, and business firms use these data for making production, investment, and trade policy decisions. Most establishments report quarterly in this survey. Those establishments that contribute less than 10 percent to any publishable item report annually. This request for revision informs OMB of a change in sample size due to a reduction in the universe of manufacturers in this segment of the economy. No other changes are requested.
Affected Public: Businesses or other for–profit organizations.
Frequency: Quarterly, with annual counterpart.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: April 27, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95–10906 Filed 5–2–95; 8:45 am]

BILLING CODE 3510–07–F

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.
Title: Annual Retail Trade Report.
Form Number(s): B–151, B–151A, B–151D, B–153, B–153D.
Agency Approval Number: 0607–0013.
Type of Request: Revision of a currently approved collection.
Burden: 8,686 hours.
Number of Respondents: 20,805.
Avg Hours Per Response: 25 minutes.
Needs and Uses: The Bureau of the Census conducts the Annual Retail Trade Survey to collect annual totals of sales, inventories, inventory valuation methods, purchases, and accounts receivable balances from a sample of retail establishments in the United States. The estimates compiled from this survey are critical to the accurate measurement of total economic activity and are used in computing such indicators of economic well–being as the Gross Domestic Product and the National Income and Product Accounts. Survey results also provide valuable information for economic policy decisions and actions by the government and are widely used by private businesses, trade organizations, professional associations, and others for market research and analysis. This request for revision informs OMB of some recent methodological changes the Census Bureau has implemented for estimating retail nonemployers and recent employer births. We now use new Employer Identification Numbers (EINs) and administrative records provided by the Internal Revenue Service for estimating these components of retail trade. Previously we used an area sample.
Affected Public: Businesses or other for–profit organizations.
Frequency: Annual.
Respondent's Obligation: Mandatory.
OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: April 27, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95–10905 Filed 5–2–95; 8:45 am]

BILLING CODE 3510–07–F

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.
Title: MAF and TIGER Linkage Activities.
Form Number(s): Will vary by activity.
Agency Approval Number: None.
Type of Request: New collection.
Burden: 1,195 hours.
Number of Respondents: 32,103.
Avg Hours Per Response: Two and one half minutes.

Needs and Uses: The Census Bureau requests OMB approval for a generic clearance to undertake a number of activities it plans to conduct to create and update its Master Address File (MAF) and maintain the linkage between the MAF and the Topologically Integrated Geographic Encoding and Referencing (TIGER) data base of address ranges and associated geographic information. These activities will be conducted on a schedule to support preparations for the 2000 decennial census, but also will support the address matching and geocoding requirements of the proposed Continuous Measurement program, the population estimates program, the economic and agriculture censuses, and the current demographic surveys. This clearance will allow the Census Bureau to focus its limited resources on operational planning and procedural development activities. The activities to be conducted under this clearance are: Listing, Update/Leave, MAF Reconciliation, Canvassing, Block Splits, Field Verification, Master Address File Quality Improvement Program (MAF QIP), the Address List Availability Survey (ALAS), and the Rural Address Reference Availability Survey (RARAS). The Census Bureau has conducted each category of activity (or similar ones) previously and the burden remains relatively unchanged from one time to another.

Affected Public: Individuals or households.

Frequency: One–time.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, (202) 395–7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: April 27, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95–10907 Filed 5–2–95; 8:45 am]

BILLING CODE 3510–07–F

Economic Development Administration

Notice of Petitions by Producing Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration (EDA), Commerce.

ACTION: To Give Firms an Opportunity to Comment.

Petitions have been accepted for filing on the dates indicated from the firms listed below.

LIST OF PETITION ACTION BY TRADE ADJUSTMENT ASSISTANCE FOR PERIOD 03/16/95–04/17/95

Firm name	Address	Date petition accepted	Product
Todd Tool & Machine, Inc	Rt. 130 N. & Cathy, Lane Roebling, NJ 08554	03/16/95	Precision Metal Parts.
Velvet Textile Company, Inc (The).	300 Church Street, Blackstone, VA 23824	03/22/95	Velvet Fabric.
Brunson Instrument Company	8000 E. 23rd Street, Kansas City, MO 64129	03/24/95	Optical Tooling.
Karew, Inc	500 Wood Street, Bristol, RI 02809	03/27/95	Mirrored Vanity Trays.
MRM Elgin Corp	902 Parkway Road, Menomonie, WI 54751	03/29/95	Rotary Filling Machines, of Machined Metal, Hydraulic, and Electronic Components.
Jen-Cel-Lite Corporation	954 East Union Street, Seattle, WA 98122	04/04/95	Sleeping Bags.
Trionix Research Laboratory, Inc.	8037 Bavaria Road, Twinsburg, OH 44087	04/07/95	Mach. & Equp.—Nuclear Imaging Detectors Multi-Detector Spect and Whole Body Scanning Systems.
Bob, Inc	8740 49th Avenue, North, Minneapolis, MN 55428.	04/10/95	Electronics—Computer Hard Disk Drives.
Seaark Marine, Inc	404 N. Gabbert, Monticello, ARF 71655	04/10/95	Motorized Commercial Workboats and Parts.
National Biological Corporation	1532 Enterprise Parkway, Twinsburg, OH 44087.	04/10/95	Phototherapy Devices for the Treatment of Skin Disorders.
L.W. Packard and Company, Inc.	6 Mill Street, Ashland, NH 03217	04/10/95	Wool Blended Fabric.
Jedco, Inc	1615 Broadway, N.W., Grand Rapids, MI 49504.	04/10/95	Aircraft Engine Parts.
M.C. Carbide Tool Company	14505 Keel Street, Plymouth, MI 48170	04/11/95	Custom Precision Carbide Cutting Tools.
Norwich Aero Products, Inc	P.O. Box 109, Norwich, NY 13815	04/11/95	Thermocouples and Resistance Temperature Detectors.
Simmons Hosiery Hill	391 10th Ave. Drive NE, Hickory, NC 28601–3833.	04/12/95	Athletic Socks.
Albany Woodworks, Inc	P.O. Box 729, Albany, LA 70711	04/14/95	Beams.
Rialto Furniture Company, Inc	150 North 5th Street, Brooklyn, NY 11211	04/14/95	Commercial Furniture.
Montpelier Glove Co., Inc	1 Glove Lane, P.O. Box 187, Hartford, KY 42347.	04/14/95	Work Gloves.
Terra Designs, Inc	241 East Blackwell Street, Dover, NJ 07801	04/14/95	Glazed and Unglazed Wall and Floor Tiles.
Electronic Interface Company, Inc.	970 Lonus Street, San Jose, CA 95126	04/14/95	Linear Actuators.

The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (19 U.S.C. 2341). Consequently, the United States Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in

sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Trade Adjustment Assistance Division, Room 7023, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

The Catalog of Federal Domestic Assistance official program number and title of the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance.

Dated: April 26, 1995.

Lewis R. Podolske,

Acting Director, Trade Adjustment Assistance Division.

[FR Doc. 95–10841 Filed 5–2–95; 8:45 am]

BILLING CODE 3510–24–M

Bureau of Export Administration

Regulations and Procedures Technical Advisory Committee; Partially Closed Meeting

A meeting of the Regulations and Procedures Technical Advisory Committee will be held May 23, 1995, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617M–2, 14th Street and Pennsylvania Avenue, N.W., Washington, D.C. The Committee advises the Office of the Assistant Secretary for Export Administration on implementation of the Export Administration Regulations (EAR) and provides for continuing review to update the EAR as needed.

Agenda

General Session

1. Opening Remarks by the Chairman.
2. Presentation of Papers or Comments by the Public.
3. Update on Export Administration.
4. Presentation on software and technology de minimis accounting standards and reporting.
5. Report on Regulations Reform.
6. Discussion on Automated Export System.

Executive Session

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate the distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter, TAC Unit/OAS/EA, Room 3886C, Bureau of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on December 22, 1994, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings or portions of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, D.C. For further information, call Lee Ann Carpenter at (202) 482–2583.

Dated: April 27, 1995.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 95–10834 Filed 5–2–95; 8:45 am]

BILLING CODE 3510–DT–M

National Oceanic and Atmospheric Administration

Evaluation of State Coastal Management Programs and National Estuarine Research Reserves

AGENCY: Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), DOC.

ACTION: Notice of availability of evaluation findings.

SUMMARY: Notice is hereby given of the availability of the final evaluation findings for the Hawaii, North Carolina, and Virgin Islands Coastal Management Programs, and the Padilla Bay (Washington) and Waquoit Bay (Massachusetts) National Estuarine Research Reserves (NERRs). Section 312 and 315 of the Coastal Zone Management Act of 1972 (CZMA), as amended, requires a continuing review of the performance of coastal states with respect to coastal management and the operation and management of NERRs.

The states of Hawaii and North Carolina were found to be implementing and enforcing their Federally approved coastal management programs, addressing the national coastal management objectives identified in CZMA section 303(2)(A)—(K), and adhering to the programmatic terms of their financial assistance awards.

The Territory of the Virgin Islands was found to be adhering to its approved program. However the Department of Planning and Natural Resources has not fully adhered to applicable terms of its financial assistance awards with respect to the timely completion of a critical grant task (Areas for Particular Concern management plans). Implementation of several recommendations listed in the findings will bring the Virgin Islands back into satisfactory adherence. Padilla Bay and Waquoit Bay NERRs were found to be satisfactorily adhering to programmatic requirements of the NERR system.

Copies of these final evaluation findings may be obtained upon request from: Vickie Allin, Chief, Policy Coordination Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1305 East-West Highway, 11th Floor, Silver Spring, Maryland 20910 (301) 713–3087 x126

Dated: April 27, 1995.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

Federal Domestic Assistance Catalog 11.419, Coastal Zone Management Program Administration

[FR Doc. 95–10794 Filed 5–2–95; 8:45 am]

BILLING CODE 3510–08–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New Transshipment Charges for Certain Cotton Textile Products Produced or Manufactured in the People's Republic of China

April 27, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs charging transshipments to 1995 limits.

EFFECTIVE DATE: May 4, 1995.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

In a notice published in the **Federal Register** on June 28, 1993 (58 FR 34568), CITA announced that Customs would be conducting other investigations of transshipments of textiles produced in China and exported to the United States. Based on these investigations, the U.S. Customs Service has determined that textile products in Categories 338, 339, 347 and 352, produced or manufactured in China and entered into the United States with the incorrect country of origin and as non-textile products, were transshipped in circumvention of the Memorandum of Understanding dated January 17, 1994 between the Governments of the United States and the People's Republic of China. Consultations were held between the Governments of the United States and the People's Republic of China on this matter December 6 through December 8, 1994 and March 6 through March 8, 1995. Accordingly, in the letter published below, the Chairman of CITA directs the Commissioner of Customs to charge the following amounts to the 1995 quota levels for the categories listed below:

Category	Amounts to be charged
338	162,000 dozen.
339	147,492 dozen.
347	173,669 dozen.
352	632,114 dozen.

As a result of the charges, the current limit for Category 352 will be highly filled.

U.S. Customs continues to conduct other investigations of such transshipments of textiles produced in China and exported to the United States. The charges resulting from these investigations will be published in the **Federal Register**.

The U.S. Government is taking this action pursuant to U.S. letters dated October 5, 1994 and April 17, 1995, and the Memorandum of Understanding dated January 17, 1994 between the Govenments of the United States and the People's Republic of China.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 59 FR 65531, published on December 20, 1994). Also see 59 FR 65760, published on December 21, 1994.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 27, 1995.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: To facilitate implementation of the Memorandum of Understanding dated January 17, 1994, between the Governments of the United States and the People's Republic of China, I request that, effective on May 4, 1995, you charge the following amounts to the following categories for the 1995 restraint period (see directive dated December 16, 1994):

Category	Amount to be charged to 1995 limit
338	162,000 dozen.
339	147,492 dozen.
347	173,669 dozen.
352	632,114 dozen.

This letter will be published in the **Federal Register**.

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc 95–10842; Filed 5–2–95; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Department of the Air Force

Finding of No Significant Impact (FONSI) for the Joint Primary Aircraft Training System

Pursuant to the Council on Environmental Quality regulations (40 CFR 1500–1508) implementing the procedural provisions of the National Environmental Policy Act (NEPA) and Department of Defense Instruction 5000.2, Defense Acquisition Management Policy and Procedures, the U.S. Air Force gives notice that an Environmental Assessment (EA) and draft FONSI has been prepared to support the decision to proceed to Manufacturing Development of the Joint Primary Aircraft Training System (JPATS) and is available for review.

The JPATS is proposed to replace the two primary training aircraft and ground-based training systems used by the U.S. air Force (USAF) and the U.S. Navy (USN) with one commercial-derivative aircraft. The proposed action includes the missionization, testing, and low-rate production of 55 aircraft meeting the technical requirements of the USAF and the USN over the next four years. The aircraft procured aircraft would more closely resemble the more advanced training and fighter aircraft used by the USAF and the USN with respect to design and equipment. The aircraft would also offer better performance and improvements in safety, reliability, and maintainability compared to the current aircraft over a 20-year life of the program.

This assessment analyzes the potential environmental impacts of the decision to proceed with JPATS into the Manufacturing Development phase. Additionally, the EA provides an initial overview of impacts associated with future decisions which could lead to the production of 656 additional aircraft, beddown and operations at 9 Air Force Bases and Naval Air Stations, and eventual system disposal.

For further information and/or a copy of the EA and draft FONSI, please contact: Lt Col Frank Szalejko, JPATS Program Manager, ASC/YT, Wright Patterson AFB, OH 45430, Phone: 513–225–9223.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 95–10893 Filed 5–2–95; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF ENERGY

Office of Civilian Radioactive Waste Management; Nuclear Waste Acceptance Issues

AGENCY: Office of Civilian Radioactive Waste Management, Department of Energy.

ACTION: Department of Energy final interpretation of nuclear waste acceptance issues.

SUMMARY: This Notice responds to public comments on the Department of Energy (DOE) Notice of Inquiry on Waste Acceptance Issues published on May 25, 1994 (59 FR 27007). After analyzing public comments received in response to the Notice, DOE has concluded that it does not have an unconditional statutory or contractual obligation to accept high level waste and spent nuclear fuel beginning

January 31, 1998 in the absence of a repository or interim storage facility constructed under the Nuclear Waste Policy Act of 1982, as amended. In addition, DOE has concluded that it lacks statutory authority under the Act to provide interim storage.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Waxman of the Department of Energy Office of General Counsel at (202) 586–6975.

SUPPLEMENTARY INFORMATION:

I. Background

The Nuclear Waste Policy Act of 1982, as amended (Act or NWPA), 42 U.S.C. 10101 *et seq.*, provides a comprehensive framework for disposing of high level radioactive waste and spent nuclear fuel (SNF) generated by civilian nuclear power reactors. In general, the Act sets forth procedures for selecting a repository site and developing a repository for disposal of high-level radioactive waste and SNF and for financing the cost of such disposal. Section 302(a) of the Act authorizes the Secretary to enter into contracts with the owners and generators of SNF of domestic origin (utilities) for the acceptance and disposal of SNF,[1] and stipulates that the contracts provide that the Secretary shall take title to the SNF as expeditiously as practicable following commencement of operation of a repository. In return for the payment of fees, section 302(a) also stipulates that the contracts provide that the Secretary, beginning not later than January 31, 1998 will dispose of such SNF.

DOE implemented the provisions of section 302(a) through rulemaking. Following notice and comment, DOE promulgated the Standard Contract for Disposal of Spent Nuclear Fuel and/or High Level Nuclear Waste (Standard Contract), which set forth the contractual terms under which the Department would make its disposal services available. 48 FR 16590 (April 18, 1983), codified at 10 CFR part 961. Under the terms of the final rule promulgating the Standard Contract, all civilian nuclear utilities desiring to dispose of SNF signed individual versions of the Standard Contract.

Although the Act originally envisioned that a geologic repository would be in operation, and DOE would be prepared to begin acceptance of SNF by January 31, 1998, it since has become apparent that neither a repository nor an interim storage facility constructed under the Act will be available by 1998. DOE currently projects that the earliest possible date for acceptance of waste for disposal at a repository is 2010.

Accordingly, DOE published the Notice of Inquiry on Waste Acceptance Issues (NOI) to elicit the views of interested parties on: (1) DOE's preliminary view that it does not have an obligation to accept SNF in the absence of an operational repository or interim storage facility constructed under the Act; (2) the need for interim storage prior to repository operation; and (3) use of the Nuclear Waste Fund to offset a portion of the financial burdens that may be incurred by utilities in continuing to store SNF at reactor sites beyond 1998. Written comments were initially due on or before September 22, 1994. 59 FR 27007 (May 25, 1994). DOE extended the comment period on the NOI until December 19, 1994 to permit additional public comment. 59 FR 52524 (October 18, 1994).

II. Written Comments

DOE received 1,111 written responses to the NOI, representing 1,476 signatories, including utilities (38 responses), public utility commissions and utility regulators (26 responses), Federal, state, and local governments, agencies, and representatives (23 responses), industry representatives and companies (30 responses), public interest groups and other organizations (19 responses), and members of the general public (975 responses). All written comments received by DOE in response to the NOI were carefully reviewed and fully considered. The majority of the responses to the NOI addressed the issue of DOE's legal obligation to accept SNF beginning in 1998 and asserted that DOE has an unconditional obligation to begin accepting SNF from the utilities by January 31, 1998.

DOE previously published a notice of the availability of DOE/RW–0462, ''Summary of Responses to the Notice of Inquiry on Waste Acceptance Issues'' (March 1995). 60 FR 14739 (March 20, 1995). That report contains a summary of all the comments received in response to the NOI.

This Notice sets forth DOE's conclusions with respect to the legal issues involved in the NOI. Section III below discusses DOE's final interpretation of its obligations with respect to the 1998 waste acceptance issue, addresses the issue of DOE's authority under the Act to provide interim storage, and also contains DOE's conclusions on the legal availability of the Nuclear Waste Fund to offset the potential financial burdens that may be incurred by utilities in storing SNF on-site beyond 1998.

III. Final Interpretation of Agency Obligations and Authorities Under the Act

Most of the commenters on the NOI expressed the view that the language in section 302(a)(5)(B) of the Act, which provides that ''in return for the payment of fees established by this section, the Secretary, beginning not later than January 31, 1998, will dispose of the high-level radioactive waste or spent nuclear fuel as provided in this subtitle,'' 42 U.S.C. 10222(a)(5)(B), creates an unconditional legal obligation, beginning January 31, 1998, for DOE to initiate acceptance of SNF from utilities under the Standard Contract. According to these commenters, DOE's obligation is clear, non-discretionary, and not inconsistent with DOE's duty to take title to SNF under section 302(a)(5)(A) of the Act following commencement of repository operations. 42 U.S.C. 10222(a)(5)(A).

However, some commenters contended that DOE does not have an unconditional duty to dispose of SNF beginning in 1998 in the absence of an operational repository. They asserted that the obligations to take title and dispose of SNF established in subsections (5)(A) and (B) of section 302(a) of the Act must be read together and ultimately are dependent upon the existence of an operational repository. Based upon the entire statutory scheme and the legislative history of the Act, these commenters suggested that the January 31, 1998 date does not create an obligation to initiate SNF disposal regardless of the availability of a repository, but rather indicates the ''sense of Congress'' concerning an appropriate target date for arriving at a solution to the problem of accumulating high level nuclear waste and spent nuclear fuel.

After considering the views of the commenters, the provisions of the Act and its legislative history, and the terms and conditions of the Standard Contract, DOE has concluded that it does not have a legal obligation under either the Act or the Standard Contract to begin disposal of SNF by January 31, 1998, in the absence of a repository or interim storage facility constructed under the Act.

A. DOE's Final Interpretation of Its Obligations Under Section 302(a)(5)

1. The Act does not impose a statutory obligation on DOE to begin nuclear waste disposal in 1998 in the absence of

[1] In this notice, we limit our discussion to SNF, because that is the primary concern of the utilities with whom DOE has executed the Standard Contract.

a disposal or interim storage facility constructed under the Act.

Section 302(a)(1) of the Act authorizes the Secretary of Energy to enter into contracts for acceptance of title, transportation, and disposal of SNF with any person who generates or holds title to spent fuel of domestic origin. 42 U.S.C. 10222(a)(1). Section 302(a)(5) states that such contracts shall provide that:

> (A) Following commencement of operation of a repository, the Secretary shall take title to the high-level radioactive waste or spent nuclear fuel involved as expeditiously as practicable upon the request of the generator or owner of such waste or spent fuel; and
>
> (B) In return for payment of fees established by this section, the Secretary, beginning not later than January 31, 1998, will dispose of the high-level radioactive waste or spent nuclear fuel involved as provided in this subtitle.

42 U.S.C. 10222(a)(5). DOE's Standard Contract contains a provision that reflects this statutory mandate. *See* 10 CFR 961.11.

a. Section 302(a)(5)(A), the so-called ''take title'' provision of the Act, requires that each contract executed by DOE under the Act provide that ''the Secretary shall take title to the high-level radioactive waste or spent nuclear fuel involved as expeditiously as practicable upon request of the generator or owner of such waste or spent fuel,'' but specifically provides that the obligation to take title applies only ''*following commencement of operation of a repository.*'' 42 U.S.C. 10222 (a)(5)(A). Thus, the Act is clear that DOE is required to take title ''expeditiously,'' but only ''following commencement of operation of a repository.'' 42 U.S.C. 10222 (a)(5)(A).

Section 302(a)(5)(B), the so-called ''dispose'' provision of the Act, requires that each contract shall also provide that ''in return for payment of fees established by this section, the Secretary, beginning not later than January 31, 1998, will *dispose* of the high-level radioactive waste or spent fuel involved as provided in this subtitle.'' 42 U.S.C. 10222 (a)(5)(B). While the Act does not define the word ''dispose,'' it does define ''disposal.'' DOE believes that the words ''dispose'' and ''disposal'' are merely different grammatical forms of the same word, and that the Act's definition of ''disposal'' also defines DOE's obligation to ''dispose'' under section 302(a)(5)(B) of the Act. The Act defines ''disposal'' to mean ''the emplacement *in a repository* of spent nuclear fuel with no foreseeable intent of recovery.'' 42 U.S.C. 10101(9). Thus, the mandate to dispose of SNF beginning January 31, 1998, like the duty to take title to SNF, requires the existence of an operating repository. *See* H.R. Rep. No. 491, Part 1, 97th Cong., 2d Sess. at 59 (1982).[2]

The logic, language, and structure of section 302(a) require that the mandate to dispose and the duty to take title must be read together. Section 302(a)(1) of the Act, which authorizes the Secretary to enter in contracts with utilities ''for acceptance of title, subsequent transportation, and disposal of * * * (SNF)'', indicates that the duty to accept title and the mandate to dispose are part of a sequential process: The Act contemplates that ''taking title'' is a predicate to ''disposal''. Similarly, section 123 of the Act provides that ''[d]elivery, and acceptance by the Secretary, of any high-level radioactive waste or spent nuclear fuel for a repository constructed under this subtitle (42 U.S.C. 10131 et seq., the repository subtitle) shall constitute a transfer to the Secretary of title to such waste or spent fuel.'' 42 U.S.C. 10143. The ''delivery and acceptance'' provision of section 123 implements the ''take title'' provision of section 302(a)(5)(A), and again contemplates that DOE ''take title'' prior to disposal in a repository.

b. Sections 302(a)(5) (A) and (B) of the Act must not only be read together, but also must be read in the context of the entire Act. When read in conjunction with other provisions in the Act, these provisions clearly do not contemplate nuclear waste disposal by DOE beginning January 31, 1998, in the absence of an operational repository.

The findings and purposes section of the Act states that ''the Federal Government has the responsibility to provide for the *permanent disposal* of nuclear waste,'' 42 U.S.C. 10131(a)(4), and that the purpose of the Act is ''to establish a schedule for the siting, construction, and operation of *repositories* that will provide a reasonable assurance that the public will be adequately protected from the hazards posed by high-level waste and such spent nuclear fuel *as may be disposed of in a repository.*'' 42 U.S.C. 10131 (b)(1). As noted above, the term ''disposal'' is defined in the Act to mean ''emplacement of nuclear waste *in a repository* with no foreseeable intent of recovery.'' 42 U.S.C. 10101 (9).

However, the Act imposes numerous prerequisites on the Department's ability to develop a repository and dispose of SNF that demonstrate that the Act did not contemplate that DOE would have an unconditional duty to begin disposing of SNF in 1998. For instance, the Act provides that only Yucca Mountain, in Nevada, is to be characterized as a potential repository site, 42 U.S.C 10172, and that DOE may not commence construction of a repository at Yucca Mountain unless and until the site been found suitable for a repository through the site characterization process, 42 U.S.C. 10134. The Act specifically recognizes that the Yucca Mountain site may be found *unsuitable* for development of a repository, and states that ''if the Secretary at any time determines the Yucca Mountain site to be unsuitable for development as a repository, the Secretary shall terminate all site characterization activities at such site * * * (and) reclaim the site to mitigate any significant adverse environmental impacts caused by site characterization at such site.'' 42 U.S.C. 10133(c)(3). Moreover, even if Yucca Mountain proves suitable, the Act imposes additional conditions on the actual development of the site as a repository. For example, the Act provides that the Secretary must decide whether to recommend approval of the site to the President; the President must determine whether he considers the site qualified; and if the President ultimately recommends development of the site to Congress, the host state may disapprove that recommendation for any reason at all, in which case an entirely new law must be enacted by Congress to override the host state's disapproval. 42 U.S.C. 10134 and 10135. Assuming site suitability, a favorable Presidential recommendation, and enactment of a new law to override any state notice of disapproval, the Act further requires DOE to obtain an NRC license to construct and operate a repository. 42 U.S.C. 10134(b).

Each of these statutory conditions for construction and operation of a repository represents a Congressionally-created contingency that could prevent or delay construction and operation of a repository. Given the number of these contingencies, Congress could not have intended to impose an unconditional obligation on DOE to take and dispose of SNF by a date certain.[3]

[2] DOE notes that the statutory language on disposal quoted above uses ''will'' rather than the term ''shall'' in setting forth the Secretary's duty to dispose of nuclear waste. DOE believes the use of the predictive term ''will'' in the disposal provision of the Act, rather than the mandatory term ''shall'' which is used in the take-title provision, indicates that the January 31, 1998 date expresses the sense of Congress as to when the Department should strive to have a repository in operation, rather than an unconditional legal obligation to initiate acceptance of SNF by a date certain.

[3] In addition, as discussed *infra*, beginning at page 19, the Act contained only very limited

Continued

2. The legislative history of the Act confirms that both the ''take title'' and the ''dispose'' provisions of section 302(a)(5) require an operating repository before their obligations attach.

Subparagraphs (A) and (B) of Section 302(a)(5) were originally part of section 124 of H.R. 3809. The House Report on H.R. 3809 stated that ''Section 124 authorizes the Secretary to contract with utilities or other agents *requiring use of repositories* constructed under this Act to *provide repository services* in exchange for payments by *repository users* to cover program costs.'' H.R. Rep. No. 491, Part 1, 97th Cong., 2nd Sess. at 58 (1982). The House Report further stated that ''[a]ll persons desiring to dispose of high level waste or spent fuel *in repositories constructed under this subtitle* are required to pay a ratable portion of the costs of such disposal.'' H.R. Rep. No. 491, Part 1, 97th Cong., 2d Sess. at 58 (April 27, 1982). As the quoted language indicates, the focus of section 124 was on contracting for the disposal of spent nuclear fuel in a repository.

With regard to what emerged as subparagraph (A) of section 302(a)(5), the House Committee Report on section 124 of H.R. 3809 stated:

> Paragraph 4(A) requires that under such contracts the Secretary will be required to take title to high level waste or spent fuel, at the request of the generator, as expeditiously as practicable *following the commencement of operation of a repository.*

H.R. Rep. No. 491, Part 1, 97th Cong., 2d Sess. at 59 (1982). Thus, subparagraph (A) in H.R. 3809, like subparagraph (A) in the Act, clearly made commencement of operation of a repository a condition precedent to taking title.

Significantly, the House Committee Report on H.R. 3809 also described the source of the current Act's subparagraph (B) in terms of the existence of a permanent disposal facility:

> Paragraph 4(B) makes the Secretary responsible for *disposing* of high level waste or spent fuel *as provided under this subtitle in permanent disposal facilities,* beginning not later than January 1998, in return for the payment of fees established by this section.

Id. at 59. ''This subtitle'' referred to Subtitle A, ''Repositories for Disposal of High-Level Radioactive Waste and Spent Nuclear Fuel,'' of which section 124 was then a part. Here too, as the underscored language and reference to Subtitle A make clear, the obligation contemplated depended upon the successful development of a repository.

The conclusion that section 302(a)(5) of the Act was not intended to create an obligation to dispose of SNF unless and until a repository had been developed is also supported by a floor statement made during the Senate's debate on the Act by the then Chairman of the Senate Energy and Natural Resources Committee, a primary sponsor of the Act, Senator James McClure. On December 13, 1982, Senators McClure, Simpson, Jackson, Johnston and Domenici offered amendment number 4983, which struck all the language after the enacting clause of H.R. 3809, and replaced it with a Senate version of the proposed legislation. Section 302 of the Senate amendment would have required DOE to take title and store or dispose of nuclear waste no later than December 31, 1996. Unlike the House version of H.R. 3809, the Senate amendment made no mention of an operating repository. *See* 128 *Cong. Rec.* S14,484, S14,501 (daily ed. Dec. 13, 1982). However, after proposing the Senate amendment, Senator McClure then offered—and the Senate accepted—an amendment to section 302(a)(5) of the substitute amendment which brought the Senate version of that provision into conformity with the House version contained in H.R. 3809. Senator McClure described the effect of this amendment as follows:

> Mr. President, this amendment amends section 302(a)(5) of the substitute amendment to provide that the Secretary of Energy take title to high-level waste or spent fuel as expeditiously as practicable upon the request of the generator of such waste. In addition, this amendment directs the Secretary to begin, not later than January 31, 1998, to begin to dispose of the high-level radioactive waste or spent nuclear fuel from those generating such waste. *Under the substitute amendment, there was some concern that, in directing the Secretary to take title to and dispose of such wastes no later than December 31, 1996, we might not be giving the Secretary enough flexibility to tailor his schedule for accepting such wastes to the availability of a repository. This amendment simply directs the Secretary to take title to such wastes as expeditiously as practicable, upon the request of the generator of those wastes, after commencement of repository operation.*

128 *Cong. Rec.* S15,657 (daily ed. Dec. 20, 1982). This summary of what section 302(a)(5) ''directs'' indicates that Congress did not intend to establish an inflexible schedule and that it intended to ''tailor'' DOE's obligation for accepting SNF to the availability of a repository, albeit that it intended for DOE to proceed ''as expeditiously as practicable.''[4]

3. The Standard Contract, which was promulgated through notice and comment rulemaking, implements the provisions of section 302(a)(5) of the Act.[5] Article II of the Standard Contract, entitled ''Scope,'' states that ''[t]he services to be provided by DOE under this contract shall begin, after commencement of facility operations, not later than January 31, 1998 and shall continue until such time as all (nuclear waste from the contracting utilities) has been disposed of.'' 10 CFR 961.11, Art. II.

Some commenters asserted that the language in Article II of the Standard Contract that ''(t)he services to be provided by DOE under this contract shall begin * * * not later than January 31, 1998,'' either represents DOE's recognition of, or itself creates, an unconditional legal obligation to begin accepting nuclear waste by 1998. However, the Standard Contract contains the specific condition that the services to be provided by DOE ''shall begin *after commencement of facility operations.*'' 10 CFR 961.11, Art. II.[6] One of the recitals in the preamble to

authority for DOE to provide interim storage in the event that a repository is not in operation.

[4] A few commenters claimed that certain statements from the legislative history of the monitored retrievable storage provisions of the Act support their assertion that DOE has an unconditional duty to accept SNF for disposal beginning in 1998. They cited the following statement of Senator Bennett Johnston, made during the floor debate on the 1987 amendments, as evidence of Congress' intent that the Department has an unconditional obligation to begin accepting waste in 1998:

> The MRS is not an alternative to at-reactor storage, and it is not a substitute for a repository. Utilities are required to take care of their own storage until 1998, but the Federal Government has a contractual commitment to take title to spent fuel beginning in 1998. An MRS will better ensure that the Department is able to meet this contractual commitment to accept spent fuel beginning in 1998.

133 *Cong. Rec.* S16,045 (daily ed. Nov. 10, 1987). The following statement of Senator James McClure from the same debate was also relied upon by a commenter:

> Furthermore, we have an option to proceed with the construction of a monitored retrievable storage (MRS) facility for receipt and temporary storage of fuel by 1998 and thereby meet the Government's statutory obligation to begin taking spent fuel by that date.

133 *Cong. Rec.* S15,795 (daily ed. Nov. 10, 1987).

DOE believes that these 1987 statements do not supplant the foregoing analysis of what Congress intended when it enacted Section 302(a)(5), because they were not contemporaneous with passage of the Act in 1982. Post-enactment views by individual legislators are entitled to little weight in construing a statute enacted by a prior Congress.

[5] The U.S. Court of Appeals for the District of Columbia Circuit has held that the Standard Contract should be treated as more akin to a regulation, rather than a traditional contract, since its terms were established by rulemaking following notice and comment. *Commonwealth Edison Co.* v. *United States Department of Energy,* 877 F.2d 1042, 1045 (D.C. Cir. 1989).

[6] Under the Standard Contract, the term ''DOE facility'' is defined to mean either a disposal or interim storage facility operated by or on behalf of DOE. *See* 10 CFR 961.11, Art. I.

the Standard Contract similarly indicates that the Department's obligations are conditioned upon the existence of an operational storage or disposal facility constructed under the Act:

> Whereas, the DOE has the responsibility, *following commencement of operation of a repository,* to take title to the spent nuclear fuel or high-level radioactive waste involved as expeditiously as practicable upon the request of the generator or owner of such waste or spent nuclear fuel.

10 CFR 961.11, Preamble. The Standard Contract, like the Act, thus predicated DOE's obligation on the development of a facility under the Act.

This reading of the Standard Contract was confirmed by a statement of former Secretary Donald Hodel in 1984, the year following the promulgation of the Standard Contract. In a written response to a question posed in a letter from Senator Bennett Johnston, Secretary Hodel stated:

> The Department is authorized to implement the Act through contractual commitments. To this end, the Department plans to incorporate into its contracts provisions which specify the minimum amount of spent fuel and waste which the Department will be obligated to accept, not later than January 31, 1998. Since these contracts have not yet been modified, it would be premature for the Department to speculate on particulars that might ultimately be incorporated in any or all of the contracts. However, it is my intention that this commitment in the Contracts, together with the overall thrust of the Act, will create an obligation for the Department to accept spent fuel in 1998 whether or not a repository is in operation.

Although former Secretary Hodel stated that he intended for DOE to assume an unconditional obligation to begin accepting SNF in 1998, he also recognized that the terms of the Standard Contract would have to be changed in order to create such an unconditional obligation. However, the Department never undertook a rulemaking to modify the Standard Contract. Thus, this essentially contemporaneous construction of the Standard Contract reinforces the conclusion that the Contract did not and does not create, or recognize, an unconditional obligation.[7]

B. Interim Storage Authority

The Department recognizes that some utilities are running out of on-site storage capacity and will have to provide additional storage capacity until a repository or interim storage facility is available. In response to the NOI, a number of comments stated that DOE should provide interim storage. However, DOE has concluded that it has no authority under the Act to provide interim storage in present circumstances.[8]

Interim storage by DOE was contemplated by the Act in only two situations, neither of which currently applies. Under the Act, DOE had authority to offer a limited interim storage option. *See* 42 U.S.C. 10156. However, that authority has, by its express terms, expired. Under the Act, DOE also has authority to provide for interim storage in an MRS. That authority also is inapplicable, however, because the Act ties construction of an MRS to the schedule for development of a repository. *See* 42 U.S.C. 10165, 10168. Because these are the only interim storage authorities provided by the Act, and because the Act expressly forbids use of the Nuclear Waste Fund to construct or expand any facility without express congressional authorization (42 U.S.C. 10222(d)), DOE lacks authority under the Act to provide interim storage services under present circumstances.

C. Use of Nuclear Waste Funds to Offset Financial Burdens to Utilities of Storing Nuclear Waste Beyond 1998

Section 302(d) of the Act states that the Nuclear Waste Fund may be used only for radioactive waste disposal activities under titles I and II of the Act, including a number of enumerated activities.[9] 42 U.S.C. 10222(d). Paying for the costs of on-site storage is not enumerated in that provision.

Although the Act thus does not provide for use of the Nuclear Waste Fund to help utilities defray costs of on-site storage, if the Act were construed unconditionally to require DOE to begin providing disposal services in January of 1998 notwithstanding DOE's inability to do so, utilities might be entitled to financial relief under the terms of the Standard Contract. Since the Act itself does not address the consequences of a failure by DOE to perform its obligations under the Act, it has fallen to DOE as the administering agency to fill the gap left by Congress. DOE has done so through the Standard Contract, which expressly addresses the situation in which performance by either party to the contract is delayed.

Under Article IX, entitled ''DELAYS,'' the Standard Contract provides that neither party shall be liable for damages in the case of unavoidable delay and that the parties will adjust their schedules, as appropriate, to accommodate such delay. Art. IX, ¶A. In the case of an *avoidable* delay, however, the Standard Contract provides that the ''charges and schedules specified by this contract will be equitably adjusted to reflect any estimated additional costs incurred by the party not responsible for or contributing to the delay.'' Art. IX, ¶B. Were DOE deemed to have an unconditional obligation to begin providing disposal services in 1998, we have concluded that the Delays Clause would be applicable in the event of a failure to perform. Were the Delays Clause to be invoked, Article XVI of the Standard Contract establishes the process for resolving disputed questions of fact (e.g., whether a delay has occurred and, if so, whether it was avoidable or unavoidable). Article XVI provides for initial resolution of disputed facts by the designated Contracting Officer, with a right of appeal to the DOE Board of Contract Appeals. In sum, it is the Department's view that, were the Act to be construed to impose an unconditional obligation to begin to provide disposal services in 1998, the appropriate remedy would be the contractual remedy under the Delays Clause and Article XVI.

D. Availability of Alternative Dispute Resolution Procedures

The Department believes that important public and private interests are implicated by the need for orderly financial and technical planning with respect to the Department's inability to accept SNF in 1998. There are also equitable considerations that may argue for some form of relief to help offset costs incurred as a result of the Department's inability to begin acceptance of SNF in 1998. The Department recognizes that these equitable and public interest considerations may be better addressed

[7] One commenter on the NOI criticized DOE's denial of an obligation to begin accepting SNF from domestic utilities on the ground that DOE has accepted ''foreign SNF'' for storage at its own facilities. However, the authority for acceptance of foreign SNF arises under the Atomic Energy Act, as amended, not under the Nuclear Waste Policy Act. The foreign fuel in question, which is not commercial SNF from domestic utilities but much smaller fuel elements from research reactors, contains highly enriched uranium that must be controlled for nuclear nonproliferation purposes. It is because of these nonproliferation concerns that the United States government has in some circumstances received foreign SNF under the Atomic Energy Act in order to remove it from international commerce. No Nuclear Waste Fund monies are (or could be) used for this storage activity.

[8] DOE's multi-purpose canister program is part of DOE's overall transportation strategy for disposal of SNF, and the use of Nuclear Waste Fund monies to support this work is authorized by Section 302(d)(4) of the Act, which provides that the Secretary may make expenditures from the Nuclear Waste Fund for any costs incurred in connection with the transportation of SNF.

[9] Section 302(d) further provides that no funds may be spent on construction or expansion of any facility unless expressly authorized.

and resolved through settlement discussions than through litigation or through the process established by Article XVI of the Standard Contract. Therefore, in accordance with the Department's commitment to increased use of alternative dispute resolution procedures, the Department is prepared to discuss with utilities and other parties to the pending litigation (*Northern States Power Company* v. *U.S. Department of Energy,* Nos. 94–1457, 94–1458, 94–1574 (D.C. Cir., 1994)) financial or other assistance that may be appropriate in light of the Department's inability to begin providing disposal services in 1998.

Issued in Washington, D.C., April 28, 1995.

Daniel A. Dreyfus,

Director, Office of Civilian Radioactive Waste Management.

[FR Doc. 95–10902 Filed 5–2–95; 8:45 am]

BILLING CODE 6450–01–P

The Office of Hearings and Appeals

Notice of Issuance of Decisions and Orders; Week of January 23 Through January 27, 1995

During the week of January 23 through January 27, 1995, the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeal

The National Security Archive, 1/23/95, VFA–0015

The National Security Archive (NSA) filed an Appeal from a determination issued to it on December 5, 1994, by the Director, Office of Arms Control and Nonproliferation of the Department of Energy (Arms Control) which denied a request for information it had filed under the Freedom of Information Act (FOIA). The request sought records relating to negotiations with Japan, and the transfer of plutonium to Japan between 1980 and 1983. Arms Control stated that it did not possess any responsive documents, and the Appeal challenged the adequacy of the search. In considering the Appeal, the DOE found that Arms Control conducted a reasonable search for responsive documents located in its files. However, the DOE found that other offices that were not searched might have responsive documents. Accordingly, NSA's Appeal was granted and the matter was remanded to the FOIA Office for a search of all of the offices or their successors originally named in NSA's request or its Appeal.

Implementation of Special Refund Procedures

Ed'S Exxon, Ron's Shell, 1/27/95, LEF–0078, LEF–0084

The DOE issued a Decision and Order implementing special refund procedures to distribute $3,657.84, plus accrued interest, which Ed's Exxon and Ron's Shell (the remedial order firms) remitted to the DOE pursuant to Remedial Orders issued on September 30, 1981, and April 27, 1982, respectively. The DOE determined that it would distribute the fund in two stages. In the first stage, the DOE will accept applications for refund from those claiming injury as a result of the remedial order firms' violations of Federal petroleum pricing regulations. If any funds remain after meritorious claims are paid in the first stage, they will be used for indirect restitution through the States in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986.

Refund Applications

Rochdale Village, Inc., 1/27/95, RF272–66448, RD272–66448

The DOE issued a Decision and Order granting a refund to Rochdale Village, Inc., in the crude oil overcharge refund proceeding. Rochdale Village operates an apartment complex in New York City. In granting a refund, the DOE rejected an argument from a group of states and territories that certain increases in New York City's rent control guidelines adequately compensated Rochdale Village for crude oil overcharges. The DOE also denied a Motion for Discovery submitted by the group of states and territories.

Standard Oil Co. (Indiana)/Oklahoma, Belridge/Oklahoma, Palo Pinto/Oklahoma, OKC/Oklahoma, Vickers/Oklahoma, Standard Oil Co. (Indiana)/Oklahoma, 1/25/95, RM21–282, RM8–283, RM5–284, RM13–285, RM1–286, RM251–287

The DOE issued a Decision and Order granting Motions for Modification of previously-approved refund plans filed by the State of Oklahoma in the Standard Oil Co. (Indiana) (Amoco I and II), Belridge Oil, Palo Pinto Oil & Gas, OKC Corp., and Vickers Energy Corp. refund proceedings. Oklahoma requested permission to use $45,000 in interest from funds which the State originally received or other second-stage refund proposals to install a compressed natural gas line between Kingston, Oklahoma, and Lake Texoma State Park. The project will supply natural gas service to residents and businesses in the surrounding area as well as to the state park, and it is to serve as a pilot program for other sites within the state. In accordance with prior Decisions that have noted the benefits of encouraging the use of alternative fuels, the DOE approved Oklahoma's Motions.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Carl's Arco	RF304–15464	01/23/95
Atlantic Richfield Company/North Market Arco et al	RF304–13214	01/23/95
Cedar Fair, L.P	RF272–93563	01/23/95
City of Broken Bow et al	RF272–84910	01/27/95
Davis County Schools et al	RF272–86678	01/25/95
Glendenning Motorways, Inc	RF272–89025	01/23/95
Wag Enterprises, Inc	RF272–89026	
Hawaiian Airlines, Inc	RF272–98767	01/25/95
Eastern Air Lines, Inc	RF272–98778	
Prairie Transportation, Inc	RF272–95099	01/27/95
Star Truck Rental Inc	RF272–93462	01/25/95
Stoops Express	RF272–82514	01/25/95
Monkem Co., Inc.	RF272–82515	
Texaco Inc./Atkins' 7–day Market	RF321–18684	01/25/95
Stop & Shop	RF321–18685	
Texaco Inc./Joe Dvornich Texaco et al	RF321–20243	01/27/95
Texaco Inc./Skyline Texaco et al	RF321–20646	01/27/95
Warner & Smith Motor Freight, Inc	RF272–89454	01/27/95

Dismissals

The following submissions were dismissed:

Name	Case No.
Alpha Beta Company	RF321–20365
American Western Corp	RF321–20363
Austin Bridge & Road, Inc	RF272–93567
Braswell Sand & Gravel Co., Inc	RF272–95002
Brooks Lumber Company	RF272–94277
Hamakua Sugar Company, Inc	RF321–20362
Kalama Chemical, Inc	RF272–90203
Purity Dairies, Inc	RF272–97254
Singer Sewing Company	RF321–20360
Stephens Contracting	RF272–95318
TFCO, Inc	RF304–14616
Tiger Oil Co	RF321–20500

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

Dated: April 27, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95–10903 Filed 5–2–95; 8:45 am]

BILLING CODE 6450–01–P

Notice of Issuance of Decisions and Orders; Week of March 13 Through March 17, 1995

During the week of March 13 through March 17, 1995, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Casey O. Ruud, 3/16/95, VFA–0027

Casey O. Ruud filed an Appeal from a partial denial by the Richland Operations Office of a Request for Information which he had submitted under the Freedom of Information Act. The Richland Operations Office had released copies of two letters that were requested, but had withheld the identity of the writer. In considering the Appeal, the DOE found that the writer's name and address were properly withheld under Exemption 6 of the FOIA.

Robert S. Foote, 3/16/95, VFA–0024

Robert S. Foote filed an Appeal from a determination issued to him on January 18, 1995 by the Acting Associate Director for Health and Environmental Research (OHER) in the Office of Energy Research of the Department of Energy (DOE). In that determination, the OHER denied in part a request for information filed by Mr. Foote on July 26, 1994, under the Freedom of Information Act (FOIA). The OHER released certain items requested by Mr. Foote. However, it withheld other items either in their entirety or in part pursuant to 5 U.S.C. § 552(b)(5) (Exemption 5). In his Appeal, Mr. Foote challenged the OHER's application of Exemption 5 to the requested information and requested that the DOE direct the OHER to release the withheld information. In considering the Appeal, the Office of Hearings and Appeals found that although in the past it has analyzed this kind of information under the deliberative process privilege of Exemption 5, it is more appropriate to apply FOIA Exemption 6 to the withheld information. The Office of Hearings and Appeals remanded this Appeal to the OHER to either release the withheld information or prepare a new determination that explains in detail the reasons which justify withholding the information under Exemption 6.

Therefore, the Department of Energy granted in part and denied in part Mr. Foote's Appeal.

Request for Exception

Visa Petroleum, Inc., 3/15/95, LEE–0096

Visa Petroleum, Inc., filed an Application for Exception from the requirement that it file Form EIA–782B, the ''Reseller's/Retailer's Monthly Petroleum Product Sales Report.'' The applicant submitted evidence that for the last two years, it had lost $10,000 per year. In addition, the wife of the owner, who had been completing the forms, had recently been diagnosed as having cancer. Under these circumstances, the DOE found that the requirement that the firm submit the reports constituted a serious hardship. Accordingly, the firm's Application for Exception was granted.

Refund Applications

Shell Oil Company/Briggs Transportation Company, Texaco Inc./Briggs Transportation Company, 3/16/95, RR315–13, RR321–175

The DOE issued a Decision and Order denying a Motion for Reconsideration filed by LK, Inc. (LK), a filing service. In an earlier Decision, the DOE had rescinded two refunds granted to a bankrupt company, Briggs Transportation Company (Briggs) in the Shell Oil Company and Texaco Inc. special refund proceedings. In that Decision, the DOE also ordered the filing service which had filed the Applications, LK, to repay its commissions which it had subtracted from the refunds. In its Motion for Reconsideration, LK argued that DOE does not possess the necessary authority to order the filing service to repay these funds. LK also argued that even if DOE possesses this authority, LK was still entitled to retain its commissions. In its Decision, the DOE found that it possesses the necessary authority to govern the conduct of those filing claims in its Subpart V proceedings, including filing services. It further found that the restitutionary purposes of the Petroleum Overcharge Distribution and Restitution Act of 1986 would not be served by permitting a filing service to recover a fee for an application in which the refund had been rescinded. Finally, the Decision noted that even under general common law principles, the filing service would not be entitled under its contingency fee arrangement with Briggs to recover a commission unless Briggs received a refund, and that Briggs cannot be considered to have received a refund which has been rescinded. Therefore, LK's Motion for Reconsideration was denied.

Texaco Inc./Airport Texaco, 3/17/95, RR321–147, RF321–21060

The DOE issued a Decision and Order granting a Motion for Reconsideration filed by Ben A. Story on behalf of Airport Texaco and rescinding a portion of a refund previously granted to John M. Locklier on behalf of the same station. Documents and statements submitted by both applicants demonstrated that a portion of Mr. Locklier's previous refund was based on purchases made by Airport Texaco when Mr. Story was the sole proprietor of that business, and that another portion of Mr. Locklier's refund was based on purchases made by the station during a period in which Airport Texaco was operated as a limited partnership of the two men. The limited partnership arrangement at Airport Texaco entitled Mr. Locklier to a specific amount from the outlet's profits, with the balance of the profits, if any, distributed to Mr. Story. Accordingly, DOE determined that dividing the refund money in the same proportions as the profits were divided was the most equitable solution in this case. Accordingly, the DOE issued a Decision and Order granting Mr. Story a refund and rescinding a portion of the refund granted to Mr. Locklier in *Texaco,* Case Nos. RF321–3311 *et al.* (May 26, 1992).

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Green Run Arco et al	RF304–14741	03/15/95
Atlantic Richfield Company/Shelton Butane Co., Inc. et al	RF304–13487	03/15/95
Clark Oil & Refining Corp./Lansing Ice & Fuel Company	RF342–6	03/13/95
Rollins Oil Company	RF342–9	
Clark Oil & Refining Corp./Oakley & Oldfield, Inc	RF342–311	03/13/95
Cross Winds Transport, Inc	RF272–91991	03/15/95
Gulf Oil Corporation/Crawford Garden Supplies, Inc	RF300–21572	03/13/95
Crawford Garden Supplies, Inc	RF300–21824	
Crawford Garden Supplies, Inc	RF300–21825	
Minnesota Power	RF272–97260	03/15/95
Shell Oil Company/Loiza Valley Shell Service Station	RR315–8	03/15/95
Sigmor Corporation	RF272–93888	03/13/95
Texaco Inc./Evan's Valley Texaco et al	RF321–20402	03/16/95
Texaco Inc./Phillips Texaco et al	RF321–20208	03/15/95

Dismissals

The following submissions were dismissed:

Name	Case No.
A&L Texaco	RF321–18601
City of Canton	RF272–85687
City of Clarkston	RF272–85667
City of Warrington	RF272–85806
Dejong Service	RF272–94053
Frank Kovac's Texaco Service	RF321–05529
Hendersonville Police Dept	RF272–94111
Interstate Texaco	RF321–20737
Lewis County	RF272–85814

Name	Case No.
Mullis Petroleum Co	RF321–20635
Read's Service Station	RF300–21680
Richland Parish	RF272–85808
Roosevelt County	RF272–85784
Town of Manlius	RF272–85818
Tri-Gas & Oil Co., Inc	RF321–20657
Venable, Baetjer, and Howard, LLP	VFA–0028

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management*: *Federal Energy Guidelines*, a commercially published loose leaf reporter system.

Dated: April 27, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95–10900 Filed 5–2–95; 8:45 am]

BILLING CODE 6450–01–P

Office of Hearings and Appeals

Issuance of Decisions and Orders During the Week of March 27 Through March 31, 1995

During the week of March 27 through March 31, 1995 the decisions and orders summarized below were issued with respect to appeals and applications for other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

David K. Hackett, 3/31/95, VFA–0032

David K. Hackett filed an Appeal from a determination issued by the Oak Ridge Operations Office (Oak Ridge) of the Department of Energy. In its determination, Oak Ridge stated that it was providing all documents responsive to the Appellant's November 6, 1994 request under the Freedom of Information Act (FOIA) which were in the possession of Oak Ridge. In his Appeal, the Appellant challenged the adequacy of Oak Ridge's search. The DOE found that some confusion had arisen because the Appellant had submitted three partially overlapping FOIA requests, and because three different DOE offices had been assigned to respond to the request at issue in this Appeal. In its Decision and Order, the DOE explained which offices were responsible for responding to each request and how the request at issue in this particular case had been divided among these offices. The DOE concluded that there may be responsive documents that were not identified in the initial search and that some factual issues needed clarification. Accordingly, the DOE granted the Appeal and remanded the matter to Oak Ridge for further action.

J. Eileen Price, 3/27/95 VFA–0031

J. Eileen Price filed an Appeal from a determination issued to her by the Western Area Power Administration (WAPA) of the Department of Energy. The determination partially denied a Request for Information which Ms. Price submitted under the Freedom of Information Act. Ms. Price requested copies of all appraisal information in her personnel file, including any unofficial documents, notes and files which pertained to her or her employment in WAPA's Loveland Area Office beginning in October 1992. In its determination, the WAPA provided Ms. Price various documents responsive to her Freedom of Information Act Request. However, Ms. Price, in her Appeal, argued that further responsive documents must exist, since she had knowledge regarding the existence of several documents which WAPA failed to provide to her in its response. During its consideration of the Appeal, the DOE was notified by WAPA that it had discovered several documents which might be responsive to Ms. Price's FOIA Request. Consequently, the DOE granted the Appeal and remanded the matter to WAPA for a determination on the newly discovered documents.

Mid-Missouri Nuclear Weapons Freeze, Inc., 3/27/95 VFA–0029

Mid-Missouri Nuclear Weapons Freeze, Inc. (MNWF) filed an Appeal from a denial issued to it by the FOIA/Privacy Act Division of the Department of Energy and a partial denial issued to it by the Office of Nuclear Energy (DOE/NE) of a Request for Information which it had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Oak Ridge Operations Office and the Office of Nuclear Energy had conducted searches reasonably calculated to find the requested information, and that all responsive documents had been released to MNWF. The DOE also found that MNWF had erred in believing that the Oak Ridge Operations Office was withholding subcontractor records. The Appeal was therefore denied.

Physicians for Social Responsibility, Inc., 3/29/95 VFA–0030

Physicians for Social Responsibility, Inc. (PSR) filed an Appeal from a denial issued to it by FOIA/Privacy Act Division of the Department of Energy and a partial denial issued to it by the Office of Nuclear Energy (DOE/NE) of a Request for Information which it had submitted under the Freedom of Information Act. In considering the Appeal, the DOE found that the Oak Ridge Operations Office and the Office of Nuclear Energy had conducted searches reasonably calculated to find the requested information, and that all responsive documents had been released to PSR. The DOE also found that PSR had erred in believing that the Oak Ridge Operations Office was withholding subcontractor records. The Appeal was therefore denied.

Personnel Security Hearing

Rocky Flats Field Office, 3/27/95, VSO–0008

A Hearing Officer from the Office of Hearings and Appeals issued an Opinion regarding the eligibility of an individual to maintain a level ''Q'' access authorization under the provisions of 10 CFR part 710. The individual was alleged to have an illness or mental condition (difficulty in controlling his temper) of a nature that in the opinion of a board-certified psychiatrist causes, or may cause, a significant defect in his judgment or reliability. The individual was also alleged to abuse alcohol. On January 25, 1995, an evidentiary hearing was conducted in which a DOE-sponsored psychiatrist and the individual testified, along with other relevant witnesses. After carefully examining the record of the proceeding, the Hearing Officer determined that the psychiatrist had based his diagnosis in part upon incorrect information. In addition, there

were significant mitigating factors, primarily the individual's substantial reduction of his alcohol intake over the last year and the fact that the last incident of lack of temper control was several years ago. The Hearing Officer concluded that neither the individual's alcohol use nor his mental condition present a risk to national security. Accordingly, the Hearing Officer found that the individual's access authorization should be reinstated.

Refund Applications

The Office of Hearings and Appeals issued the following Decisions and Orders concerning refund applications, which are not summarized. Copies of the full texts of the Decisions and Orders are available in the Public Reference Room of the Office of Hearings and Appeals.

Atlantic Richfield Company/Greens Propane Gas Co., Inc. et al	RF304–13473	03/31/95
Enron Corp./Liquigas, Inc	RF340–116	03/27/95
Highland Butane Company	RF340–175	
Knop Butane Company	RF340–193	
Robrock Oil Company, Inc	RF272–97148	03/29/95
Texaco Inc./Caranil Service Station	RR321–174	03/31/95
Texaco Inc./Roger's Port Service	RF321–7523	03/27/95
Zarate Texaco	RF321–19920	

Dismissals

The following submissions were dismissed:

Name	Case No.
Buddy O'S Texaco Service	RF321–19350
City of Florence	RF272–88608
Daymark Foods, Inc	RF272–88760
Douglas County School Dist. 4	RF272–96542
Duart Film Labrotories, Inc	RF272–88825
E.M. Melahn Construction	RF272–88979
Edgecombe County Schools	RF272–90429
Enloe's Texaco Travel Center	RF321–19351
Golden Valley County	RF272–96789
Harold J. Brim Texaco & U-Haul	RF321–20708
J.O. Ramsey Trucking Company	RF272–88928
James Devaney Fuel Co., Inc	RF321–20563
Lee County Schools	RF272–90104
Lehigh Arco	RF304–14785
Mallette Brothers Trucking	RF272–88950
Smith Sand and Gravel Co	RF315–9167
State Line Texaco	RF321–20641
Town of Mercedes	RF272–88034
Town of Poland	RF272–88135
Village of Covington	RF272–88315
Westside Elementary	RF272–88052

Copies of the full text of these decisions and orders are available in the Public Reference Room of the Office of Hearings and Appeals, Room 1E–234, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, Monday through Friday, between the hours of 1 p.m. and 5 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines,* a commercially published loose leaf reporter system.

Dated: April 27, 1995.

George B. Breznay,

Director, Office of Hearings and Appeals.

[FR Doc. 95–10901 Filed 5–2–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. RP95–250–000]

Algonquin LNG, Inc; Notice of Proposed Changes in FERC Gas Tariff

April 27, 1995.

Take notice that on April 24, 1995, Algonquin LNG, Inc. (Algonquin LNG) submitted for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, effective May 4, 1995, the following revised tariff sheet:

Second Revised Sheet No. 65

Algonquin LNG states that the purpose of this filing is to revise the capacity release provisions of its tariff to conform to changes in § 284.243(h) of the Commission's regulations pursuant to Order No. 577.

Algonquin LNG states that copies of its filing were mailed to all affected customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with § 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 4, 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. 95–10799 Filed 5–2–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–249–000]

Algonquin Gas Transmission Co.; Notice of Proposed Changes in FERC Gas Tariff

April 27, 1995.

Take notice that on April 24, 1995, Algonquin Gas Transmission Company (Algonquin) submitted for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, effective May 4, 1995, the following revised tariff sheet:

First Revised Sheet No. 650

Algonquin states that the purpose of this filing is to revise the capacity release provisions of its tariff to conform to changes in § 284.243(h) of the Commission's regulations pursuant to Order No. 577.

Algonquin states that copies of its filing were mailed to all affected customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 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 4, 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. 95–10800 Filed 5–2–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–52–000]

Granite State Gas Transmission, Inc.; Notice of Public Scoping Meeting and Site Inspection

April 28, 1995.

On May 15, 1995, at 7:00 p.m., the Office of Pipeline Regulation environmental staff will conduct a public scoping meeting for Granite State Gas Transmission, Inc.; (Granite State) proposed liquefied natural gas (LNG) facilities in Wells, Maine. The meeting will be held at Wells-Ogunquit High School.

The public meeting will be designed to give more detailed information and another opportunity to offer comments on the proposed project. Those wanting to speak at the meeting can call the Environmental Assessment (EA) Project Manager to preregister their names on the speaker list. Individuals on the speaker list before the date of the meeting will be allowed to speak first. A second speaker list will be developed at the meeting. Priority will be given to people representing groups. A transcript of each meeting will be made so that your comments will be accurately recorded.

In addition to the public meeting, the environmental staff will inspect the proposed and alternative project sites on the afternoon of May 15, 1995. Those planning to attend must provide their own transportation. On May 16, 1995, at 8:30 a.m., the environmental staff will meet with representatives of Granite State to conduct a cryogenic design and engineering review of the LNG facilities proposed for Wells, Maine. The meeting will be held at Wells Town Hall, Route 109, Wells, Maine.

For further information, call Chris Zerby, EA Project Manager, at (202) 208–0111.

Kevin P. Madden,

Director, Office of Pipeline Regulation.

[FR Doc. 95–10914 Filed 5–2–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–883–000, et al.]

Consumers Power Co., et al.; Electric Rate and Corporate Regulation Filings

April 25, 1995.

Take notice that the following filings have been made with the Commission:

1. Consumers Power Company

[Docket No. ER95–883–000]

Take notice that on April 7, 1995, Consumers Power Company (Consumers Power), tendered for filing Amendment No. 1 to its Wholesale for Resale Electric Service Agreement dated January 1, 1990 for service to the Village of Chelsea (Chelsea). Amendment No. 1 provides for a second delivery point to enable the delivery of wholesale requirements service to Chelsea.

Copies of the filing were served upon Chelsea and the Michigan Public Service Commission.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

2. Virginia Electric and Power Company

[Docket No. ER95–884–000]

Take notice that on April 7, 1995, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between Northern Indiana Public Service Company and Virginia Power, dated April 3, 1995 under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994. Under the tendered Service Agreement Virginia Power agrees to provide services to Northern Indiana Public Service Company under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of Service Schedule B included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

3. Virginia Electric and Power Company

[Docket No. ER95–885–000]

Take notice that on April 7, 1995, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between Citizens Lehman Power Sales and Virginia Power, dated March 14, 1995 under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994. Under the tendered Service Agreement Virginia Power agrees to provide services to Citizens Lehman Power Sales under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of Service Schedule B included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

4. Virginia Electric and Power Company

[Docket No. ER95–886–000]

Take notice that on April 7, 1995, Virginia Electric and Power Company (Virginia Power), tendered for filing a Service Agreement between Catex Vitol Electric L.L.C. and Virginia Power, dated April 1, 1995 under the Power Sales Tariff to Eligible Purchasers dated May 27, 1994. Under the tendered Service Agreement Virginia Power agrees to provide services to Catex Vitol Electric L.L.C. under the rates, terms and conditions of the Power Sales Tariff as agreed by the parties pursuant to the terms of Service Schedule B included in the Power Sales Tariff.

Copies of the filing were served upon the Virginia State Corporation Commission and the North Carolina Utilities Commission.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

5. Delmarva Power & Light Company

[Docket No. ER95–887–000]

Take notice that on April 7, 1995, Delmarva Power & Light Company (Delmarva), tendered for filing as an initial rate under section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder, an Agreement between Delmarva and Old Dominion Electric Cooperative (Old Dominion) dated March 31, 1995.

Delmarva states that the Agreement set forth the terms and conditions for the sale of short-term energy which it expects to have available for sale from time to time and the purchase of which will be economically advantageous to Old Dominion. Delmarva requests that the Commission waive its standard notice period and allow this Agreement to become effective on April 14, 1995.

Delmarva states that a copy of this filing has been sent to Old Dominion and will be furnished to the Delaware Public Service Commission, the Maryland Public Service Commission, and the Virginia State Corporation Commission.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

6. Central Vermont Public Service Corporation

[Docket No. ER95–888–000]

Take notice that on April 10, 1995, Central Vermont Public Service Corporation, tendered for filing a service agreement with New Hampshire Electric Cooperative, Inc. under its FERC Electric Tariff No. 5. The tariff provides for the sale by Central Vermont of power and energy at or below Central Vermont's fully allocated costs.

Central Vermont requests waiver of the Commission's Regulations to permit the service agreement to become effective on March 18, 1995.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

7. Maine Public Service Company

[Docket No. ER95–889–000]

Take notice that on April 10, 1995, Maine Public Service Company (Maine Public) filed an executed Service Agreement with the New York Power Authority. Maine Public states that the service agreement is being submitted pursuant to its tariff provision pertaining to the short-term non-firm sale of capacity and energy which establishes a ceiling rate at Maine Public's cost of service for the units available for sale.

Maine Public requests that the service agreement become effective on April 15, 1995 and requests waiver of the Commission's regulations regarding filing.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

8. Arizona Public Service Company

[Docket No. ER95–890–000]

Take notice that on April 10, 1995, Arizona Public Service Company (APS), tendered for filing Supplement No. 4 (Supplement) to the Wholesale Power Supply Agreement (Agreement) between the Tohono O'odham Utility Authority (TOUA) and APS. This Supplement provides for a reduction in demand rates to TOUA and amends the term of the Agreement to provide for a termination date of December 31, 1999.

APS and TOUA request waiver of the Commission's Notice Requirements in 18 CFR 35.3(a) under § 35.11 to allow the Supplement to become effective March 1, 1994.

A copy of this filing has been served on TOUA and the Arizona Corporation Commission.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

9. Southern California Edison Company

[Docket No. ER95–891–000]

Take notice that on April 10, 1995, Southern California Edison Company (Edison), tendered for filing a Supplement to the Supplemental Agreement (Supplemental Agreement) to the 1990 Integrated Operations Agreement (1990 IOA) for the integration of San Onofre Nuclear Generating Station (SONGS) and the associated Firm Transmission Service (FTS) Agreement with the City of Riverside (Riverside), Commission Rate Schedule FERC No. 250.14 and No. 250.15.

The Supplement amends the Effective Operating Capacity for SONGS Unit 2 during Fuel Cycle 8 for the purposes of determining Riverside's Rated Capability and Contract Capacity under the Supplemental Agreement and the FTS Agreement respectively and corresponding Capacity Credit under the 1990 IOA. Edison is seeking waiver of the Commission's requirement for 60-day prior notice and requesting an effective date concurrent with the beginning of Fuel Cycle 8.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

10. Citizens Lehman Power LP

[Docket No. ER95–892–000]

Take notice that on April 10, 1995, Citizens Lehman Power LP, tendered for filing its initial FERC electric service tariff, Rate Schedule No. 1, and a petition for blanket approvals and waivers of various Commission Regulations under the Federal Power Act.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

11. St. Joseph Light & Power Company

[Docket No. ER95–893–000]

Take notice that on April 10, 1995, St. Joseph Light & Power Company (SJLP), submitted for filing a letter from the Executive Committee of the Western Systems Power Pool (WSPP) approving SJLP's application for membership in WSPP. SJLP requests it be permitted to become a member of the WSPP. In order to receive the benefits of pool membership, SJLP requests waiver of the Commission's prior notice requirement to allow its WSPP membership to become effective as soon as possible, but in no event later than 60 days from this filing.

SJLP states that copies of this filing were served on WSPP and the Missouri Public Service Commission.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

12. Commonwealth Edison Company

[Docket No. ER95–894–000]

Take notice that on April 11, 1995, Commonwealth Edison Company (ComEd), submitted a Service Agreement, dated February 14, 1995, establishing American Municipal Power-Ohio, Inc. (AMP-Ohio) as a customer under the terms of ComEd's Power Sales Tariff PS–1 (PS–1 Tariff). The Commission has previously designated the PS–1 Tariff as FERC Electric Tariff, Original Volume No. 2.

ComEd requests an effective date of February 14, 1995, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon AMP-Ohio and the Illinois Commerce Commission.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

13. Rochester Gas and Electric Corporation

[Docket No. ER95–895–000]

Take notice that on April 11, 1995, Rochester Gas and Electric Corporation (RG&E), tendered for filing a Service Agreement for acceptance by the Federal Energy Regulatory Commission (Commission) between RG&E and Engelhard Power Marketing Inc. The terms and conditions of service under this Agreement are made pursuant to RG&E's FERC Electric Rate Schedule, Original Volume 1 (Power Sales Tariff) accepted by the Commission in Docket No. ER94–1279. RG&E also has requested waiver of the 60-day notice provision pursuant to 18 CFR 35.11.

A copy of this filing has been served on the Public Service Commission of the State of New York.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

14. Alabama Power Company

[Docket No. ER95–897–000]

Take notice that on April 12, 1995, Alabama Power Company tendered for filing a Transmission Service Delivery Point Agreement dated January 21, 1995, which reflects the addition of a delivery point to Coosa Valley Electric Cooperative. This delivery point will be served under the terms and conditions of the Agreement for Transmission Service to Distribution Cooperative Member of Alabama Electric Cooperative, Inc., dated August 28, 1980 (designed FERC Rate Schedule No. 147). The parties request an effective date of June 1, 1995, for the addition of the delivery point.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

15. Southern Company Services Inc.

[Docket No. ER95–899–000]

Take notice that on April 12, 1995, Southern Company Services, Inc. (SCS), acting on behalf of Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric and Power Company (collectively referred to as Southern Companies) filed a Service Agreement dated as of March 24, 1995 between Arkansas Electric Cooperative Corporation and SCS (as agent for Southern Companies) for service under the Short-Term Non-Firm Transmission Service Tariff of Southern Companies.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

16. Southern Indiana Gas and Electric Company

[Docket No. ER95–900–000]

Take notice that on April 12, 1995, Southern Indiana Gas and Electric Company (SIGECO), tendered for filing to a proposed Interchange Agreement with LG&E Power Marketing, Inc. (LPM).

The proposed revised Interchange Agreement will provide for the purchase, sale, and transmission of capacity and energy by either party under the following Service Schedules: (a) SIGECO Power Sales; (b) LPM Power Sales, and (c) Transmission Service.

Waiver of the Commission's Notice Requirements is requested to allow for an effective date of April 11, 1995.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

17. Commonwealth Edison Company

[Docket No. ER95–901–000]

Take notice that on April 12, 1995, Commonwealth Edison Company (ComEd) submitted for filing a Letter Agreement, dated November 22, 1994 between ComEd and the City of Rochelle, Illinois (Rochelle). The Letter Agreement reflects the rates, terms and conditions pursuant to which ComEd will supply Rochelle with Limited Term Power and Interruptible Short Term Power during the period 1996 through 2005.

ComEd requests an effective date of January 1, 1995. Accordingly, ComEd requests waiver of the Commission's notice requirements.

Copies of this filing were served upon the Illinois Commerce Commission and Rochelle.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

18. Northern Indiana Public Service Company

[Docket No. ER95–902–000]

Take notice that on April 12, 1995, Northern Indiana Public Service Company, tendered for filing an Interchange Agreement between Northern Indiana Public Service Company and Wisconsin Electric Power Company to become effective on May 1, 1995.

The Interchange Agreement allows for General Purpose transactions or Negotiated Capacity transactions. General Purpose transactions are economy based energy transaction which may be made available from the supplying party's resources from time to time. Negotiated Capacity transactions provide capacity and energy to the buyer, customized to the specific needs at the time of the reservation.

Copies of this filing have been sent to Wisconsin Electric Power Company and to the Indiana Utility Regulatory Commission.

Comment date: May 9, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

19. Northern Indiana Public Service Company

[Docket No. ER95–903–000]

Take notice that on April 12, 1995, Northern Indiana Public Service Company tendered for filing an Interchange between Northern Indiana Public Service Company and LG&E Power Marketing, Inc. to become effective on May 1, 1995.

The Interchange Agreement allows for General Purpose transactions or Negotiated Capacity transactions. General Purpose transactions are economy based energy transactions which may be made available from the supplying party's resources from time to time. Negotiated Capacity transactions provide capacity and energy to the buyer, customized to the specific needs at the time of the reservation.

Copies of this filing have been sent to LG&E Power Marketing, Inc. and to the Indiana Utility Regulatory Commission.

Comment date: May 9, 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. 95–10912 Filed 5–2–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER95–469–001, et al.]

Florida Power Corp., et al.; Electric Rate and Corporate Regulation Filings

April 26, 1995.

Take notice that the following filings have been made with the Commission:

1. Florida Power Corporation

[Docket No. ER95–469–001]

Take notice that Florida Power Corporation, on April 21, 1995, tendered for filing a compliance filing required by the Commission's order of March 21, 1995 in this docket. The filing consists of a letter agreement executed by the Company and the parties to the Pre-Filing Settlement Agreement in this docket and Attachments A through E to that letter agreement. The letter agreement with Attachments A through E constitute an amendment to the Settlement Agreement and is subject to all of the conditions contained in Article V thereof.

Comment date: May 11, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

2. AIG Trading Corporation

[Docket No. ER94–1691–004]

Take notice that on April 6, 1995, AIG Trading Corporation 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.

3. Petroleum Source & Systems Group, Inc.

[Docket No. ER95–266–001]

Take notice that on April 7, 1995, Petroleum Source & Systems Group, 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.

4. Rochester Gas and Electric Corporation

[Docket No. ER95–904–000]

Take notice that on April 13, 1995, Rochester Gas and Electric Corporation (RG&E) tendered for filing a letter terminating the Amended Agreement between RG&E and Green Mountain Power Corporation regarding the sale of power from May 1, 1988 through October 31, 1997.

Comment date: May 10, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

5. Entergy Services, Inc.

[Docket No. ER95–905–000]

Take notice that on April 14, 1995, Entergy Services, Inc. (ESI), acting as agent for Arkansas Power & Light Company (AP&L), tendered for filing the Twenty-Third Amendment to the Power Coordination, Interchange and Transmission Service Agreement between AP&L and Arkansas Electric Cooperative Corporation (AECC) which provides for the addition or modification of Points of Delivery thereunder. To the extent necessary, Entergy Services requests a waiver of the notice requirements of the Federal Power act and the Commission's Regulations.

Comment date: May 10, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

6. Southern California Edison Company

[Docket No. ER95–906–000]

Take notice that on April 14, 1995, Southern California Edison Company tendered for filing a supplemental agreement, associated procedure, and letter agreement to the 1990 Integrated Operations Agreement with the City of Riverside (Riverside), Commission Rate Schedule No. 250.

The supplemental agreement, procedure and letter agreement establish the terms and conditions for the integration of Replacement Capacity Resources purchased by Riverside under the Conformed Western Systems Power Pool Agreement. Edison is requesting waiver of the Commission's 60 day notice requirements and is requesting an effective date of April 15, 1995.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: May 10, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

7. Southern California Edison

[Docket No. ER95–907–000]

Take notice that on April 14, 1995, Southern California Edison Company tendered for filing letter agreements (Agreements) between Edison and the City of Riverside (Riverside) as an initial rate schedule. Pursuant to the terms of the Letter Agreements, Edison is also submitting revisions to Rate Schedules FERC Nos. 17, 129, 245, and 250.

The Letter Agreements set forth the terms and conditions under which Edison shall construct, own and maintain that portion of the Seventh Line, including the required substation and telecommunications facilities, between the 66 Kv bus at Vista Substation and the Riverside City Limits for operation by June 1, 1995. Edison seeks waiver of the 60 day prior notice requirements and requests the Commission to assign an effective date of June 1, 1995.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: May 10, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

8. Southern California Edison Company

[Docket No. ER95–908–000]

Take notice that on April 14, 1995, Southern California Edison Company tendered for filing a supplemental agreement, associated procedure, and letter agreement to the 1990 Integrated Operations Agreement with the City of Colton (Colton), Commission Rate Schedule No. 249.

The supplemental agreement, procedure and letter agreement establish the terms and conditions for the integration of Replacement Capacity Resources purchased by Colton under the Conformed Western Systems Power Pool Agreement. Edison is requesting waiver of the Commission's 60 day notice requirements and is requesting an effective date of April 15, 1995.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: May 10, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

9. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER95–909–000]

Take notice that on April 14, 1995, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the ''GPU Operating Companies''), filed an executed Service Agreement between GPU and Engelhard Power Marketing, Inc. (EPM), dated April 6, 1995. This Service Agreement specifies that EPM has agreed to the rates, terms and conditions of the GPU Operating Companies' Operating Capacity and/or Energy Sales Tariff (''Sales Tariff'') designated as FERC Electric Tariff, Original Volume No. 1. The Sales Tariff was accepted by the Commission by letter order issued on February 10, 1995 in *Jersey Central Power & Light Co., Metropolitan Edison Co. and Pennsylvania Electric Co.*, Docket No. ER95–276–000 and allows GPU and EPM to enter into separately scheduled transactions under which the GPU

Operating Companies will make available for sale, surplus operating capacity and/or energy at negotiated rates that are no higher than the GPU Operating Companies' cost of service.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date of April 6, 1995, for the Service Agreement.

GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania.

Comment date: May 11, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

10. New England Power Company

[Docket No. ER95–910–000]

Take notice that New England Power Company, on April 14, 1995, tendered for filing Amendments to FERC Electric Tariff, Original Volume No. 5.

Comment date: May 11, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

11. New England Power Company

[Docket No. ER95–911–000]

Take notice that New England Power Company, on April 14, 1995, tendered for filing a contract with the Massachusetts Bay Transportation Authority for construction, operation and maintenance of distribution facilities in Revere, Massachusetts.

Comment date: May 11, 1995, in accordance with Standard Paragraph (E) at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–10911 Filed 5–2–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP95–329–000, et al.]

Northwest Pipeline Corp., et al.; Natural Gas Certificate Filings

April 26, 1995.

Take notice that the following filings have been made with the Commission:

1. Northwest Pipeline Corporation

[Docket No. CP95–329–000]

Take notice that on April 17, 1995, Northwest Pipeline Corporation (Northwest), 295 Chipeta Way, Salt Lake City, Utah 84108 filed a request with the Commission in Docket No. CP95–329–000 pursuant to Sections 157.205, 157.211 and 157.216(b) of the Commission's Regulations under the Natural Gas Act (NGA) for approval to construct and operate modified metering facilities, authorized in blanket certificate issued in Docket No. CP82–433–000, all as more fully set forth in the request on file with the Commission and open to public inspection.

Northwest proposes to construct and operate modified metering facilities at the Grace and East Raft River Meter Stations. Northwest states that by partially abandoning existing obsolete meter facilities and appurtenances and constructing and operating replacement facilities, it would more efficiently accommodate an existing firm transportation agreement with Intermountain Gas Company (Intermountain) and Intermountain's affiliate, IGI Resources, Inc. (IGI Resources). Northwest further states that it intends to remove and retire the existing obsolete 2-inch positive displacement meter at the Grace Meter Station. At the East Raft River Meter Station, Northwest proposes to remove and retire the existing obsolete 4-inch positive displacement meter. The retired meters from each meter station would be scrapped and replaced with updated facilities. The total estimated cost of upgrading the Grace Meter Station would be approximately $42,328, and the total estimated cost of upgrading the East Raft River Meter Station would be approximately $38,143 which would make a grand estimated total of $80,471.

Comment date: June 12, 1995, in accordance with Standard Paragraph (G) at the end of this notice.

2. Texas Gas Transmission Corporation

[Docket No. CP95–341–000]

Take notice that on April 21, 1995, Texas Gas Transmission Corporation (Texas Gas), 3800 Frederica Street, Owensboro, Kentucky, 42301, filed in Docket No. CP95–341–000 an application pursuant to Section 7(c) of the Natural Gas Act for authorization to construct, install and operate approximately 0.93 mile of 8-inch pipeline paralleling the existing 6-inch portion of Texas Gas's Herbert-Cannelton system located in Ohio and Hancock Counties, Kentucky, all as more fully set forth in the application on file with the Commission and open to public inspection.

Texas Gas states it is requesting authority to construct, install and operate approximately 0.93 mile of 8-inch pipeline paralleling the existing 6-inch portion of Texas Gas's Herbert-Cannelton pipeline system. The cost associated with such facilities is approximately $413,000. Texas Gas proposes to have the facilities constructed and in service by November 1, 1995.

Texas Gas states that it is proposing the additional 0.93 mile of pipeline, as a result of the request by one of Texas Gas's existing customers located in Zone 3 and served off of the Herbert-Cannelton system, Ohio Valley Gas Corporation (Ohio Valley), for 500 MMBtu per day of firm transportation service under Texas Gas's FT Rate Schedule, effective November 1, 1995. Texas Gas states that such firm service is needed by Ohio Valley in order to accommodate additional residential and industrial growth on its system. A portion of the proposed loop is necessary, according to Texas Gas, to accommodate these firm transportation volumes for Ohio Valley.

Texas Gas also explains that the 0.93 mile of pipeline will serve to loop the existing 6-inch portion of the Herbert-Cannelton system providing added security for that portion of the system and those customers served off the Herbert-Cannelton system.

Comment date: May 17, 1995, in accordance with Standard Paragraph (F) at the end of this notice.

3. Columbia Gas Transmission Corporation, National Fuel Gas Supply Corporation

[Docket No. CP95–343–000]

Take notice that on April 21, 1995, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia, 25314, and National Fuel Gas Supply Corporation (National Fuel), 10 Lafayette Square, Buffalo, New York 14203, filed in Docket No. CP95–343–000 a joint application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain exchange services between Columbia and National Fuel, all as more fully set forth in the application on file with the Commission and open to public inspection.

The rate schedules for which these companies are seeking abandonment authority are as follows:

Docket No.	Order issued	Company	Rate schedule
CP64–67	Mar. 25, 1964	Columbia	X–25
CP64–67	Mar. 25, 1964	National Fuel	X–4
CP64–67	Mar. 25, 1964	Columbia	X–26
CP76–316	July 20, 1976	Columbia	X–42
CP76–316	July 20, 1976	National Fuel	X–7
CP78–323	Apr. 10, 1979	Columbia	X–88
CP78–323	Apr. 10, 1979	National Fuel	X–35
CP76–19	Oct. 10, 1980	Columbia	X–101
CP76–19	Oct. 10, 1980	National Fuel	X–39

Columbia also requests abandonment authorization of the Thomas Corners temporary arrangement which was initiated by a Letter Agreement dated May 13, 1975, for which certificate authorization was not obtained. The companies state that the exchange agreements have been terminated.

Comment date: May 17, 1995, in accordance with Standard Paragraph (F) at the end of this notice.

4. Columbia Gas Transmission Corporation

[Docket No. CP95–348–000]

Take notice that on April 24, 1995, Columbia Gas Transmission Corporation (Columbia), 1700 MacCorkle Avenue, S.E., Charleston, West Virginia, 25314, National Fuel Gas Supply Corporation (National Fuel) 10 Lafayette Square, Buffalo, New York 14203, and Texas Eastern Transmission Corporation (Texas Eastern) Post Office Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP95–348–000 a joint application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon exchange services between the companies, all as more fully set forth in the application on file with the Commission and open to public inspection.

The companies request permission and approval to abandon the following exchange services which are no longer required:

Docket No.	Company	Rate schedule
CP74–9–004	Columbia	X–37
CP74–9–004	National Fuel	X–6
CP74–9–004	Texas Eastern	X–68

Comment date: May 17, 1995, in accordance with Standard Paragraph (F) at the end of this notice.

5. CMS Gas Transmission and Storage Company

[Docket No. CP95–331–000]

Take notice that on April 18, 1995, CMS Gas Transmission and Storage Company (CMS) located at Fairlane Plaza South, 330 Town Center Drive, Suite 1100, Dearborn, Michigan 48126, filed in Docket No. CP95–331–000 an application pursuant to Executive Order No. 10485 and § § 153.10–153.12 of the Commission's Regulations for a Presidential Permit to operate and maintain natural gas facilities at the International Boundary between the State of Michigan, and the Province of Ontario, Canada, in order to export and import gas to and from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that CMS seeks a Presidential Permit in order to operate and maintain, as a natural gas pipeline, the U.S portion of an existing 12-inch diameter natural gas liquids pipeline (the ''Polysar Pipeline'') that crosses the St. Clair River between the United States and Canada at Maryville, Michigan. The Polysar Pipeline will interconnect with the Bluewater Pipeline, a 3.1-mile, 20-inch diameter natural gas pipeline that CMS will be constructing and operating as part of its intrastate pipeline system.

Comment date: May 17, 1995, in accordance with Standard Paragraph (F) at the end of this notice.

6. CMS Gas Transmission and Storage Company

[Docket No. CP95–332–000]

Take notice that on April 18, 1995, CMS Gas Transmission and Storage Company (CMS) located at Fairlane Plaza South, 330 Town Center Drive, Suite 1100, Dearborn, Michigan 48126, filed in Docket No. CP95–332–000 an application pursuant to Section 3 of the Natural Gas Act and Sections 153.1–153.8 of the Commission's Regulations for Section 3 authorization to site and operate natural gas facilities at the United States-Canadian border for importation and exportation of natural gas to and from Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that CMS seeks authorization to site and operate the U.S portion of an existing 12-inch diameter natural gas liquids pipeline (the ''Polysar Pipeline'') that crosses the St. Clair River between the United States and Canada at Maryville, Michigan and proposes to operate that pipeline as a natural gas transmission facility. The Polysar Pipeline will interconnect with the Bluewater Pipeline, a 3.1 mile, 20-inch diameter natural gas pipeline that CMS will be constructing and operating as part of its intrastate pipeline system as soon as practicable after the receipt of all necessary governmental approvals. It will be the responsibility of the individual shippers to obtain the appropriate import and export authority to transport natural gas through the facilities.

Comment date: May 17, 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. 95–10913 Filed 5–2–95; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5201–7]

Underground Injection Control Program, Hazardous Waste Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; Rollins Environmental Services of Louisiana, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Notice of Final Decision on Petition Reissuance.

SUMMARY: Notice is hereby given that reissuance of an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Rollins, for the Class I injection well located at Plaquemine, Louisiana. As required by 40 CFR Part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by Rollins, of the specific restricted hazardous waste identified in the exemption reissuance, into the Class I hazardous waste injection well at the Plaquemine, Louisiana facility specifically identified in the reissued exemption, for as long as the basis for granting an approval of this exemption remains valid, under provisions of 40 CFR 148.24. As required by 40 CFR 124.10, a public notice was issued February 16, 1995. The public comment period closed on April 5, 1995. EPA received no comments. This decision constitutes final Agency action and there is no Administrative appeal.

DATES: This action is effective as of April 13, 1995.

ADDRESSES: Copies of the reissued petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Management Division Water Supply Branch (6W-SU), 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Phil Dellinger, Unit Leader, State Programs/Land Ban, EPA—Region 6, telephone (214) 665–7142.

Richard G. Hoppers,

Acting Director, Water Management Division (6W).

[FR Doc. 95–10879 Filed 5–2–95; 8:45 am]

BILLING CODE 6565–50–P

[FRL–5201–6]

Availability of FY 94 Grant Performance Reports for Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of grantee performance evaluation reports.

SUMMARY: EPA's grant regulations (40 CFR 35.150) require the Agency to evaluate the performance of agencies which receive grants. EPA's regulations for regional consistency (40 CFR 56.7) require that the Agency notify the public of the availability of the reports of such evaluations. EPA recently performed end-of-year evaluations of eight state air pollution control programs (Alabama Department of Environmental Management, Florida Department of Environmental Regulation, Georgia Environmental Protection Division, Kentucky Department for Environmental Protection, Mississippi Bureau of Pollution Control, North Carolina Department of Environment, Health, and Natural Resources, South Carolina Department of Health and Environmental Control and Tennessee Department of Conservation and Environment), and 16 local programs (Knox County Department of Air Pollution Control, Tn—Chattanooga-Hamilton County Air Pollution Control Bureau, Tn—Memphis-Shelby County Health Department, Tn—Nashville-Davidson County Metropolitan Health Department, Tn—Jefferson County Air Pollution Control District, Ky—Western North Carolina Regional Air Pollution Control Agency, NC—Mecklenburg County Department of Environmental Protection, NC—Forsyth County Environmental Affairs Department, NC—Palm Beach County Public Health Unit, Fl—Hillsborough County Environmental Protection Commission, Fl—Dade County Environmental Resources Management, Fl—Jacksonville Air Quality Division, Fl—Broward County Environmental Quality Control Board, Fl—Pinellas County Department of Environmental Management, Fl—City of Huntsville

Department of Natural Resources, Al—Jefferson County Department of Health, Al). These audits were conducted to assess the agencies' performance under the grants made to them by EPA pursuant to Section 105 of the Clean Air Act. EPA Region 4, has prepared reports for the twenty-four agencies identified above and these 105 reports are now available for public inspection.

ADDRESSES: The reports may be examined at the EPA's Region 4 office, 345 Courtland Street, NE., Atlanta, Georgia 30365, in the Air, Pesticides, and Toxics Management Division.

FOR FURTHER INFORMATION CONTACT: Linda Thomas, (404) 347–3555 vmx4180, at the above Region 4 address, for information concerning States of Alabama, Florida, Mississippi, Georgia, and local agencies. Vera Bowers, (404) 347–3555 vmx4178, at the above Region 4 address, for information concerning the States of Kentucky, North Carolina, South Carolina, Tennessee and local agencies.

Dated: April 18, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–10878 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5202–3]

Fiscal Year 1995 Environment Technology Initiative Solicitation for Socioeconomic Projects Related to Pollution Prevention

AGENCY: Environmental Protection Agency.

ACTION: Notice of availability, request for proposals; extension of deadline for receipt of applications.

SUMMARY: The deadline for receipt of proposals for this solicitation has been extended from May 1, 1995 to Tuesday, May 16, 1995. The solicitation is included in this notice. This solicitation was previously announced in the **Federal Register** on February 24, 1995.

FOR FURTHER INFORMATION CONTACT: General information about the grant solicitation process and application kits may be obtained by calling (202) 260–7474. For inquiries pertaining to technical questions only call Kenneth Jewett, Office of Policy, Planning and Evaluation, (202) 260–4211 or fax your request to (202) 260–2685.

Introduction

This Announcement describes a grant solicitation of the U.S. Environmental Protection Agency (EPA) to support projects directed toward furthering the objectives of the President's Environmental Technology Initiative (ETI). The ETI is an integral part of the Clinton Administration's broad new technology policy, enunciated on February 22, 1993 in ''Technology for America's Economic Growth: A New Direction to Build Economic Strength''. This government-wide policy recognizes that industry is the primary creator of new technology and the main engine of sustained economic growth. The policy assigns the federal government a catalytic role in promoting the development of new pollution prevention technologies for use across a range of economic sectors including: Auto manufacturing, computers and electronics, iron and steel, metal finishing and plating, petroleum refining, and printing—as well as converting defense technologies to civilian applications. The ETI addresses all of the above sectors that are concerned with environmental protection.

EPA seeks proposals to conduct ''socioeconomic projects'' related to pollution prevention technology development and use. Projects may be focused on technology policy regulatory reforms, opportunities for building organizational capacity to be innovative, and diffusion of innovative prevention technologies. EPA's interests in this instance are clearly distinct from conventional socioeconomic research and development. That is, they go beyond study and analysis of issues to apply existing knowledge in pioneering attempts to effect social or institutional change with respect to promoting development and use of innovative pollution prevention technology.

Unlike other civilian technologies, the demand for environmental technologies is primarily driven by federal and state pollution prevention and control policies, regulation and enforcement. Over the past 25 years, with the passage of the Clean Air Act, the Clean Water Act, Resource Conservation and Recovery Act, Superfund and other environmental statutes, EPA has invested hundreds of millions of dollars in researching and developing new technologies to monitor and control pollution. With the passage of the Pollution Prevention Act of 1990 and the Agency's adoption of ''pollution prevention'' as a first-choice environmental protection policy, the demand for pollution prevention technologies and concomitant research and development in pollution prevention has also influenced the demand for ''better, cheaper, more reliable'' environmental technologies—especially technologies that can reduce the costs of compliance, recycle or re-use wastes, foster cleaner, safer manufacturing processes or prevent pollution from being created at all. Indeed, the domestic market for environmental technologies in the U.S. today is nearly $134 billion annually. It employs more than 1,000,000 Americans in some 40,000 to 60,000 businesses nationwide.

Inadvertently however, the ''policy framework'' that has driven the demand for these technologies also poses barriers to the adoption and use of technologies that offer substantial environmental and economic benefits. According to Dag Syrrist, President of Technology Funding in California, the environmental technology industry today, ''fears innovation and repels capital.'' Technologies that can prevent pollution, reduce health risks and dramatically cut costs of managing environmental quality are NOT getting to market because of these barriers. EPA's ETI is uniquely positioned to address these barriers—as a technology policy reform initiative.

EPA is directing approximately $3.5 million this fiscal year (FY) in awards under this initiative to not-for-profit organizations, colleges and universities. Proposals averaging $150,000 per year with a maximum duration of 2 years are being sought.

Not-for-profit organizations are generally defined as those organizations that qualify for such status under section 501(c) of the Internal Revenue Service tax code. Examples of not-for-profit organizations include public and private colleges and universities, as well as trade associations, professional societies, research consortia, and community development corporations.

Electronic Availability

This Announcement can be accessed on the Internet at the following Gopher and World Wide Web (WWW) addresses:

Gopher: GOPHER.EPA.GOV
WWW: HTTP://WWW.EPA.GOV

Rationale

EPA has structured its ETI project-selection process for FY95 to conform to the strategic ETI objectives contained in the Agency's Draft Technology Innovation Strategy (EPA 543–K–93–002), January 1994. This strategy has the following objectives (please refer to the draft Strategy document for more detail on these objectives):

(1) Policy Framework: Adapt EPA's policy, regulatory, and compliance framework to promote innovation;

(2) Innovation Capacity: Strengthen the capacity of technology developers

and users to succeed in environmental innovation;

(3) Diffusion: Accelerate the diffusion of innovative technologies at home and abroad; and

(4) Environmental and Pollution Prevention Technologies: Strategically invest funds in the development and commercialization of promising new technologies.

This solicitation is focused on pollution prevention-related proposals that support the first three objectives. Proposals relevant to the fourth objective are being sought jointly by the National Science Foundation (NSF) and EPA through a contemporaneous solicitation. Information about the joint solicitation can be obtained from either NSF (pfirth@nsf.gov; voice 703/306–1480) or EPA (202/260–7474).

The 1990 Pollution Prevention Act declares pollution prevention to be national policy and states that ''* * * pollution should be prevented or reduced at the source whenever feasible.'' Pollution prevention is now considered EPA's preferred choice for environmental protection, and the Agency is seeking to integrate prevention as an ethic throughout all of its activities. Pollution prevention includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in industrial housekeeping, operational maintenance, employee training, or inventory control.

On July 22, 1994, EPA Administrator Browner announced the new environmental policy Common Sense Initiative (CSI), which is designed to shift environmental protection from the current ''pollutant-by-pollutant, end-of-pipe, command-and-control'' approach to an ''industry-by-industry, multi-media, prevention-oriented'' approach. Six pilot industries were identified for CSI: auto manufacturing, computers and electronics, iron and steel, metal finishing and plating, petroleum refining, and printing. Proposals with relevance to these industries will receive priority consideration.

Program Scope

This EPA grant solicitation is intended to finance prevention-related projects supporting policy analysis (frameworks), institution building (innovation capacity), and domestic and international diffusion. Descriptions of the program areas that are addressed in this solicitation are provided below.

Policy framework topics of interest include: (1) Strengthening incentives for the development and use of innovative prevention technologies; and (2) identifying and reducing barriers to innovation. Aspects to be addressed include regulations and implementation mechanisms (e.g., permitting and compliance policies and programs). This program area encompasses all environmental media (water, air, etc.) and emphasizes pilot projects not analytical studies. Policy framework proposals often address issues that have a broader focus than pollution prevention alone. Such proposals are welcomed so long as they are also applicable to pollution prevention technologies or issues.

Policy framework projects focus on environmental regulatory programs in the broadest sense, from regulation through compliance and enforcement. Projects selected in this areas will address regulatory programs in order to:

- Identify and enhance incentives for the development and use of prevention technologies;
- Minimize barriers to the development and use of such technologies; and
- Incorporate provisions into new and existing regulations and programs that maximize flexibility and widen the range of technologies accepted for use.

Special attention will be given to the use of market-based instruments for creating flexibility and incentives to innovate.

Innovation capacity proposals should be focused on how to assist, or catalyze, prevention technology development and commercialization efforts.

Examples of possible work in these areas are programs or projects to:

- Establish programs to standardize testing protocols and verify the cost and performance of innovative prevention technologies;
- Provide pollution prevention technology testing centers;
- Catalyze the efforts of many organizations to promote innovation by convening partnerships;
- Develop and communicate timely information about high priority prevention technology gaps; and
- Work jointly with organizations in the public and private sectors to identify and address non-regulatory sources of market inefficiency and failure in the environmental technology sector.

Proposals on diffusion of information should focus on new and improved means of fostering information networks, technical assistance, and outreach activities. Both domestic and international applications are encouraged. For example, there is a need to enhance the capacity of existing or newly created public and private sector diffusion activities to serve the potential users of pollution prevention technologies both domestically and abroad. Proposals may include activities relating to market demand, availability, cost, performance, opportunities for business development, and regulatory requirements.

General Selection Criteria

The objective of this solicitation is to harness the capability of the nonprofit sector to help address the goals of the ETI. EPA will not accept proposals that are not directly related to one of the previously mentioned areas of ETI focus. Moreover, proposals must address barriers to the development and use of innovative pollution prevention approaches to be eligible unless they are addressing policy framework issues that will also benefit pollution prevention approaches as well as their target.

Each proposal will only be evaluated against one strategy objective based on the information provided above. Proposals with relevance to industries highlighted by the Common Sense Initiative and the Design for Environment Program will receive priority consideration. Special consideration will also be given to projects that support small businesses and/or small communities. This focus on a select few industries is intended to provide concentrated support for cleaner technology development and commercialization and sustainable economic growth and increased competitiveness.

Many barriers to development and application of pollution prevention exist because of the lack of flexibility in the policy infrastructure. Thus, proposals that seek to make the implementation of environmental policy a process that is more friendly to technology innovation will also receive additional attention. This is the one area in which projects may go beyond the pollution prevention domain.

The most significant problems and creative solutions most likely will be identified by nonprofit organizations and industrial investigators, working together on challenges posed by real problems. Projects must show appropriateness to current national concerns for pollution reduction or prevention; vague arguments that the proposed project may eventually be of value are not compelling.

This initiative particularly seeks innovative and high risk/high payoff ideas. It does not invite studies of ''the problem'' but rather specific approaches to possible solutions. Since the preparation of competitive proposals is very time consuming, it is also well to

present the following examples of what this initiative is not:

- Not basic research;
- Not technology development for pollution prevention, remediation, or control;
- Not diffusion of pollution control technology; and
- Not activities addressing processes to remove pollutants from waste streams or remediate waste problems.

Specific Selection Criteria

Proposals will be evaluated against the following factors:

- Does the project reduce uncertainty, improve flexibility, speed timing, enhance cost-effectiveness, address liability constraints, and/or diminish restraints on technology innovation?
- Is there broad applicability of the project's expected results (i.e., across levels of government, different states, or environmental media)? Is the problem clearly defined?
- Does the project complement current environmental legislative initiatives or significantly strengthen the Nation's ability to meet existing statutory or regulatory goals?
- Will the project produce measurable, visible results in an expeditious time-frame? Action projects will be emphasized over studies. Do project participants have the authority to implement programmatic changes?
- Does the project support multi-organizational partnerships across the public and private sectors? Will the project include leveraging funds among the partnering organizations? Applicant's proposals will be given more consideration to the extent that matching funds or in-kind services from participating partners are included.
- Does the proposal address global, transboundary, or other international environmental issues directly affecting the United States or lower the cost of innovative technologies for use in the United States?

In addition, the following considerations relate to particular subtopics:

- Policy framework proposals will be reviewed with respect to their capability to advance the goals and activities of ETI; breadth of applicability of the expected results; and potential to reduce barriers and create incentives; and projected probability of success.
- Proposals embracing the theme of innovation capacity should specifically be designed to be self-sustaining after ETI funds are expended.
- Domestic diffusion proposals must be customer-based, and should emphasize pollution prevention technology approaches. Special consideration will be given to projects that support small businesses and/or small communities.
- International diffusion proposals should address global or international environmental issues that directly affect the United States. Proposals should also result in improving U.S. competitiveness and trade objectives in the international arena.

The Application

Application forms and instructions are available in the EPA Research Grants Application Kit. Interested investigators should review the materials in this kit before preparing an application for assistance. The kits can be obtained at the following address: U.S. Environmental Protection Agency, Office of Research and Development, Office of Exploratory Research (8703), 401 M Street, SW., Washington DC 20460.

Each application for assistance must consist of Application for Federal Assistance Forms (Standard Forms (SF): 424 and 424A), separate sheets that provide the budget breakdowns for each year of the project, the resumes of the principal investigator and co-workers, the abstract of the proposed project, and a project narrative. All certifications must be signed and included with the application.

The closing date for application submission has been extended to COB on Tuesday May 16, 1995. COB is 5 pm EDT in Washington, D.C.

To be considered, the original and eight copies of the fully developed research grant application, prepared in accordance with the instructions in the Application for Federal Assistance Forms, must be received by the EPA Office of Exploratory Research no later than the above closing date. Informal, incomplete, or unsigned proposals will not be considered. Completed applications should be sent via regular or express mail to: U.S. Environmental Protection Agency, Office of Research and Development, Office of Exploratory Research (8703), 401 M Street, SW., Washington DC 20460.

Applications sent via express mail should have the following telephone number listed on the express mail label: (202) 260–7445.

Special Instructions

The following special instructions apply to all applicants responding to this request for application.

- Applications must unbound and clipped or stapled. The SF–424 must be the first page of the application. Budget information should immediately follow the SF–424. All certification forms should be placed at the end of the application.
- Applicants must be identified by printing ''ETI95'' in block 10 of the SF–424. This will facilitate proper assignment and review of the application.
- A one-page abstract must be included with the application.
- The ''project narrative'' section of the application must not exceed 25, consecutively numbered, 8 × 11 inch pages of standard type (i.e., 12 point), including tables, graphs, and figures. For purposes of this limitation, the ''project narrative'' section of the application consists of the following five items:

1. Description of Project
2. Objectives
3. Results or Benefits Expected
4. Approach
5. General Project Information

Any attachments, appendices, and other references for the narrative section may be included but must remain within the 25-page limitation. Appendices will not be considered an integral part of the application.

Items not included under the 25-page limitation are the SF–424 and other forms, budgets, resumes, and the abstract. Resumes must not exceed two consecutively-numbered pages for each investigator and should focus on education, positions held, and most recent or related publications.

Applications not meeting these requirements will be returned to the applicant without review.

Guidelines and Limitations

All recipients are required to provide a minimum of 1% of the total project cost, which may not be taken from Federal sources. All partnerships are encouraged. Primary partners are defined as contract awardees and secondary partners are those partners who do not receive grant funding directly from EPA. Subcontracts from primary partners to secondary partners for research to be conducted under this grant should not exceed 40% of the total direct cost of the grant for each year in which the subcontract is awarded.

Except for federal agencies and employees work may primary partners may subcontract work to any for-profit or not-for-profit organizations.

Eligibility

Not-for-profit institutions located within the U.S., including public and private colleges and universities, are eligible under all existing authorizations. Federal agencies and federal employees, as well as state and

local governments are not eligible to submit proposals to this program. Potential applicants who are uncertain of their eligibility should contact EPA's Grants Operations Branch at (202) 260–9266.

Proprietary Information

By submitting an application in response to this solicitation, the applicant grants EPA permission to share the application with technical reviewers both within and outside of the Agency. Applications containing proprietary or other types of confidential information will be immediately returned to the applicant without review.

Funding Mechanisms

The funding mechanism for all awards issued under this solicitation will consist of a grant agreement between EPA and the recipient. In accordance with Pub. L. 95–225, a grant is used to accomplish a public purpose of support or stimulation authorized by Federal statute rather than acquisition for the direct benefit of the Agency.

Minority Institution Assistance

Pre-application assistance is available upon request for potential investigators representing institutions identified by the Secretary, Department of Education, as Historically Black Colleges or Universities (HBCUs), Hispanic Association of Colleges and Universities (HACUs), or Native American or Tribal Colleges. For further information on minority assistance, contact Charles Mitchell by telephone at (202) 260–7448, by faxing a written request to (202) 260–0211, or by mailing it to the address for EPA's Office of Exploratory Research shown below.

Contacts

Additional general and technical information on this solicitation and the grants program may be obtained by contacting: U.S. Environmental Protection Agency, Office of Exploratory Research (8703), 401 M Street SW., Washington DC 20460, Phone: (202) 260–7474/Fax: (202) 260–0211.

Information about the technical content of the solicitation may be obtained by contacting: Kenneth Jewett, Office of Policy, Planning and Evaluation, Phone: (202) 260–4211/Fax: (202) 260–2685.

General information on the ETI may be obtained from the ETI information line: (202) 260–2686.

Dated: April 27, 1994.

Thomas E. Kelly,

Acting Assistant Administrator for Policy, Planning and Evaluation.

[FR Doc. 95–10881 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–P

[OPP–00408; FRL–4952–9]

Metabolism Testing Guideline; Notice of Workshop

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of workshop.

SUMMARY: There will be a 1-day workshop sponsored by the EPA's Office of Pesticide Programs, to discuss the revision of the Metabolism Testing Guideline.

DATES: The workshop will be held on Wednesday, May 24, 1995, from 8:30 a.m. to 5 p.m. Written comments must be submitted by May 17, 1995.

ADDRESSES: The workshop will be held at: Crystal Gateway Marriott, 1700 Jefferson Davis Highway, Arlington, VA. Interested persons are invited to submit written comments in triplicate to: By mail: Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–00408.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under the SUPPLEMENTARY INFORMATION unit of this document.

FOR FURTHER INFORMATION CONTACT: By mail: Yiannakis M. Ioannou (7509C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Rm. 820D, CM #2, 192l Jefferson Davis Highway, Arlington, VA, (703) 305–7894. Copies of documents may be obtained by contacting: By mail: Public Docket and Freedom of Information Section, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 40l M St., SW., Washington, DC 20460. Office location and telephone number: Rm. ll28 Bay, CM #2, l92l Jefferson Davis Highway, Arlington, VA, (703) 305–5805 or 5454.

SUPPLEMENTARY INFORMATION: The Pesticide Assessment Guidelines Subdivision F, describe protocols for performing toxicology and related tests to support registration of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Some of the tests are also used in tolerance reviews under the Federal Food, Drug, and Cosmetic Act (FFDCA). Subdivision F was proposed for public comment in 1978 and published in October 1982. At that time, the Agency published the criteria for performing a general metabolism study on a pesticide and reserved a line item, Section 85-1, for a guideline on General Metabolism Studies of Pesticides. The Toxic Substances Control Act (TSCA) also specifies that General Metabolism studies can be required under the TSCA section 4 test rule.

The proposed revisions are the result of efforts by Agency scientists to improve the existing guideline to reflect current state-of-the-art regarding metabolism of pesticides and other toxic compounds. In addition, a need for revision was indicated by the results of the Pesticide Reregistration Rejection Rate Analysis as well as by comments received in response to the notice published in the **Federal Register** of September 19, 1990 (55 FR 38578).

The agenda for the meeting and a draft of the proposed Metabolism Guideline revisions will be available from the public docket within a week or two prior to the meeting.

Any member of the public wishing to submit written comments should contact the OPP docket staff at the address or the phone number given above. Interested persons are permitted to file written statements before the meeting. To the extent that time permits and upon advance notice, interested persons may be permitted to present oral statements at the meeting. There is no limit on written comments for consideration by the Panel, but oral statements before the Panel are limited to approximately 5 minutes. Since oral statements will be permitted only as time permits, the Agency urges the public to submit written comments in lieu of oral presentations. Persons wishing to make oral and/or written

statements should notify the OPP docket staff and submit three copies of a summary no later than May 17, 1995, in order to ensure appropriate consideration by the Panel.

A record has been established for this document under docket number ''OPP–00408'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this document, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

Information submitted as a comment in response to this notice may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public docket. Information not marked confidential will be included in the public docket without prior notice. All statements will be made part of the record and will be taken into consideration by the Panel.

Dated: April 27, 1995.

Stephanie R. Irene,

Acting Director, Health Effects Division, Office of Pesticide Programs.

[FR Doc. 95–10865 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

[OPP–180970; FRL 4951–2]

Cymoxanil and Dimethomorph; Receipt of Applications for Emergency Exemptions, Solicitation of Public Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received specific exemption requests from the Delaware, Minnesota, and Pennsylvania Departments of Agriculture, the New York Department of Environmental Conservation, and the Wisconsin Department of Agriculture, Trade, and Consumer Protection (hereafter referred to as the ''Applicants'') to use the pesticides cymoxanil (CAS 57966–95–7) and dimethomorph (CAS 110488–70–5) to treat up to 5,000 (DE), 60,000 (MN), 30,000 (NY), 24,000 (PA), and 30,000 (WI) acres of potatoes to control metalaxyl-resistant late blight. The Applicants propose the use of new (unregistered) chemicals; therefore, in accordance with 40 CFR 166.24, EPA is soliciting public comment before making the decision whether or not to grant the exemptions.

DATES: Comments must be received on or before May 18, 1995.

ADDRESSES: Three copies of written comments, bearing the identification notation ''OPP–180970,'' should be submitted by mail to: Public Response and Program Resource Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPP-180970; FRL 4951–2]. No ''Confidential Business Information'' (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found below in this document.

Information submitted in any comment concerning this notice may be claimed confidential by marking any part or all of that information as ''Confidential Business Information.'' Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain Confidential Business Information must be provided by the submitter for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments filed pursuant to this notice will be available for public inspection in Rm. 1132, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: By mail: Libby Pemberton, Registration Division (7505W), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: Floor 6, Crystal Station #1, 2800 Jefferson Davis Highway, Arlington, VA, (703) 308–8326; e-mail: pemberton.libby@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: Pursuant to section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), the Administrator may, at her discretion, exempt a state agency from any registration provision of FIFRA if she determines that emergency conditions exist which require such exemption. The Applicants have requested the Administrator to issue specific exemptions for the use of cymoxanil and/or dimethomorph on potatoes to control late blight. Information in accordance with 40 CFR part 166 was submitted as part of these requests.

Recent failures to control late blight in potatoes with the registered fungicides, have been caused almost exclusively by immigrant strains of late blight *Phytophthora infestans*, which are resistant to the control of choice, metalaxyl. Before the immigrant strains of late blight arrived, all of the strains in the U.S. were previously controlled by treatment with metalaxyl. The Applicants state that presently, there are no fungicides registered in the U.S. that will provide adequate control of the immigrant strains of late blight. The Applicants state that both dimethomorph and cymoxanil have been shown to be effective against these strains of late blight. Both of these materials hold current registrations throughout many European countries for control of this disease. The Applicants state that losses in some states have been greater than $10 million per year for the past 3 years, due

to these new strains of late blight, and some growers have completely lost their crops and will go out of business. These costs do not include the increased amount of money spent on fungicides in attempts to control this disease. Under appropriate conditions, it is possible that this disease could develop to epidemic proportions, causing major changes and losses to the U.S. potato industry. Although exemption requests have thus far been received from DE, MN, NY, PA and WI, EPA expects to receive requests from other potato growing states as well.

The Applicants propose to apply cymoxanil at a maximum rate of 0.1 lbs. active ingredient [a.i.], (1.25 lb. of product) per acre, by ground or air, with a maximum of 5 applications per season, to a maximum of the following acreages of potatoes: 5,000 (DE), 60,000 (MN), 30,000 (NY), 24,000 (PA), 30,000 (WI). Therefore, use under this exemption could potentially amount to the following maximum amounts of cymoxanil: DE: 2,500 lbs. a.i. (31,250 lbs. product); MN: 30,000 lbs. a.i. (375,000 lbs. product); NY: 15,000 lbs. a.i. (187,500 lbs. product); PA: 12,000 lbs. a.i. (150,000 lbs. product); WI: 15,000 lbs. a.i. (187,500 lbs. product).

The Applicants propose to apply dimethomorph at a maximum rate of 0.18 lbs. a.i. (2.25 lb. of product) per acre, by ground or air, with a maximum of 5 applications per season, to a maximum of the following acreages of potatoes: 5,000 (DE), 60,000 (MN), 30,000 (NY), 24,000 (PA), 30,000 (WI). Therefore, use under this exemption could potentially amount to the following maximum total amounts of dimethomorph: DE: 4,500 lbs. a.i. (56,250 lbs. product); MN: 54,000 lbs. a.i. (675,000 lbs. product); NY: 27,000 lbs. a.i. (337,500 lbs. product); PA: 21,600 lbs. a.i. (270,000 lbs. product); WI: 27,000 lbs. a.i. (337,500 lbs. product). This notice does not constitute a decision by EPA on the applications.

The regulations governing section 18 require publication of a notice of receipt of an application for a specific exemption proposing use of a new chemical (i.e., an active ingredient not contained in any currently registered pesticide). Such notice provides for opportunity for public comment on the application. Accordingly, interested persons may submit written views on this subject to the Field Operations Division at the address above.

A record has been established for this notice under docket number OPP–180970; FRL 4951–2 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Room 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

The Agency, accordingly, will review and consider all comments received during the comment period in determining whether to issue the emergency exemptions requested by the Delaware, Minnesota, and Pennsylvania Departments of Agriculture, the New York Department of Environmental Conservation, and the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

List of Subjects

Environmental protection, Pesticides and pests, Crisis exemptions.

Dated: April 21, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95–10618 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

[PF–622; FRL–4941–3]

Pesticide Tolerance Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces initial filings and amendments for a pesticide petition (PP) and for a feed additive petition (FAP) proposing the establishment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

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

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number, [PF-622; FRL-4941-3]. No ''Confidential Business Information'' (CBI) should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submission can be found below in this document.

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

FOR FURTHER INFORMATION CONTACT: By mail: Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, contact the PM named in each petition at the following office location/telephone number:

Product Manager	Office location/telephone number	Address
George LaRocca (PM 13)	Rm. 204, CM #2, 703–305–6100	1921 Jefferson Davis Hwy., Arlington, VA.
Joanne Miller (PM 23)	Rm. 237, CM #2, 703–305–7830	Do.

SUPPLEMENTARY INFORMATION: EPA has received a pesticide petition and a feed additive petition as follows proposing the establishment and/or amendment of regulations for residues of certain pesticide chemicals in or on various agricultural commodities.

1. *PP 5F4476.* Gowan Co., P.O. Box 5569, Yuma, AZ 85366-5569, has submitted the pesticide petition, PP 5F4476, proposing to amend 40 CFR 180.448 by establishing a regulation to establish tolerances for the combined residues of the acaricide hexythiazox, *trans*-5-(4-chlorophenyl)-*N*-cyclohexyl-4-methyl-2-oxothiazolidine-3-carboxamide and its metabolites containing the (4-chlorophenyl)-4-methyl-2-oxo-3-thiazolidine moiety (expressed as parts per million of the parent compound), in or on the following commodities: pears at 0.30 part per million (ppm) and apples at 0.05 ppm. (PM-13)

2. *FAP 5H5722.* Valent U.S.A. Corp. 1333 N. California Blvd., Suite 600, Walnut Creek, CA 95496, proposes to amend 40 CFR 186.1075 by establishing a feed additive regulation to permit residues of the herbicide clethodim, [(E)-(±)-2-[(1-[[(3-chloro-2-propenyl)oxy]imino]propyl]-5-[2-(ethylthio)propyl]-3-hydroxy-2-cyclohexen-2-one] and its metabolites containing the 5-(2-ethylthiopropyl)cyclohexen-3-one and 5-(2-ethylthiopropyl)-5-hydroxycyclohexen-3-one moieties and their sulphoxides and sulphones, expressed as clethodim, in or on sugar beet molasses at 2.0 ppm. (PM–23)

A record has been established for this notice under docket number [PF-622; FRL-4941-3] (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-Docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for this notice, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official record which will also include all comments submitted directly in writing. The official record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

List of Subjects

Environmental protection, Agricultural commodities, Food additives, Feed additives, Pesticides and pests.

Authority: 7 U.S.C. 136a.

Dated: April 24, 1995.

Stephen L. Johnson,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 95–10870; Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

[OPP–34075; FRL 4946–9]

Notice of Receipt of Requests for Amendments to Delete Uses in Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses in certain pesticide registrations.

DATES: Unless a request is withdrawn, the Agency will approve these use deletions and the deletions will become effective on August 1, 1995.

FOR FURTHER INFORMATION CONTACT: By mail: James A. Hollins, Office of Pesticide Programs (7502C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location for commercial courier delivery and telephone number: Room 216, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA, (703) 305–5761; e-mail:

hollins.james@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Introduction

Section 6(f)(1) of FIFRA, provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

II. Intent to Delete Uses

This notice announces receipt by the Agency of applications from registrants to delete uses in the 24 pesticide registrations listed in the following Table 1. These registrations are listed by registration number, product names, active ingredients and the specific uses deleted. Users of these products who desire continued use on crops or sites being deleted should contact the applicable registrant before August 1, 1995 to discuss withdrawal of the applications for amendment. This 90-day period will also permit interested members of the public to intercede with registrants prior to the Agency approval of the deletion.

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

EPA Reg No.	Product name	Active ingredient	Delete from label
000228–00068	Riverdale Malathion 5	Malathion	Peanut storage areas, bagged flour & packed cereals, stored wheat/oats/corn/rye & barley, apples, pears, melons.

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS—Continued

EPA Reg No.	Product name	Active ingredient	Delete from label
000228–00244	Riverdale 50% Malathion E.C.	Malathion	Dairy barns.
000432–00041	Brittle Extract of Cube Root	Rotenone	Livestock, ornamentals (Domestic, commercial, institutional).
000432–00046	Rotenone Crystalline	Rotenone; Cube Resins	Terrestrial non-crop uses, greenhouse non- crop uses, livestock, household uses, commercial and industrial use.
000432–00525	Powdered Cube Root	Rotenone	Livestock, ornamentals (domestic, commercial, institutional).
000432–00562	1% Rotenone Dust	Rotenone; Cube Resins	Garden & truck crops, asparagus, beans, beets, cabbage, cole crops, cucumbers, squash, melons, eggplant, lettuce, peas, potatoes, radish, spinach, tomatoes, turnips, flowers & shrubs, carnations, chrysanthemum, geranium, nasturtium.
000432–00664	Foliafume Insecticide	Pyrethrins; Rotenone; Cube Resins	Ornamental & flowering plants, vegetables, fruits & berries.
000432–00684	Foliafume Insecticide, Emulsifiable Concentrate 1.1%–0.8%	Pyrethrins; Rotenone; Cube Resins	Ornamental & flowering plants, vegetables, fruits & berries.
000432–00695	UltraTEC Insecticide TE 2.2%–1.6%	Pyrethrins; Rotenone; Cube Resins	Ornamental & flowering plants, indoor residential.
000432–00697	UltraTEC Insecticide TEDC 2.2%–1.6%	Pyrethrins; Rotenone; Cube Resins	Ornamental & flowering plants, indoor residential.
000432–00698	Rotenone/Pyrethrins Transparent Emulsion Spray 0.02%+0.01%	Pyrethrins; Rotenone; Cube Resins	Indoor residential.
000432–00700	UltraTEC Insecticide TEC 2.2%–1.6%	Pyrethrins; Rotenone; Cube Resins	Livestock, ornamentals (domestic, commercial, institutional).
000432–00770	Foliafume XK Insecticide EC 1.1%+0.8%	Pyrethrins; Rotenone	Ornamental & flowering plants, vegetables, fruits, berries, indoor residential.
000802–00544	Lilly/Miller Simazine 4G	Simazine	All non-crop land uses.
004816–00051	Cube Resins	Rotenone; Cube Resins	Terrestrial food crops, terrestrial non-food, greenhouse (vegetables & ornamentals), indoor residential, domestic outdoor (household & ornamental), commercial/industrial, livestock.
004816–00120	BPR Liquid Base Insecticide	Piperonyl Butoxide; Pyrethrins; Rotenone; Cube Resins	Terrestrial food crops, terrestrial non-food, greenhouse (vegetables & ornamentals), indoor residential, domestic outdoor (household & ornamental), commercial/industrial, livestock.
004816–00123	BPR Dust Base	Piperonyl Butoxide; Pyrethrins; Rotenone; Cube Resins	Terrestrial food crops, terrestrial non-food, greenhouse (vegetables & ornamentals), indoor residential, domestic outdoor (household & ornamental), commercial/industrial, livestock.
004816–00166	Rotenone 5% Emulsifiable Insecticide	Rotenone; Cube Resins	Terrestrial food crops, terrestrial non-food, greenhouse (vegetables & ornamentals), indoor residential, domestic outdoor (household & ornamental), commercial/industrial, livestock.
004816–00459	Plant Spray P.R. Concentrate Insecticide	Pyrethrins; Rotenone; Cube Resins	Terrestrial food crops, terrestrial non-food, greenhouse (vegetables & ornamentals), indoor residential, domestic outdoor (household & ornamental), commercial/industrial, livestock.
010370–00036	Ford's Dursban 1/2G Granular Insecticide	Chlorpyrifos	Sugar beets.
010370–00127	Ford's Malathion 25% Wettable Powder	Malathion	Ornamentals, in and around animal quarters, in poultry houses.

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS—Continued

EPA Reg No.	Product name	Active ingredient	Delete from label
010370–00147	Ford's 50% Malathion Emulsifiable Concentrate	Malathion	Household indoors, use on animals and in animal quarters, stored grain, livestock, mushroom houses, greenhouses, peanuts (empty storage bins and peanuts going into storage), food processing plants, dairies, stored field and garden seeds, empty bins.
010370–00179	Ford's 6% Malathion Dust for Grain Protection	Malathion	Stored field & garden seed, rice & grain sorghum.
010370–00207	Organic Dip	Pyrethrins; Rotenone; Cube Resins	Ornamental & flowering plants, vegetables, fruit, berries, indoor residential.

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number.

TABLE 2.—REGISTRANTS REQUESTING AMENDMENTS TO DELETE USES IN CERTAIN PESTICIDE REGISTRATIONS

Company No.	Company Name and Address
000228	Riverdale Chemical Co., 425 West 194th St., Glenwood, IL 60425.
000432	AgrEvo Environmental Health, 95 Chestnut Ridge Road, Montvale, NJ 07645.
000802	The Chas. H. Lilly Co., 7737 NE Killingsworth, Portland, OR 97218.
004816	AgrEvo Environmental Health, 95 Chestnut Ridge Road, Montvale, NJ 07645.
010370	AgrEvo Environmental Health, 95 Chestnut Ridge Road, Montvale, NJ 07645.

III. Existing Stocks Provisions

The Agency has authorized registrants to sell or distribute product under the previously approved labeling for a period of 18 months after approval of the revision, unless other restrictions have been imposed, as in special review actions.

List of Subjects

Environmental protection, Pesticides and pests, Product registrations.

Dated: April 19, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 95–10619 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[DA 95–867]

Grant of Applications for 800 MHz SMR, Business, Industrial/Land Transportation and General Category Channels Received Between November 8, 1993 and August 10, 1994

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On March 17, 1994, the Wireless Telecommunications Bureau (''Bureau'') released a Public Notice concerning grant of certain applications for 800 MHz SMR, Business, Industrial/Land Transportation and General Category Channels received between November 8, 1993 and August 10, 1994.

This Order modifies such grants to be conditional grants pending the Bureau's disposition of a Petition for Reconsideration filed on April 13, 1995 by the American Mobile Telecommunications Association, Inc., the Industrial Telecommunications Association, Inc., including its Council of Independent Communications Suppliers, and the Personal Communications Industry Association.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: D'wana R. Speight, Legal Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, (202) 418–0620.

SUPPLEMENTARY INFORMATION:

Order Modifying License Grants

Adopted: April 17, 1995.

Released: April 17, 1995.

By the Chief, Wireless Telecommunications Bureau:

1. On March 17, 1995, the Wireless Telecommunications Bureau (''Bureau'') released a public notice announcing its completion of its review of approximately 40,000 applications received between November 8, 1993 and August 10, 1994 for channels in the SMR, Business, Industrial/Land Transportation, and General Categories.[1] In the 800 MHz Application Grants Public Notice, the Bureau also granted more than 4,500 of those applications.[2] We have received a Petition for Reconsideration filed on April 13, 1995 by the American Mobile Telecommunications Association, Inc., the Industrial Telecommunications Association, Inc., including its Council of Independent Communications Suppliers, and the Personal Communications Industry Association (collectively, the ''Coalition'') requesting reconsideration of the license grants made in the 800 MHz Application Grants Public Notice. The Coalition submits that ''the public interest would be greatly served, and Bureau resources conserved, by making slight modifications to the Coalition software used to assist the Bureau to process

[1] Wireless Telecommunications Bureau Processes Over 40,000 and Grants More than 4500 Applications for 800 MHz SMR, Business, Industrial/Land Transportation and General Category Channels Received Between March 17, 1995 (''800 MHz Application Grants Public Notice'').

[2] *Id.*

backlogged 800 MHz applications, reprocessing the applications, and issuing a revised list of granted licenses.'' [3] Section 1.113 of the Commission's rules provides, in pertinent part, that ''[w]ithin 30 days after public notice has been given of any action taken pursuant to delegated authority, the person, panel, or board taking the action may modify or set it aside on its own motion.'' [4]

2. Given the significant number of authorizations affected by the 800 MHz Application Grants Public Notice and the Number of licensees that could be potentially affected if the Commission acted favorably upon the Coalition's request, we conclude that the public interest would be served by modifying such license grants to be conditional grants pending the Bureau's disposition of the Coalition's Petition.

3. Accordingly, It Is Hereby Ordered, pursuant to Section 1.113 of the Commission's Rules, 47 CFR 1.113(a), that the license grants made in the 800 MHz Application Grants Public Notice issued by the Bureau on March 17, 1995 Are Modified as described herein.

Federal Communications Commission.

Regina M. Keeney,

Chief, Wireless Telecommunications Bureau.

[FR Doc. 95–10795 Filed 5–2–95; 8:45 am]

BILLING CODE 6712–01–M

[3] Coalition Petition at 1.

[4] 47 CFR 1.113(a).

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1047–DR]

Alabama; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Alabama (FEMA–1047–DR), dated April 21, 1995, and related determinations.

EFFECTIVE DATE: April 21, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Cambell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 21, 1995, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of Alabama, resulting from severe storms, tornadoes, and flooding on February 15, 1995 through and including February 20, 1995, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (''the Stafford Act''). I, therefore, declare that such a major disaster exists in the State of Alabama.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Edward A. Thomas of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Alabama to have affected adversely by this declared major disaster:

Cullman, DeKalb, Marion, Marshall, and Winston Counties for Individual Assistance and Public Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 95–10858 Filed 5–2–95; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–1048–DR]

Oklahoma; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–1048–DR), dated April 26, 1995, and related determinations.

EFFECTIVE DATE: April 26, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 26, 1995, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the explosion at the Alfred P. Murrah Federal building in Oklahoma City, on April 19, 1995, in the State of Oklahoma is of sufficient severity and magnitude to warrant a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act). I, therefore, declare that such a major disaster exists in Oklahoma County in the State of Oklahoma.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated area. Public Assistance may be added at a later date, if requested and warranted.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Dell Greer of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following area of the State of Oklahoma to have been affected aversely by this declared major disaster:

Oklahoma County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

James L. Witt,

Director.

[FR Doc. 95–10857 Filed 5–2–95; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL MARITIME COMMISSION

Request for Additional Information

Agreement No.: 203–011492.

Title: TWRA/8900 Discussion Agreement.

Parties:

American President Lines, Ltd.

Transpacific Westbound Rate

Agreement
Cho Yang Shipping Co., Ltd.
Croatia Line
Hapag Lloyd AG
Nedlloyd Lijnen B.V.
The ''8900'' Lines Agreement
A.P. Moller-Maersk Line
DSR-Senator Lines
Kawasaki Kisen Kaisha, Ltd.
Mitsui O.S.K. Lines, Ltd.
Nippon Yusen Kaisha, Ltd.
P&O Containers, Ltd.
United Arab Shipping Company (S.A.G.)
Neptune Orient Lines, Ltd.
Orient Overseas Container Line, Inc.
Sea-Land Service, Inc.
The National Shipping Company of Saudi Arabia

Synopsis: Notice is hereby given that the Federal Maritime Commission pursuant to section 6(d) of the Shipping Act of 1984 (46 U.S.C. app. 1701–1720) has requested additional information from the parties to the Agreement in order to complete the statutory review of Agreement No. 203–011492 as required by the Act. This action extends the review period as provided in section 6(c) of the Act.

By Order of this Federal Maritime Commission.

Dated: April 28, 1995.

Joseph C. Polking,

Secretary.

[FR Doc. 95–70843 Filed 5–2–95; 8:45 am]

BILLING CODE 6730–01–M

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC, Office of the Federal Maritime Commission, 800 North Capitol Street, NW., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203–011493–001.

Title: Cool Carriers AB/Dammers Chartering NV Discussion Agreement.

Parties:

Cool Carriers AB
Dammers Chartering NV

Synopsis: The proposed modification amends the Agreement to provide for sailing authority, the formation and use of a common agent and related matters. It also changes the name of Dammers Chartering N.V. to Seatrade Group N.V. In addition, it changes the name of the Agreement to Cool Carriers AB/Seatrade Group N.V. Discussion and Sailing Agreement. The parties have requested a shortened review period.

Agreement No.: 203–011497.

Title: Unigreen Marine, S.A./Flota Mercamte Grancolombiana Space Charter and Sailing Agreement.

Parties:

Unigreen Marine S.A.
Flota Mercante Grancolombiana S.A.

Synopsis: The proposed Agreement authorizes the parties to discuss and agree upon rates, rate policies, service items, terms and condition of service contracts or tariffs maintained by any party or by any conference to which any party may be a member. Adherence to any agreement reach is voluntary. In addition, the parties may consult and agree upon the deployment and utilization of vessels, charter space from one another, and rationalize sailings in the trade between ports in Puerto Rico, on the one hand, and ports in Colombia, Curacao, Venezuela, Dominican Republic, Jamaica, Panama and Aruba, on the other hand, with transshipment between ports in the Far East and Puerto Rico. The parties have requested a shortened review period.

By Order of the Federal Maritime Commission.

Dated: April 27, 1995.

Joseph C. Polking,

Secretary.

[FR Doc. 95–10844 Filed 5–2–95; 8:45 am]

BILLING CODE 6730–01–M

Security for the Protection of the Public Indemnification of Passengers for Nonperformance of Transportation; Notice of Issuance of Certificate (Performance)

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of Section 3, Public Law 89–777 (46 U.S.C. § 817(e)) and the Federal Maritime Commission's implementing regulations at 46 CFR Part 540, as amended:

Hapag-Lloyd (America) Inc., Hapag-Lloyd Kreuzfahrten GmbH and KG MS ''Europa'' der Breschag Bremer Schiffsvercharterungs AG & Co. KG, Gustav-Deetjen-Allee 2–6, Bremen D–28215, Germany.

Vessel: Europa.

Dated: April 27, 1995.

Joseph C. Polking,

Secretary.

[FR Doc. 95–10792 Filed 5–2–95; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

City Holding Company, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than May 26, 1995.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. City Holding Company, Charleston, West Virginia; to merge with First Merchants Bancorp, Inc., Montgomery, West Virginia, and thereby indirectly acquire The Merchants National Bank of Montgomery, Montgomery, West Virginia.

2. First Bancorporation, Inc., Beaufort, South Carolina; to become a bank holding company by acquiring 100 percent of the voting shares of FirstBank, N.A., Beaufort, South Carolina, formerly known as The Savings Bank of Beaufort County, FSB.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Farmers & Merchants Bank Employee Stock Ownership Plan, Forest, Mississippi; to become a bank holding company by acquiring 27.30 percent of the voting shares of Community Bancshares of Mississippi, Inc., Forest, Mississippi, and thereby indirectly acquire Farmers & Merchants Bank, Forest, Mississippi.

Board of Governors of the Federal Reserve System, April 27, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-10845 Filed 5-2-95; 8:45 am]

BILLING CODE 6210-01-F

Dalrymple Family Limited Partnership, L.P.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 95-10228) published on page 20494 of the issue for Wednesday, April 26, 1995.

Under the Federal Reserve Bank of Atlanta heading, the entry for Dalrymple Family Limited Partnership, L.P., is revised to read as follows:

A. Federal Reserve Bank of New York (William L. Rutledge, Senior Vice President) 33 Liberty Street, New York, New York 10045:

1. Dalrymple Family Limited Partnership, L.P. and 2105 South Broadway Associates, L.P., both of Elmira, New York; each to acquire 4.92 percent of the voting shares of Chemung Financial Corporation, Elmira, New York, and thereby indirectly acquire Chemung Canal Trust Company, Elmira, New York.

Comments on this application must be received by May 10, 1995.

Board of Governors of the Federal Reserve System, April 27, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-10846 Filed 5-2-95; 8:45 am]

BILLING CODE 6210-01-F

Moundville Bancshares, Inc.; Formation of, Acquisition by, or Merger of Bank Holding Companies; and Acquisition of Nonbanking Company

The company listed in this notice has applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed company has also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these 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 17, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Moundville Bancshares, Inc., Moundville, Alabama, to become a bank holding company by acquiring 100 percent of the voting shares of Bank of Moundville, Moundville, Alabama.

In connection with this application, Applicant also has applied to engage *de novo* in credit insurance activities, pursuant to § 225.25(b)(8)(i) of the Board's Regulation Y. These activities will be conducted throughout the state of Alabama.

Board of Governors of the Federal Reserve System, April 27, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-10848 Filed 5-2-95; 8:45 am]

BILLING CODE 6210-01-F

John Daniel Moran, Sr., et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than May 17, 1995.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. John Daniel Sr., and Maureen F. Moran, Shavertown, Pennsylvania; to acquire an additional 20.7 percent of the voting shares, for a total of 45.4 percent, of the voting shares of Guaranty Bancshares Corporation, Shamokin, Pennsylvania, and thereby indirectly acquire Guaranty Bank, N.A., Shamokin, Pennsylvania.

B. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Salvardor Bonilla-Mathe, Miami, Florida; to acquire an additional 1.6 percent, for a total of 25.4 percent, of the voting shares of Gulf Bank, Miami, Florida.

C. Federal Reserve Bank of Dallas (Genie D. Short, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Jon Black, Crowell, Texas; to acquire an additional .86 percent, for a total of 25.75 percent, of the voting shares of Crowell Bancshares, Crowell, Texas, and thereby indirectly acquire Crowell State Bank, Crowell, Texas.

D. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Peter Huizinga Testamentary Trust, Oak Brook, Illinois, to acquire an additional 4.6 percent, for a total of 14.5 percent; and Robert A. Schoellhorn Revocable Trust, Highland Park, Illinois, to acquire an additional 4 percent, for a

total of 13.9 percent, of the voting shares of Monarch Bancorp, Laguna Niguel, California, and thereby indirectly acquire Monarch Bank, Laguna Niguel, California.

Board of Governors of the Federal Reserve System, April 27, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95-10847 Filed 5-2-95; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION

Granting of Request for Early Termination of the Waiting Period Under the Premerger Notification Rules

Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Federal Trade Commission and the Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

The following transactions were granted early termination of the waiting period provided by law and the premerger notification rules. The grants were made by the Federal Trade Commission and the Assistant Attorney General for the Antitrust Division of the Department of Justice. Neither agency intends to take any action with respect to these proposed acquisitions during the applicable waiting period.

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 041095 AND 042195

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
H.D. Smith Wholesale drug Co., Equus Equity Appreciation Fund, L.P., Texas Drug WholeSale Drug Co	95–1351	04/10/95
Oerlikon-Buhrle Holding AG, N.C. Industries, Inc., N.C. Industries, Inc	95–1237	04/11/95
Northwestern Healthcare Network, Covenant Church Healthcare Chicago, Covenant Church Healthcare Chicago	95–1365	04/11/95
USI Investors LP, US Industries Inc., US Industries Inc	95–1342	04/12/95
Willamette Industries, Inc., The Mead Corporation, The Mead Corporation	95–1294	04/14/95
Cookson Group plc, MPM Enterprises, Inc., MPM Enterprises, Inc	95–1363	04/14/95
Mr. Keith Rupert Murdoch, Warburg, Pincus Capital Company, L.P., Renaissance Communications Corp	95–1364	04/14/95
Warburg, Pincus Capital Company, L.P., Mr. Keith Rupert Murdoch, Fox Television Stations, Inc	95–1369	04/14/95
W.R. Grace & Co., MEDIQ Incorporated, MEDIQ Imaging Services, Inc	95–1379	04/14/95
Robert L. Green, Kolbenschmidt, AG (A German company), KSG Industries, Inc	95–1380	04/14/95
James and Virginia Stowers, James M. Benham and Maribeth Benham, Benham Management International, Inc	95–1384	04/14/95
James and Maribeth Benham, James and Virginia Stowers, Twentieth century Companies, Inc	95–1385	04/14/95
The President and Fellows of Harvard College, Playtex Products, Inc., Playtex Products, Inc	95–1386	04/14/95
Thomas H. Lee Equity Partners, L.P., PanAm Wireless, Inc., PanAm Wireless, Inc	95–1387	04/14/95
AmeriData Technologies, Inc., Debera Wexler and Victor Grinshtein (Wife & Husband), MicroComputer Power, Inc	95–1392	04/14/95
Emerson Electric Co., Intellution, Inc., Intellution, Inc	95–1395	04/14/95
New Valley Corporation, Ladenburg, Thalmann & Co., Inc., Ladenburg, Thalmann & Co., Inc	95–1397	04/14/95
TriFoods International, Inc., Jean-Noel Bongrain, Lloyds Foods Products, Inc	95–1400	04/14/95
The Interpublic Group of Companies, Inc., Cordiant plc (a British company), Campbell-Mithun-Esty, Inc	95–1401	04/14/95
Acclaim Entertainment, Inc., Lazer-Tron Corporation, Lazer-Tron Corporation	95–1403	04/14/95
Fleet Financial Group, Inc., Household International, Inc., Household Assets	95–1406	04/14/95
General Electric Company, Wachovia Corporation, Wachovia Mortgage Company	95–1407	04/14/95
Dean Foods Company, Flowers Industries, Inc., Rio grande Foods, Inc	95–1410	04/14/95
Thermo Electron Corporation, Japan Energy Corporation, Gould Instruments Systems, Inc	95–1412	04/14/95
Windwood Limited, United Texon PLC, United Texon PLC	95–1413	04/14/95
Georg von Holtzbrinck GmbH & Co., Macmillan Limited, Macmillan Limited	95–1416	04/14/95
The RTZ Corporation PLC, Freeport-McMoRan Inc., Freeport-McMoRan Copper & Gold Inc	95–1417	04/14/95
Equus Equity Appreciation Fund, L.P., Brunswick Corporation, Brunswick Technical Group	95–1419	04/14/95
Unilab Corporaton, WestSphere Equity Holdings II, Ltd., MLN Holding Acquisition Co	95–1394	04/17/95
The Hearst Corporation, Consolidated Newspaper, Inc. Voting Trust, The Houston Post Company	95–1247	04/18/95
MMI Companies, Inc., American Hospital Association, Health Providers Insurance company	95–1296	04/18/95
Dover Corporation, AT&T Corp., AT&T Frequency Control Products business	95–1389	04/18/95
David R. Belding, Circus Circus Enterprises, Inc., Circus Circus Enterprises, Inc	95–1423	04/18/95
Circus Circus Enterprises, Inc., Peter A. Simon II, Diamond Gold, Inc	95–1424	04/18/95
Peter A. Simon II, Circus Circus Enterprises, Inc., Circus Circus Enterprises, Inc	95–1425	04/18/95
Circus Circus Enterprises, Inc., William A. Richardson, Last Chance Investments, Incorporated	95–1426	04/18/95
William A. Richardson, Circus Circus Enterprises, Inc., Circus Circus Enterprises, Inc	95–1427	04/18/95
Circus Circus Enterprises, Inc., Michael s. Ensign, M.S.E. Investments, Incorporated	95–1428	04/18/95
Michael S. Ensign, Circus Circus Enterprises, Inc., Circus Circus Enterprises, Inc	95–1429	04/18/95
Alcan Aluminium Limited, Halco (Mining) Inc., Halco (Mining) Inc	95–1430	04/18/95
Charles A. McFadden, Citicorp, WKEF–TV	95–1307	04/19/95
Boral Limited, Bickerstaff Clay Products Company, Inc., Bickerstaff Clay Products Company, Inc	95–1405	04/19/95
W. Don Cornell, Lawrence A. Busse, WMMT, Inc	95–1408	04/19/95
Westinghouse Electric Corporation, Daniel R. Lee, Diamond Broadcasting, Inc	95–1409	04/19/95
Columbia/HCA Healthcare Corporation, Healthtrust, Inc.—The Hospital Company, Healthtrust, Inc.—The Hospital Company	95–0184	04/21/95
Arch Communications Group, Inc., USA Mobile Communications Holdings, Inc., USA Mobile Communications Holdings, Inc	95–1329	04/21/95

TRANSACTIONS GRANTED EARLY TERMINATION BETWEEN: 041095 AND 042195—Continued

Name of acquiring person, name of acquired person, name of acquired entity	PMN No.	Date terminated
Arch Communications Group, Inc., USA Mobile Communications Holdings, Inc., USA Mobile Communications Holdings, Inc.	95–1420	04/21/95
Citizens, Inc., American Liberty Financial Corporation, American Liberty Financial Corporation	95–1433	04/21/95
Living Centers of America, Inc., Mr. Donald C. Beaver, see attached list	95–1435	04/21/95
Mr. Donald C. Beaver, Living Centers of American, Inc. Living Centers of America, Inc.	95–1436	04/21/95
Akzo Nobel nv, BASF Aktiengesellschaft (''BASF AG''), BASF Corporation	95–1437	04/21/95
The Dow Chemical Company, Oasis Piple Line Company, Oasis Pipe Line Company	95–1440	04/21/95
Egyptian General Petroleum Corporation, Mosvold Shipping AS, Seadrill 97, Inc.	95–1441	04/21/95
Coastal Healthcare Group, Inc., Mid-South Insurance Company, Mid-South Insurance Company	95–1442	04/21/95
Oxford Health Plans, Inc., OakTree Health Plan, Inc., OakTree Health Plan, Inc.	95–1443	04/21/95
Tiger (a limited partnership), XTRA Corporation, XTRA Corporation	95–1444	04/21/95
Panther Partners L.P., XTRA Corporation, XTRA Corporation	95–1445	04/21/95
Puma (a limited partnership), EXTRA Corporation, XTRA Corporation	95–1446	04/21/95
USA Mobile Communications Holdings, Inc., Arch Communications Group, Inc., Arch Communications Group, Inc.	95–1447	04/21/95
ABC Rail Products Corporation, General Electric Corp., GE Railcar Wheel	95–1448	04/21/95
AMP Incorporated, M/A-Com, Inc., M/A-Com, Inc.	95–1449	04/21/95
The Jaguar Fund N.V., XTRA Corporation, XTRA Corporation	95–1450	04/21/95
Union Pacific Corporation, Robert M. Edsel, Gemini Exploration Company	95–1451	04/21/95
International Reality Investors, L.L.C., Bramalea Inc., Colonial Park Mall	95–1454	04/21/95
RIT Capital Partners PLC, Mr. David Elias, H-G Holdings, Inc.	95–1456	04/21/95
The Coastal Corporation, Cohyco, Inc., Maverick Markets, Inc.	95–1457	04/21/95
Golder, Thoma, Cressey, Rauner Fund IV, L.P., Kwik-Wash Laundries, Inc., Ford Coin Laundries, Inc.	95–1458	04/21/95
Kelso Investment Associates V, L.P., Peebles Inc., Peebles Inc.	95–1459	04/21/95
Converse Inc., Apex One, Inc., Apex One, Inc.	95–1461	04/21/95
Code, Hennessy & Simmons II, L.P., Home-Crest Corporation, Home-Crest Corporation	95–1462	04/21/95
Elcat, Inc., Chattem, Inc., Chattem Chemicals Divsion	95–1465	04/21/95
Roland O. Perelman, Stephen J. Cannell, Cannell Entertainment, Inc.	95–1470	04/21/95
Clal (Israel) Ltd., Pharmaceutical Resources, Inc., Pharmaceutical Resources, Inc.	95–1471	04/21/95

FOR FURTHER INFORMATION CONTACT: Sandra M. Peay or Renee A. Horton, Contact Representatives, Federal Trade Commission, Premerger Notification Office, Bureau of Competition, room 303, Washington, DC 20580 (202) 326–3100.

By Direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95–10885 Filed 5–2–95; 8:45 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 95N–0108]

Drug Export; VAQTA™ Hepatitis A Vaccine, Purified Inactivated

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Merck & Co., Inc., has filed an application requesting approval for the export of the final bulk human biological product VAQTA™ Hepatitis A Vaccine, Purified Inactivated to the Federal Republic of Germany and The United Kingdom.

ADDRESSES: Relevant information on this application may be directed to the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, and to the contact person identified below. Any future inquiries concerning the export of human biological products under the Drug Export Amendments Act of 1986 should also be directed to the contact person.

FOR FURTHER INFORMATION CONTACT: Cathy Conn, Center for Biologics Evaluation and Research (HFM–610), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852–1448, 301–594–1070.

SUPPLEMENTARY INFORMATION: The drug export provisions in section 802 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 382) provide that FDA may approve applications for the export of biological products that are not currently approved in the United States. Section 802(b)(3)(B) of the act sets forth the requirements that must be met in an application for approval. Section 802(b)(3)(C) of the act requires that the agency review the application within 30 days of its filing to determine whether the requirements of section 802(b)(3)(B) have been satisfied. Section 802(b)(3)(A) of the act requires that the agency publish a notice in the **Federal Register** within 10 days of the filing of an application for export to facilitate public participation in its review of the application. To meet this requirement, the agency is providing notice that Merck & Co., Inc., P.O. Box 4, West Point, PA 19486, has filed an application requesting approval for the export of the final bulk human biological product VAQTA™ Hepatitis A Vaccine, Purified Inactivated, to the United Kingdom for filling into syringes and export to the Federal Republic of Germany and the United Kingdom. The VAQTA™ Hepatitis A Vaccine, Purified Inactivated, is a highly purified inactivated whole virus vaccine derived from hepatitis A virus grown in cell culture in human fibroblasts. The application was received and filed in the Center for Biologics Evaluation and Research on February 13, 1995, which shall be considered the filing date for purposes of the act.

Interested persons may submit relevant information on the application to the Dockets Management Branch (address above) in two copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. These submissions may be seen in the Dockets

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

The agency encourages any person who submits relevant information on the application to do so by May 15, 1995, and to provide an additional copy of the submission directly to the contact person identified above, to facilitate consideration of the information during the 30-day review period.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 802 (21 U.S.C. 382)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10) and redelegated to the Center for Biologics Evaluation and Research (21 CFR 5.44).

Dated: April 12, 1995.

James C. Simmons,

Acting Director, Office of Compliance, Center for Biologics Evaluation and Research.

[FR Doc. 95–10898 Filed 5–2–95; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

[HSQ–227–N]

Medicare Program; Peer Review Organization Contracts: Solicitation of Statements of Interest From In-State Organizations—Alaska, Delaware, the District of Columbia, Idaho, Kentucky, Maine, Nebraska, Nevada, South Carolina, Vermont, and Wyoming

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: General notice.

SUMMARY: This notice, in accordance with section 1153(i) of the Social Security Act, announces the scheduled expiration dates of the current contracts between HCFA and several out-of-State Utilization and Quality Control Peer Review Organizations. It also specifies the period of time in which in-State organizations may submit a statement of interest so that they may be eligible to compete for these contracts. The States currently affected and their respective expiration dates are as follows:

Delaware	March 31, 1996.
Nevada	March 31, 1996.
Wyoming	March 31, 1996.
Alaska	June 30, 1996.
District of Columbia	June 30, 1996.
Idaho	June 30, 1996.
Maine	June 30, 1996.
Vermont	June 30, 1996.
Nebraska	September 30, 1996.
Kentucky	September 30, 1996.
South Carolina	September 30, 1996.

DATES: Written statements of interest must be received at the address specified no later than 5 p.m. EST, June 2, 1995. Due to staffing and resource limitations, we cannot accept statements submitted by facsimile (FAX) transmission.

ADDRESSES: Statements of interest must be submitted to—Health Care Financing Administration, OFHR, OAG, Attn.: Brian Hebbel, Room G–M–1, East Low Rise Building, 6325 Security Boulevard, Baltimore, Maryland 21207.

FOR FURTHER INFORMATION CONTACT: Kathleen Kelso, (410) 966–7214.

SUPPLEMENTARY INFORMATION:

I. Background

The Peer Review Improvement Act of 1982 (Title I, Subtitle C of the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA), Pub. L. 97–248) amended Part B of Title XI of the Social Security Act (the Act) by establishing the Utilization and Quality Control Peer Review Organization (PRO) program. Congress created the PRO program in order to redirect, simplify, and enhance the cost-effectiveness and efficiency of the peer review process.

PROs currently review certain health care services furnished under Title XVIII of the Act (Medicare) and under certain other Federal programs to determine whether those services are reasonable, medically necessary, furnished in the appropriate setting, and are of a quality that meets professionally recognized standards. PRO activities are a part of the Health Care Quality Improvement Program (HCQIP) that supports HCFA's mission of assuring health care security for its eligible beneficiaries. The HCQIP is carried out locally by the PRO in each State. Under the HCQIP, PROs provide information for health care plans, providers, and practitioners to improve the quality of care furnished to Medicare beneficiaries.

In June 1984, HCFA began awarding contracts to PROs. We currently maintain 53 PRO contracts with organizations that provide medical review activities for 49 of the United States, the District of Columbia, Puerto Rico, and the Virgin Islands. The organizations that are eligible to contract as PROs have satisfactorily demonstrated that they are either physician-sponsored or physician-access organizations in accordance with sections 1152 and 1153 of the Act and our regulations at 42 CFR 462.102 and 462.103. A physician-sponsored organization is one that is both composed of a substantial number of the licensed doctors of medicine or osteopathy practicing medicine or surgery in the respective review area and is representative of the physicians practicing in the review area. A physician-access organization is one that has available to it, by arrangement or otherwise, the services of a sufficient number of licensed doctors of medicine or osteopathy practicing medicine or surgery in the review area to assure adequate peer review of the services furnished by the various medical specialties and subspecialties. In addition, the organization must not be a health care facility, health care facility association, or a health care facility affiliate, and must have a consumer representative on its governing board.

The Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100–203) amended section 1153 of the Act by adding a new subsection (i) that prohibits the Secretary from renewing the contract of any PRO that is not an in-State organization without first publishing in the **Federal Register** a notice announcing when the contract will expire. This notice must be published no later than 6 months before the date of expiration, and must specify the period of time during which an in-State organization may submit a proposal for the contract. If one or more qualified in-State organizations submits a proposal within the specified period of time, HCFA may not automatically renew the contract on a noncompetitive basis but must instead provide for competition for the contract in the same manner used for a new contract. An in-State organization is defined as an organization that has its primary place of business in the State in which review will be conducted or that is owned by a parent corporation, the headquarters of which is located in that State.

There are currently 11 PRO contracts with entities that do not meet the statutory definition of an in-State organization. The areas affected for purposes of this notice are Alaska, Delaware, the District of Columbia, Idaho, Kentucky, Maine, Nebraska, Nevada, South Carolina, Vermont, and Wyoming.

II. Provisions of the Notice

This notice announces the scheduled expiration dates of the current contracts between HCFA and the out-of-State PROs responsible for review in Alaska, Delaware, the District of Columbia, Idaho, Kentucky, Maine, Nebraska, Nevada, South Carolina, Vermont, and Wyoming. Interested in-State organizations may submit statements of interest to be the PRO for the aforementioned States. The statements must be received by HCFA no later than June 2, 1995. In its statement of interest, the organization must furnish materials

that demonstrate that it meets the definition of an in-State organization. Specifically, the organization must have its primary place of business in the State in which review will be conducted or be owned by a parent corporation, the headquarters of which is located in that State. In its statement, each interested organization must further demonstrate that it meets the following requirements:

A. Be Either a Physician-Sponsored or a Physician-Access Organization

1. Physician-Sponsored Organization

i. The organization must be composed of a substantial number of the licensed doctors of medicine and osteopathy practicing medicine or surgery in the review area, and be representative of the physicians practicing in the review area.

ii. The organization must not be a health care facility, health care facility association, or health care facility affiliate.

iii. In order to meet the substantial number requirement of A.l.i., an organization must be composed of at least 10 percent of the licensed doctors of medicine and osteopathy practicing medicine or surgery in the review area. In order to meet the representation requirement of A.l.i., an organization must state and have documentation in its files demonstrating that it is composed of at least 20 percent of the licensed doctors of medicine and osteopathy practicing medicine or surgery in the review area; or, if the organization does not demonstrate that it is composed of at least 20 percent of the licensed doctors of medicine and osteopathy practicing medicine or surgery in the review area, then the organization must demonstrate in its statement of interest, through letters of support from physicians or physician organizations, or through other means, that it is representative of the area physicians.

2. Physician-Access Organization

i. The organization must have available to it, by arrangement or otherwise, the services of a sufficient number of licensed doctors of medicine or osteopathy practicing medicine or surgery in the review area to assure adequate peer review of the services provided by the various medical specialties and subspecialties.

ii. The organization must not be a health care facility, health care facility association, or health care facility affiliate.

iii. An organization meets the requirements of A.2.i. if it demonstrates that it has available to it at least one physician in every generally recognized specialty; and has an arrangement or arrangements with physicians under which the physicians would conduct review for the organization.

B. Have at Least One Individual Who Is a Representative of Consumers on Its Governing Board

If one or more organizations meet the above requirements in a PRO area, and submit statements of interest in accordance with this notice, HCFA will consider those organizations to be potential sources for the aforementioned contracts upon their expiration. These organizations will be entitled to participate in a full and open competition for the PRO contract to provide medical review services.

III. Information Collection Requirements

This notice contains information collection requirements that have been approved and assigned Control Number OMB 0938–0526 by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This approval expires on October 31, 1997.

IV. Other

In accordance with the provisions of Executive Order 12866, this regulation was not reviewed by the Office of Management and Budget.

Authority: Section 1153 of the Social Security Act (42 U.S.C. 1320c–2).

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: March 23, 1995.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 95–10793 Filed 5–2–95; 8:45 am]

BILLING CODE 4120–01–P

Substance Abuse and Mental Health Services Administration (SAMHSA)

Correction of Meeting Notices

Public notice was given in the **Federal Register** on April 18, 1995, Vol. 60, No. 74, page 19405, that the Substance Abuse and Mental Health Services Administration (SAMHSA) National Advisory Council meeting on May 15, 1995, would be open from 9:00 a.m. to 3:00 p.m. and closed for review of contract proposals from 3:15 p.m. to 6:00 p.m. Due to unforeseen circumstances, the meeting schedule has been revised. The closed session is now scheduled from 9:00 a.m. to 10:30 a.m., and the open session will be from 10:45 a.m. until adjournment. In addition, a status report from the Council's AIDS workgroup will not be presented at this meeting.

Public notice was also given in the **Federal Register** on April 19, 1995, Vol. 60, No. 75, page 19602, that the Center for Substance Abuse Prevention (CSAP) National Advisory Council would be meeting on May 25 and 26, 1995. However, the meeting will now be held for only one day, May 25.

Dated: April 27, 1995.

Jeri Lipov,

Committee Management Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 95–10899 Filed 5–2–95; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; Thirty-fifth Meeting of the Standing Committee; Meeting of the Animals Committee; Meeting of the Plants Committee; Public Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: With this notice the U.S. Fish and Wildlife Service (Service) announces a public meeting to discuss the results of the thirty-fifth meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Standing Committee, held March 21–24, 1995, in Geneva, Switzerland, and to discuss matters related to the upcoming meetings of the CITES Animals and Plants Committees.

DATES: The public meeting will be held on June 13, 1995, from 1:30 p.m. to 3:30 p.m.

ADDRESSES: The public meeting will be held in Room 7000 A and B of the Department of the Interior, 18th and C Streets, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kenneth B. Stansell or Susan S. Lieberman, Office of Management Authority, 4401 N. Fairfax Drive, Room 420–C, Arlington, VA 22203; telephone 703/358–2093.

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild

Fauna and Flora, hereinafter referred to as CITES or the Convention, is an international treaty designed to control international trade in certain animal and plant species which are or may become threatened with extinction, and are listed in Appendices to the Convention. Currently, 128 countries, including the United States, are CITES Parties. CITES calls for biennial meetings of the Conference of the Parties which review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amending the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of the Convention.

The Standing Committee, Animals Committee, and Plants Committee were established by the Conference of the Parties. The functions of the Standing Committee are to provide guidance and advice to the Secretariat on the implementation of CITES, on the preparation of meetings, and on other matters brought to it by the Secretariat; to oversee, on behalf of the Parties, the development and execution of the Secretariat's budget and also all aspects of fund raising undertaken by the Secretariat in order to carry out specific functions authorized by the Conference of the Parties; to provide coordination and advice as required to other Committees; to provide direction and coordination of working groups established by either itself or the Conference of the Parties; to carry out, between one meeting of the Conference of the Parties and the next, any necessary interim activities on behalf of the Conference as may be necessary; to draft resolutions for consideration by the Conference of the Parties; to report to the Conference of the Parties on the activities it has carried out between meetings of the Conference; to act as the Bureau at meetings of the Conference of the Parties until the Rules of Procedure are adopted; and to perform any other functions entrusted to it by the Conference of the Parties. The functions of the Animals Committee are to assist the Nomenclature Committee in the development and maintenance of a standardized list of animal names; to assist the Identification Manual Committee in the preparation of an identification manual on animal species; to establish a list of those animal taxa included in CITES Appendix II which are considered to be significantly affected by trade, and review and assess biological and trade information on these taxa to exclude species concluded not to be detrimentally affected by trade, formulate recommendations for remedial measures for species for which trade is believed to be having a detrimental effect, and to establish priorities for projects to collect information on species for which there is insufficient information available to judge whether the level of trade is detrimental; to assess information on those animal species for which there is evidence of a change in the volume of trade or for which information is available to indicate the necessity for review; to undertake a periodic review of animal species included in the CITES Appendices; to provide advice on management techniques and procedures available on request to range States; to draft resolutions on animal matters for consideration by the Conference of the Parties; to deal with the matter of transport of live animals; to perform any other functions entrusted to it by the Conference of the Parties or the Standing Committee; and to report to the Conference of the Parties and, if so requested, to the Standing Committee, on the activities it has carried out between meetings of the Conference. The functions of the Plants Committee are to provide guidance and advice to the Conference of the Parties, and other Committees, working groups, and the Secretariat, on all aspects relevant to international trade in plant species included in the CITES Appendices; to assist the Nomenclature Committee in the development and maintenance of a standardized list of plant names; to assist the Identification Manual Committee in the preparation of an identification manual on plant species; to assist and advise Parties in the preparation of publicity material for plants included in the CITES Appendices; to establish a list of those plant taxa included in CITES Appendix II which are considered to be significantly affected by trade, and review and assess biological and trade information on these taxa to exclude species concluded not to be detrimentally affected by trade, formulate recommendations for remedial measures for species for which trade is believed to be having a detrimental effect, and to establish priorities for projects to collect information on species for which there is insufficient information available to judge whether the level of trade is detrimental; to assess information on those plant species for which there is evidence of a change in the volume of trade or for which information is available to indicate the necessity for review; to undertake a periodic review of plant species included in the CITES Appendices; to make advice on management techniques and procedures available on request to range States; to draft resolutions on plant matters for consideration by the Conference of the Parties; to serve as a plants working group, if so requested by the Conference of the Parties; to perform any other functions entrusted to it by the Conference of the Parties or the Standing Committee; and to report to the Conference of the Parties and, if so requested, to the Standing Committee, on the activities it has carried out between meetings of the Conference.

Agenda of the Thirty-fifth Meeting of the Standing Committee

The agenda for the thirty-fifth meeting of the Standing Committee, held March 21–24, 1995, is listed below. The results of each agenda item will be discussed at the public meeting on June 13, 1995:

Agenda

1. Opening remarks by the Chairman and CITES Secretary General
2. Adoption of the Agenda
3. Revision of Rules of Procedure
4. Tasks for the CITES Standing Committee given by the ninth regular meeting of the Conference of the Parties (COP9) and tentative timetable for the next Standing Committee meetings and for the discussions on modalities of representation of the regions in the Standing Committee
5. Review ''How to improve the effectiveness of the Convention''
6. Working Group on Timber
7. Recommendations of the Animals Committee in relation to species subject to significant trade
   (a) Primary recommendations—follow-up of the relevant decisions of Standing Committee 32
   (b) Secondary recommendations subject to a deadline of 31 January 1995
8. Follow-up of Resolution Conf. 9.13. Tiger trade issues in range and consumer States
9. African elephant and related issues (e.g. Panel of Experts and ivory stockpiles)
10. Enforcement issues
11. National legislation for the implementation of CITES
12. Information on the status of the budget and on staffing issues including the position of the Deputy Secretary-Generalship
13. Late submission of annual reports by Parties
14. Consideration of new project proposals
15. Any other business
16. Closing remarks

Animals and Plants Committee Meetings

The next meeting of the CITES Animals Committee is tentatively scheduled to be held September 11–15, 1995, in Guatemala. An agenda for the meeting has not yet been established. Any documents to be submitted for inclusion in the agenda of the meeting must be submitted to the Chairman of the Animals Committee no later than one month prior to the start of the meeting. Matters related to the upcoming meeting of the Animals Committee will be discussed at the public meeting June 13, 1995.

The next meeting of the CITES Plants Committee is scheduled to be held June 19–23, 1995, in the Canary Islands. Matters related to the upcoming meeting of the Plants Committee will be discussed at the public meeting June 13, 1995.

Author: This notice was prepared by Mark R. Albert, Office of Management Authority, U.S. Fish and Wildlife Service (703/358–2095; FAX 703/358–2280).

Dated: April 27, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 95–10916 Filed 5–2–95; 8:45 am]

BILLING CODE 4310–55–P

National Park Service

Grand Canyon National Park; Colorado River Running Services

SUMMARY: The National Park Service is now ready to issue a concession prospectus to operate river running services for park visitors on the Colorado River within Grand Canyon National Park. Existing contracts are expiring. Sixteen separate contracts are to be awarded.

SUPPLEMENTARY INFORMATION: It is expected that within thirty (30) days the National Park Service will issue a Prospectus describing the terms and conditions that will apply to applicants for the above contracts. Parties interested in making such applications should contact Ms. Teresa Jackson, Division of the Concession Program Management, Western Regional Office, (415) 744–3981 (fax telephone number (414) 744–3951) to place themselves on the mailing list for the Prospectus.

Dated: March 29, 1995.

Stanley T. Albright,

Regional Director, Western Region.

[FR Doc. 95–10837 Filed 5–2–95; 8:45 am]

BILLING CODE 4310–70–M

Saint-Gaudens National Historic Site, Cornish, New Hampshire; Draft General Management Plan/ Environmental Impact Statement; Notice of Availability, Public Comment Period, and Public Meetings

In accordance with the National Environmental Policy Act (P.L. 91–190) the National Park Service (NPS), U.S. Department of the Interior, announces that the Saint-Gaudens National Historic Site Draft General Management Plan/ Environmental Impact Statement will be available for public review and comment from May 12 to July 7, 1995.

The draft document presents four alternatives for site management and addressing planning issues, including resource preservation and provision of visitor services. Following the review period and consideration of comments received, the National Park Service will prepare and make available the final GMP/EIS, which will guide the management of the site for twenty years.

During the sixty-day review period, interested persons may review the document and make written comments to the Superintendent, Saint-Gaudens National Historic Site, RR#3 Box 73 Cornish, NH 03745.

The NPS will distribute a complete version of the draft for public and agency review. The plan will be available at local libraries as well. Inquiries and requests for copies of the complete draft should be directed to Saint-Gaudens NHS at (603) 675–2175.

The NPS will hold public meetings during the sixty-day period on Tuesday, June 6, from 3:00 to 8:00 pm and on Wednesday, June 7 from 3:00 to 5:00 pm at the Little Studio, Saint-Gaudens NHS, Cornish, NH.

Robert McIntosh,

Acting Regional Director.

[FR Doc. 95–10838 Filed 5–2–95; 8:45 am]

BILLING CODE 4310–70–P

Subsistence Resource Commission Meeting

SUMMARY: The Superintendent of Lake Clark National Park and the Chairperson of the Subsistence Resource Commission for Lake Clark National Park announce a forthcoming meeting of the Lake Clark National Park Subsistence Resource Commission.

The following agenda items will be discussed:

(1) Chairman's welcome.
(2) Introduction of Commission members and guests.
(3) Review agenda.
(4) Approval of minutes of last meeting.
(5) Superintendent's welcome:
—Park subsistence resource update.
(6) Old business:
—Update of roster regulation.
(7) New business:
a. Election of Chairperson.
b. Status of Commission appointments.
(8) Agency comments and public comments.
(9) Hunting plan recommendation work session.
(10) Determine time and date of next meeting.
(11) Adjourn.

DATES: The meeting will be held on Monday, May 22, 1995. The meeting will begin at 10:00 a.m. and conclude around 5 p.m.

LOCATION: The meeting will be held at the City Hall in Nondalton, Alaska.

FOR FURTHER INFORMATION CONTACT: Ralph Tingey, Superintendent, Lake Clark National Park, 4230 University Dr., #311, Anchorage, AK 99508. Phone (907) 271–3751.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under Title VIII, Section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, and operate in accordance with the provisions of the Federal Advisory Committees Act.

Ralph Tingey,

Acting Regional Director.

[FR Doc. 95–10839 Filed 5–2–95; 8:45 am]

BILLING CODE 4310–70–M

Bureau of Reclamation

Interim Concessions Management Policy Statement and Corresponding Concessions Management Guidelines

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Reclamation (Reclamation) has issued an interim concessions management policy statement and corresponding concessions management guidelines (policy and guidelines). The policy and guidelines are the first comprehensive instructions to be developed by Reclamation. This policy and guidelines will provide for a Reclamation-wide consistent approach to managing concessions while protecting the public interests.

DATES: Comments on the policy and guidelines must be submitted to Reclamation on or before July 3, 1995.

FOR FURTHER INFORMATION CONTACT: To request a copy of the policy and guidelines contact Bruce Glenn, Bureau

of Reclamation, P.O. Box 25007, Denver, Colorado, 80225, Telephone: 303–236–3289, extension 314. Submit written comments to Mr. Glenn at the above address.

SUPPLEMENTARY INFORMATION: The Bureau of Reclamation will use this interim policy and guidelines for managing concessions until the Department of the Interior (Interior) issues further administrative guidance or Congress provides legislative requirements. This policy implements the recommendations of Interior's Interagency Concession Reform Task Force. It also includes recommendations from the Report of the Concessions Management Task Force Regarding Commercial Recreational Activities of Federal Land.

Dated: April 26, 1995.

Wayne O. Deason,

Assistant Director, Policy Analysis.

[FR Doc. 95–10832 Filed 5–2–95; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Public Information Collection Requirements Submitted to OMB for Review

The U.S. Agency for International Development (USAID) submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction act of 1980, (44 U.S.C. Chapter 35). Comments regarding these information collections should be addressed to the OMB reviewer listed at the end of the entry. Comments may also be addressed to, and copies of the submissions obtained from the Records Management Officer, Renee Poehls, (202) 736–4743, M/AS/ISS Room 930B, N.S., Washington, D.C. 20523.

Date Submitted: April 11, 1995

Submitting Agency: U.S. Agency for International Development

OMB Number: OMB 0412–0520

Form Number: AID 1470–17

Type of Submission: Renewal

Title: Contractor Employee Biographical Data Sheet, USAID Acquisition Regulation (AIDAR)

Purpose: USAID is authorized to make contracts with any corporation, international organization, or other body or persons in or out of the United States in furtherance of the purposes and within the limitations of the Foreign Assistance Act (FAA). Information Collections and recordkeeping requirements placed on the public by the USAID Acquisition Regulation (AIDAR), are published as 48 CFR, Chapter 7. The Contractor Employee Biographical Data Sheet, AID form 1420–17 is one of USAID's unique procurement requirements which contains pre-award information.

Annual Reporting Burden:

Respondents: 700

Annual responses: 4500

Annual burden hours: 2250

Reviewer: Jeffery Hill (202) 395–7340, Office of Management and Budget, Room 3201, New Executive Office Building, Washington, D.C. 20503

Dated: April 25, 1995.

Genease E. Pettigrew,

Chief, Information Support Services Division, Office of Administrative Service, Bureau of Management.

[FR Doc. 95–10904 Filed 5–2–95; 8:45 am]

BILLING CODE 6116–01–M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–732 and 733 (Preliminary)]

Circular Welded Non-Alloy Steel Pipe From Romania and South Africa

AGENCY: International Trade Commission.

ACTION: Institution and scheduling of preliminary antidumping investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary antidumping investigations Nos. 731–TA–732 and 733 (Preliminary) under section 733(a) of the Tariff Act of 1930, as amended by Section 212(b) of the Uruguay Round Agreements Act (URAA), Pub. L. 103–465, 108 Stat. 4809 (1994) (19 U.S.C. § 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Romania and South Africa of circular welded non-alloy steel pipe, provided for in subheadings 7306.30.10 and 7306.30.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value. Unless the Department of Commerce extends the time for initiation pursuant to section 732(c)(1)(B), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by June 12, 1995. The Commission's views are due at the Department of Commerce within 5 business days thereafter, or by June 19, 1995.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A and B (19 CFR part 207).

EFFECTIVE DATE: April 26, 1995.

FOR FURTHER INFORMATION CONTACT: Valerie Newkirk (202–205–3190), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. Information can also be obtained by calling the Office of Investigations' remote bulletin board system for personal computers at 202–205–1895 (N,8,1).

SUPPLEMENTARY INFORMATION:

Background

These investigations are being instituted in response to a petition filed on April 26, 1995, by Allied Tube & Conduit Corp., Harvey, IL; Sawhill Tubular Division (Armco), Sharon, PA; LTV Steel Tubular Products Co., Youngstown, OH; Sharon Tube Co., Sharon, PA; Laclede Steel Co., St. Louis, MO; Wheatland Tube Co., Collingswood, NJ; and Century Tube Co., Pine Bluff, AR.

Participation in the Investigations and Public Service List

Persons (other than petitioners) wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in §§ 201.11 and 207.10 of the Commission's rules, not later than seven (7) days after publication of this notice in the **Federal Register**. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance.

Limited Disclosure of Business Proprietary Information (BPI) Under an Administrative Protective Order (APO) and BPI Service List

Pursuant to § 207.7(a) of the Commission's rules, the Secretary will

make BPI gathered in these preliminary investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made not later than seven (7) days after the publication of this notice in the **Federal Register**. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Conference

The Commission's Director of Operations has scheduled a conference in connection with these investigations for 9:30 a.m. on May 17, 1995, at the U.S. International Trade Commission Building, 500 E Street SW., Washington, DC. Parties wishing to participate in the conference should contact Valerie Newkirk (202–205–3190) not later than May 15, 1995, to arrange for their appearance. Parties in support of the imposition of antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the conference.

Written Submissions

As provided in §§ 201.8 and 207.15 of the Commission's rules, any person may submit to the Commission on or before May 22, 1995, a written brief containing information and arguments pertinent to the subject matter of the investigations. Parties may file written testimony in connection with their presentation at the conference no later than three (3) days before the conference. If briefs or written testimony contain BPI, they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII, as amended by the URAA. This notice is published pursuant to § 207.12 of the Commission's rules.

By order of the Commission.

Issued: April 28, 1995.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–10895 Filed 5–2–95; 8:45 am]

BILLING CODE 7020–02–P

[Investigations Nos. 731–TA–726–729 (Preliminary)]

Polyvinyl Alcohol From China, Japan, Korea, and Taiwan

Determinations

On the basis of the record [1] developed in the subject investigations, the Commission unanimously determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China, Japan, and Taiwan of polyvinyl alcohol,[2] provided for in subheading 3905.20.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV). Investigation No. 731–TA–728 (Preliminary) concerning Korea is terminated on the basis of the unanimous determination that imports from Korea are negligible.

Background

On March 9, 1995, a petition was filed with the Commission and the Department of Commerce by Air Products and Chemicals, Inc., Allentown, PA, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of polyvinyl alcohol from China, Japan, Korea, and Taiwan. Accordingly, effective March 9, 1995, the Commission instituted antidumping investigations Nos. 731–TA–726 through 729 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of March 17, 1995 (60 F.R. 14448). The conference was held in Washington, DC, on March 30, 1995, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on April 24, 1995. The views of the Commission are contained in USITC Publication 2883 (April 1995), entitled ''Polyvinyl Alcohol from China, Japan, Korea, and Taiwan: Investigations Nos. 731–TA–726–729 (Preliminary).''

By order of the Commission.

Issued: April 25, 1995.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–10894 Filed 5–2–95; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] The product covered by these investigations is polyvinyl alcohol. Polyvinyl alcohol is a dry, white to cream-colored, water-soluble synthetic polymer, usually prepared by hydrolysis of polyvinyl acetate. This product includes polyvinyl alcohols hydrolyzed in excess of 85 percent, whether or not mixed or diluted with defoamer or boric acid.

INTERSTATE COMMERCE COMMISSION

Availability of Environmental Assessments

Pursuant to 42 U.S.C. 4332, the Commission has prepared and made available environmental assessments for the proceedings listed below. Dates environmental assessments are available are listed below for each individual proceeding.

To obtain copies of these environmental assessments contact Ms. Tawanna Glover-Sanders, Interstate Commerce Commission, Section of Environmental Analysis, Room 3219, Washington, DC 20423, (202) 927–6203.

Comments on the following assessment are due 15 days after the date of availability:

AB–1 (Sub-No. 259X), Chicago and North Western Railway Company—Abandonment Exemption—Cannon Falls, Minnesota, Spur. EA available 4/21/95.

AB–1 (Sub-No. 261X), Chicago and North Western Railway Company—Abandonment Exemption—Mankato, Minnesota, Spur. EA available 4/21/95.

AB–1 (Sub-No. 262X), Chicago and North Western Railway Company—Abandonment Exemption—Albert Lea Spur in Freeborn County, Minnesota. EA available 4/25/95.

AB–55 (Sub-No. 505X), CSX Transportation, Inc. Abandonment In Lee County, North Carolina. EA available 4/28/95.

Comments on the following assessment are due 30 days after the date of availability:

AB–1 (Sub-No. 260), Chicago and North Western Railway Company—Abandonment Exemption—Hayward,

Wisconsin Spur. EA available 4/21/95.

AB–1 (Sub-No. 258X), Chicago and North Western Railway Company—Abandonment Exemption—Central Soya Spur Near Madison, Wisconsin.

Vernon A. Williams,

Secretary.

[FR Doc. 95–10891 Filed 5–2–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32630]

Omaha Public Power District—Construction Exemption—in Otoe County, NE

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, under 49 U.S.C. 10505, conditionally exempts from the prior approval requirements of 49 U.S.C. 10901 the construction by Omaha Public Power District (OPPD) of a 5-mile line of railroad in Otoe County, NE, subject to the results of the Commission's environmental review and further decision. The line will extend from OPPD's Nebraska City electric generating plant, cross Burlington Northern Railroad Company's rail line at grade northwest of the plant, and connect with Union Pacific Railroad Company's rail line southwest of Nebraska City.

DATES: The exemption cannot become effective until after the environmental process has been completed. At that time, the Commission will issue a further decision addressing the environmental matters and establishing an exemption effective date, if appropriate. Petitions to reopen must be filed by May 23, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32630 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington, DC 20423; and (2) petitioner's representative: Thomas W. Wilcox, Donelan, Cleary, Wood & Maser, P.C., 1100 New York Avenue NW., Washington, DC 20005–3934.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 927–5660. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue NW., Room 2229, Washington, DC 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927–5721.]

Decided: April 13, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–10786 Filed 5–2–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether Section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

New Collection

(1) Troops to COPS Application Kit.

(2) COPS 009. Office of Community Oriented Policing Services, United States Department of Justice.

(3) Primary=State, Local or Tribal Government, Others=None. The Troops to COPS Application Kit will be used by law enforcement agencies seeking reimbursement of expenses for training a recently separated member of the armed forces hired by the applicant to participate in community policing.

(4) 800 annual respondents at .5 hours per response.

(5) 400 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: April 27, 1995.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 95–10836 Filed 5–2–95; 8:45 am]

BILLING CODE 4410–21–M

DEPARTMENT OF LABOR

Office of the Secretary

Service Contracts Act Occupational Employment Questionnaire

AGENCY: Office of the Secretary, Labor.

SUMMARY: The Director, Office of Information Resources Management Policy, invites comments on the following proposed expedited review information collection request as required by the Paperwork Reduction Act of 1980, as amended.

DATES: This expedited review is being requested in accordance with the Act, since allowing for the normal review period would adversely affect the public interest. Approval by the Office of Management and Budget (OMB) has been requested by May 3, 1995.

ADDRESSES: Written comments should be addressed to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs, Attention: Dan Chenok, Desk Officer, 725 17th St., NW., Room 10235, New Executive Office Building, Wash., DC 20503. Requests for copies of the proposed information collection request should be addressed to Kenneth A. Mills, Department of Labor, 200 Constitution Ave., NW., Room N–1301, Wash., DC 20210.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Mills, (202) 219–5095. Individuals who use a telecommunications device for the deaf (TTY/TDY) may call (202) 219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3517 of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 3517) requires that the Director of OMB provide interested persons an early opportunity to comment on an information collection request. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with the agency's ability to perform its statutory obligations. The Director, Office of Information Resources Management and Policy, publishes this notice simultaneously with the submission of this request to OMB. This notice contains the following information:

Agency: Employment Standards Administration

Type of Review: Expedited.
Title: Service Contract Act Occupational Employment Questionnaire.
Frequency of Response: Completed one time.
Affected Public: Individuals or households; Businesses or other for profit; not for profit institutions; Federal Government.
Number of Respondents: 5,500.
Estimated Time Per Response: 30 minutes.
Total Annual Burden Hours: 2,250.
Respondents Obligation To Reply: Voluntary.
Description: Section 2(a) of the Service Contract (SCA) provides that every contract subject to the Act contain a provision specifying the minimum monetary wages and fringe benefits to be paid the various classes or service employees performing the contract work. The Secretary of Labor is charged with determining the minimum monetary wages and fringe benefits prevailing in the locality where the contract work is to be performed. It is necessary to design and conduct a statistically reliable, one-time survey of occupational employment on SCA-covered contracts. Form WH–SCA will be used for this purpose. Once this occupational distribution has been determined, the data will be utilized in evaluating alternative methodologies for estimating prevailing health and welfare benefits for SCA-covered projects. The survey involves a random sample of a universe of approximately 83,000 contracts. The Employment Standards Administration, U.S. Department of Labor, has provided the University of Tennessee with the universe of SCA-covered contracts, which was obtained from the Federal Procurement Data System for the most recent years. The University has designed and selected a sample of contracts by three-digit SIC, and has designed a questionnaire with accompanying instructions and definitions.

Signed at Washington, DC, this 28th day of April 1995.

Kenneth A. Mills,

Departmental Clearance Officer.

[FR Doc. 95–10971 Filed 5–2–95; 8:45 am]

BILLING CODE 4510–27–M

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. KenAmerican Resources, Inc.

[Docket No. M–95–53–C]

KenAmerican Resources, Inc., 7590 Highway 181, Central City, Kentucky 42330 has filed a petition to modify the application of 30 CFR 75.213 (roof support removal) to its Paradise No. 11 Mine (I.D. No. 15–17606) located in Wayne County, Kentucky. The petitioner requests a modification of the standard to permit the removal of loose roof bolts where massive self-supporting limestone roof is exposed. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

2. CONSOL of Kentucky, Inc.

[Docket No. M–95–54–C]

CONSOL of Kentucky, Inc., Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed a petition to modify the application of 30 CFR 75.1101–8 (water sprinkler systems; arrangement of sprinklers) to its Indian Gap Mine—Hz4 (I.D. No. 15–17652) located in Letcher County, Kentucky. The petitioner proposes to use a single overhead pipe system with ½-inch orifice automatic sprinklers located on 10-foot centers, to cover 50 feet of fire-resistant belt or 150 feet of non-fire resistant belt, with actuation temperatures between 200 degrees and 230 degrees fahrenheit and with water pressure equal to or greater than 10 psi. The sprinklers would be located not more than 10 feet apart, so that the discharge of water would extend over the belt drive, belt take-up, electrical control, and gear reducing unit. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

3. Mountain Valley Management, Inc. T/A Bucket Coal Company

[Docket No. M–95–55–C]

Mountain Valley Management, Inc., T/A Bucket Coal Company, 1021 Chestnut Street, Pottsville, Pennsylvania 17901 has filed a petition to modify the application of 30 CFR 75.335 (construction of seals) to its Heather Mine (I.D. No. 36–07903) located in Schuylkill County, Pennsylvania. The petitioner requests a modification of the standard to permit alternative methods of seal construction using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; to accept a design criterion in the 10 psi range; and to permit the water trap to be installed in the gangway seal and sampling tube in the monkey seal for seals installed in pairs. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

4. Kerr-McGee Coal Corporation

[Docket No. M–95–56–C]

Kerr-McGee Coal Corporation, Caller Box 3013, Gillette, Wyoming 82717 has filed a petition to modify the application of 30 CFR 77.402 (hand-held power tools; safety devices) to its Jacobs Ranch Mine (I.D. No. 48–00997) located in Campbell County, Wyoming. The petitioner proposes to use gas-powered chain saws with a trigger latch to start the saw and to follow all other manufacturer's instructions. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

5. D.G.W. Coal Company

[Docket No. M–95–57–C]

D.G.W. Coal Company, R.D. #2, Box 425–B–2, Pine Grove, Pennsylvania 17963 has filed a petition to modify the application of 30 CFR 75.335 (construction of seals) to its No. 7 Vein Slope (I.D. No. 36–07093) located in Schuylkill County, Pennsylvania. The

petitioner requests a modification of the standard to permit alternative methods of seal construction using wooden materials of moderate size and weight due to the difficulty in accessing previously driven headings and breasts containing inaccessible abandoned workings; to accept a design criterion in the 10 psi range; and to permit the water trap to be installed in the gangway seal and sampling tube in the monkey seal for seals installed in pairs. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

6. Black Gem Mining, Inc.

[Docket No. M–95–58–C]

Black Gem Mining, Inc., P.O. Box 1257, Pikeville, Kentucky 41502 has filed petitions to modify the application of 30 CFR 75.1710 (canopies or cabs; electric face equipment) to its No. 3 Mine (I.D. No. 15–12303) located in Floyd County, Kentucky. The petitioner proposes to operate its C X 2 S & S Scoop without a canopy due to the height of this equipment, which is 54 inches with canopy, and the height of the seam varies from 40 inches to 60 inches. The petitioner states that installation of a canopy on the equipment would result in a diminution of safety to the equipment operator.

7. McElroy Coal Company

[Docket No. M–95–59–C]

McElroy Coal Company, Consol Plaza, 1800 Washington Road, Pittsburgh, Pennsylvania 15241 has filed petitions to modify the application of 30 CFR 75.364(b)(2) (weekly examination) to its McElroy Mine (I.D. No. 46–01437) located in Marshall County, West Virginia. Due to deteriorating roof and rib conditions in the return entry of the new section adjacent to the bottom of the Belt Slope in the oldest portion of the mine, physically traveling the area on a weekly basis would be unsafe. The petitioner proposes establish checking stations A and B to monitor for methane and the quantity of air in the affected area; to have a certified person check each station on a weekly basis and record the result in a book kept on the surface and made available for inspection by interested persons; to conduct an immediate investigation of the affected area by the mine foreman and record the results in a book located on the surface if at any time the quantity of air at either checking station indicates a change of ten (10) percent or a 0.5 percent increase in methane; to include the checking stations in the Ventilation Plan with the location of air readings shown on the ventilation map; and to examine the stopping line along the track entry on a weekly basis. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

8. Mystic Energy, Inc.

[Docket No. M–95–60–C]

Mystic Energy, Inc., 130 George Street, Suite J, Beckley, West Virginia 25801 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Candice 2 Mine (I.D. No. 46–08429) located in Boone County, West Virginia. The petitioner proposes to replace a padlock on battery plug connectors on mobile battery-powered machines used inby the last open cross-cut with a threaded ring and a spring loaded device to prevent the plug connector from accidently disengaging while under load; to provide a warning tag that states ''Do Not Disengage Plugs Under Load'' on all battery plug connectors on battery-powered machines using the alternative method; and to instruct all persons who are required to operate or maintain the battery-operated machines on safe work practices and procedures. The petitioner states that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

9. AMAX Coal West, Inc.

[Docket No. M–95–61–C]

AMAX Coal West, Inc., P.O. 3040, Gillette, Wyoming 82717–3040 has filed a petition to modify the application of 30 CFR 77.1304(a) (blasting agents; special provisions) to its Eagle Butte Mine (I.D. No. 48–01078) located in Campbell County, Wyoming. The petitioner proposes to use petroleum-based lubrication oils, recycled from equipment used at its mine for blending with fuel oil for the purpose of creating ammonium nitrate/fuel oil (ANFO) for use as a blasting agent at its surface coal mine. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

10. Pen Coal Corporation

[Docket No. M–95–62–C]

Pen Coal Corporation, Route 1, Box 191, Dunlow, West Virginia 25511 has filed a petition to modify the application of 30 CFR 75.503 (permissible electric face equipment; maintenance) to its Devilstrace N. 3 Mine (I.D. No. 46–08470) located in Wayne County, West Virginia. The petitioner proposes to replace a padlock on battery plug connectors on mobile battery-powered machines used inby the last open cross-cut with a threaded ring and a spring loaded device to prevent the plug connector from accidently disengaging while under load; to provide a warning tag that states ''Do Not Disengage Plugs Under Load'' on all battery plug connectors on battery-powered machines using the alternative method; and to instruct all persons who are required to operate or maintain the battery-operated machines on safe work practices and procedures. The petitioner states that application of the standard would result in a diminution of safety to the miners. In addition, the petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations, and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before June 2, 1995. Copies of these petitions are available for inspection at that address.

Dated: April 27, 1995.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 95–10850 Filed 5–2–95; 8:45 am]

BILLING CODE 4510–43–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Choreographers Fellowships Prescreening Section) to the National Council on the Arts will be held on May 31–June 2, 1995. The panel will meet from 10 a.m. to 5 p.m. on May 31 and from 9 a.m. to 6 p.m. on June 1–2 in Room M–07, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of application evaluation, under the

National Foundation on the Arts and Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Dated: April 27, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95–10808 Filed 5–2–95; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Dance Advisory Panel (Choreographers Fellowships Section) to the National Council on the Arts will be held on June 5–9, 1995 from 9 a.m. to 8:30 p.m. on June 5–8 and from 9 a.m. to 6 p.m. on June 9 in Room M–07, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

A portion of this meeting will be open to the public on June 9 from 2 p.m. to 6 p.m. for a policy discussion.

The remaining portions of this meeting from 9 a.m. to 8:30 p.m. on June 5–8 and from 9 a.m. to 2 p.m. on June 9 are for the purpose of panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, these sessions will be closed to the public pursuant to subsection (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the Panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Dated: April 27, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95–10809 Filed 5–2–95; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collection.

SUMMARY: U.S. Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of Submission (new, revision, or extension): Revision.

2. The title of the information collection: 10 CFR 4, ''Nondiscrimination in Federally Assisted Commission Programs.''

3. The form number if applicable: Not applicable.

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: Recipients of Federal financial assistance provided by the Nuclear Regulatory Commission.

6. An estimate of the number of responses: 60 per year.

7. An estimate of the total number of hours needed to complete the requirement or request: 21 hours annually (an average of .22 hours per response plus .27 hours per recordkeeper).

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: Recipients of NRC financial assistance provide data on procedures to provide assurance to NRC that they are in compliance with nondiscrimination policies.

Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 2120 L Street, NW., (Lower Level), Washington, DC.

Comments and questions can be directed by mail to the OMB reviewer: Troy Hillier, Office of Information and Regulatory Affairs (3150–0053), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be communicated by telephone at (202) 395–3084. The NRC Clearance Officer is Brenda Jo. Shelton, (301) 415–7233.

Dated at Rockville, Maryland, this 25th day of April 1995.

For the U.S. Nuclear Regulatory Commission.

Gerald F. Cranford,

Senior Official for Information Resources Management.

[FR Doc. 95–10889 Filed 5–2–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–416]

Entergy Operations Inc., (Grand Gulf Nuclear Station, Unit No. 1); Exemption

I

Entergy Operations, Inc., (the licensee) is the holder of Facility Operating License No. NPF–29, which authorizes operation of the Grand Gulf Nuclear Station, Unit 1. The operating license provides, among other things, that the licensee is subject to all rules, regulations, and orders of the Commission now and hereafter in effect.

The facility consists of a boiling water reactor at the licensee's site in Claiborne County, Mississippi.

II

By letter dated August 13, 1993, as supplemented by letters dated April 15, May 11, June 24, and July 20, 1994, and April 18, 1995, pursuant to 10 CFR 50.12(a), Entergy Operations Inc. requested an exemption to Sections III.D.1(a), III.D.2, III.D.2(b)(i), III.D.2.(b)(iii) and III.D.3 of 10 CFR Part 50, Appendix J, to permit the selection of containment leakage rate testing intervals for components on the basis of performance.

Although the staff had issued an Advanced Notice of Proposed Rule Making to revise Appendix J on November 24, 1992 (57 FR 55156), the licensee stated in the August 13, 1993, submittal that the ''plant specific needs

of Grand Gulf'' would best be met by a plant specific submittal. The staff agreed to review the licensee's proposal in the context of the ongoing rulemaking activities. In SECY 94–036, dated February 17, 1994, the staff informed the Commission that it would review the Grand Gulf proposal because of its potential usefulness in the rulemaking process due to its scope and the technical information it provides. Testing methods were not included in the scope of the licensee's proposal. The licensee proposed changes to the frequency of testing only. The staff has reviewed the licensee's proposed exemption. The staff's safety evaluation is enclosed.

III

The licensee proposed changes to the frequency of performing Type A, B, and C tests including changes to the frequency of leakage rate testing of air locks. The test frequencies will be determined individually for each component based on previous performance. The licensee presented plant specific data and plant specific risk analyses to support the proposed changes. In addition to information supplied by the licensee, the staff, in reviewing this exemption request, utilized technical information available from the on-going Appendix J rulemaking, including NUREG–1493 ''Performance-Based Containment Leak-Test Program'', dated December 1994. This rulemaking will also revise the frequency of leakage rate testing so that the intervals between tests is a function of individual component performance.

Because an Appendix J rulemaking is in progress, this exemption shall be valid until startup following Refueling Outage 9.

IV

A Type A test assures that the overall or integrated leakage rate from the whole containment is below the acceptance criterion specified in Appendix J. This exemption does not change this value. Appendix J presently specifies the test frequency for a Type A test as a set of three tests, at approximately equal intervals during each 10-year service period. The licensee proposes to change the test frequency to one Type A test in 10 years. Both an analysis of the test results from operating reactors over an extended period (NUREG–1493) and a risk analysis (EPRI TR–104285, ''Risk Impact Assessment of Revised Containment Leak Rate Testing Intervals'') support extending the Type A test interval to once in 10 years.

The staff proposed that the exemption include a precondition before extending the Type A test. Two consecutive Type A tests must be successful before the interval is extended. This is included in the exemption. By letter dated April 18, 1995, the licensee agreed to this change. The following exemption is granted until startup from Refueling Outage (RFO) 9, currently scheduled for Spring 1998.

Exemption From Section III.D.1(a)

Type A tests shall be performed on a 10-year interval provided that the two previous consecutive Type A tests, performed on the test interval specified in Appendix J (three tests, at approximately equal intervals in a 10-year period), have been successful.

If a Type A test is failed, and the failure is not due to a Type B or C component, acceptable performance must be reestablished by performing a Type A test within 48 months of the unsuccessful Type A test. Following a successful Type A test, the surveillance frequency may be returned to once per 10 years.

In addition, the licensee must perform general inspections of the accessible interior and exterior surfaces of the containment structures, as specified in Section V.A of Appendix J, at the test interval specified in Appendix J for Type A tests, even when no Type A test is required during that outage. By letter dated April 18, 1995, the licensee agreed to this change.

There is no relationship between Type A testing and the inservice inspection (ISI) service period. This exemption will continue in effect until startup from RFO 9.

V

The licensee proposed an exemption from Sections III.D.2(a) and III.D.3 of Appendix J to permit Type B and C testing to be done based on previous performance of a component. The licensee presented data and analyses to show that the risk from using a performance-based approach to Type B and C testing is negligible. This is in agreement with the conclusions of NUREG–1493.

The licensee proposed that the test interval be determined as follows: (1) One successful test or a failure would require maintaining the present test interval of 2 years. (2) Two successful consecutive tests would permit extending the test interval to five years. (3) Three successful consecutive tests would result in increasing the test interval to 10 years. The staff does not agree with a 10-year interval. It is the staff's judgment that the licensee has not justified the 10-year interval to the same degree of confidence as the 5-year interval. By letter dated April 18, 1995, the licensee agreed to this change.

In addition, there are certain valves which the staff considers to be so safety significant that the test interval for these valves should not be extended without prior staff review and approval. The staff has specified these valves in the exemption. By letter dated April 18, 1995, the licensee agreed to this change.

Exemption From Sections III.D.2(a) and III.D.3 of Appendix J

After two successful consecutive tests, performed at the present Appendix J test interval of no more than 2 years, a Type B or C component may be tested once every 5 years. If this test or a subsequent test is a failure, the test interval for this component shall revert to a 2-year interval until the component passes two consecutive tests. The 5-year interval may then be resumed. By letter dated April 18, 1995, the licensee agreed to this change.

Main steam isolation valves, feedwater valves and containment system supply and exhaust isolation valves shall remain on a 2-year test interval. Any change will require prior review and approval by the NRC. This exemption will continue in effect until startup from RFO 9.

VI

The licensee proposed to increase the test intervals for air locks based on the good performance of the air locks at Grand Gulf. The licensee's August 13, 1993, submittal provides a summary of test data which shows excellent performance in both air lock and air lock door seal testing.

The staff proposed an addition to the requested exemption to account for the contingency that the performance may not be maintained at this high level. If an air lock fails a test, the extended interval would revert to the Appendix J test intervals until two consecutive successful's tests demonstrate that the problem has been resolved. By letter dated April 18, 1995, the licensee agreed to this change.

Exemption From Section III.D.2(b)(i) and (b)(iii)

Air locks may be leakage rate tested at intervals of no more than 2 years. If an air lock fails a leakage rate test, the air lock shall then be required to pass two consecutive leakage rate tests at a test interval of 6 months prior to returning to the 2-year test interval. During a period of frequent opening of air lock doors, the air locks shall be tested at least every 30 days. If an air

lock fails a leakage rate test during a period of frequent opening, the air lock shall be required to pass two consecutive leakage rate tests at a test interval of 72 hours prior to returning to the 30-day interval. Since the Grand Gulf air lock doors have testable seals, testing the seals fulfills the 30-day test requirement. This exemption will continue in effect until startup from RFO 9.

VII

The staff's safety evaluation, which is enclosed and summarized above, concludes that the licensee's proposed extension of Appendix J test intervals is acceptable. This exemption will remain valid until startup following Refueling Outage 9. This approval is based on the assumption that all other aspects of Appendix J testing not explicitly addressed will be conducted in accordance with Appendix J.

Section 50.12 of Title 10 of the Code of Federal Regulations, ''Specific Exemptions'', delineates the conditions which must be satisfied in order for the Commission to grant an exemption from the regulations of 10 CFR Part 50. The proposed exemption must not violate applicable law, it must not ''present an undue risk to the public health and safety'', and must be ''consistent with the common defense and security''. The licensee states that it believes these conditions are satisfied. The staff concurs.

In addition, 10 CFR 50.12 states that the Commission will not consider granting an exemption unless special circumstances are present. The licensee, in the August 13, 1993, submittal presented its argument as to why this exemption request meets several of the special circumstances specified in 10 CFR 50.12. It is the staff's opinion that the licensee's proposal satisfies special circumstance 50.12(a)(2)(iv). Special circumstance (iv) states that: The exemption would result in benefit to the public health and safety that compensates for any decrease in safety that may result from the grant of the exemption.

It is the staff's judgment that there is a significant public benefit to be derived from granting the licensee's exemption request to 10 CFR Part 50, Appendix J. The licensee's proposal was detailed and well thought-out and thoroughly considered the effect on safety of the proposed changes. Reviewing this exemption request was beneficial to the staff's Appendix J rulemaking effort. Granting the exemption will assist the staff in assessing the process of implementing a performance-based containment leakage rate testing rule which, inturn, is of a clear benefit to the public. The staff considers any decrease in safety that may result from granting the exemption to be very small. This was confirmed by the risk studies discussed in Section 3 of the safety evaluation on this exemption request.

Accordingly, the Commission has determined, pursuant to 10 CFR 50.12(a), that this exemption is authorized by law and will not present an undue risk to the public health and safety, and is consistent with the common defense and security. In addition, the Commission has found special circumstances in that granting of this exemption will result in a benefit to public health and safety that compensates for any decrease in safety that may result from the grant of the exemption. Therefore, the Commission hereby grants the exemption from 10 CFR Part 50, Appendix J, Sections III.D.1(a), III.D.2(a) and III.D.3 and Section III.D.(b)(i) and III.D.2(b)(iii). The specific exemptions are stated as in Sections IV, V, and VI above.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the quality of the human environment (60 FR 19791). The exemption is effective upon issuance.

Dated at Rockville, Maryland, this 26th day of April 1995.

For the Nuclear Regulatory Commission.

Elinor G. Adensam

Acting Director, Division of Reactor Projects-III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–10887 Filed 5–2–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–445 and 50–446]

Texas Utilities Electric Co., Comanche Peak Steam Electric Station, Units 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating License Nos. NPF–87 and NPF–89, issued to Texas Utilities Electric Company (TU Electric, the licensee), for operation of the Comanche Peak Steam Electric Station (CPSES), Units 1 and 2, located in Somervell County, Texas.

Environmental Assessment

Identification of Proposed Action

The proposed action would allow implementation of a hand geometry biometric system of site access control such that photograph identification badges can be taken off site.

The proposed action is in accordance with the licensee's application dated January 16, 1995 (TXX–95012), as supplemented by letters dated March 1 (TXX–95064), and April 3, 1995 (TXX–95089), for exemption from certain requirements of 10 CFR 73.55, ''Requirements for physical protection of licensed activities in nuclear power plant reactors against radiological sabotage.''

The Need for the Proposed Action

Pursuant to 10 CFR 73.55, paragraph (a), the licensee shall establish and maintain an onsite physical protection system and security organization.

Paragraph (1) of 10 CFR 73.55(d), ''Access Requirements,'' specifies that ''licensee shall control all points of personnel and vehicle access into a protected area * * *'' It is specified in 10 CFR 73.55(d)(5) that ''A numbered picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort.'' It also states that an individual not employed by the licensee (i.e., contractors) may be authorized access to protected areas without escort provided the individual ''receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area * * *''

Currently, unescorted access into protected areas of the CPSES is controlled through the use of a photograph on a combination badge and keycard. (Hereafter, these are referred to as badges). The security officers at the entrance station use the photograph on the badge to visually identify the individual requesting access. The badges for both licensee employees and contractor personnel who have been granted unescorted access are issued upon entrance at the entrance/exit location and are returned upon exit. The badges are stored and are retrievable at the entrance/exit location. In accordance with 10 CFR 73.55(d)(5), contractor individuals are not allowed to take badges off site. In accordance with the plant's physical security plans, neither licensee employees nor contractors are allowed to take badges off site.

The licensee proposes to implement an alternative unescorted access control system which would eliminate the need to issue and retrieve badges at the entrance/exit location and would allow all individuals with unescorted access to keep their badges with them when departing the site.

An exemption from 10 CFR 73.55(d)(5) is required to permit contractors to take their badges off site

instead of returning them when exiting the site.

The Commission has completed its evaluation of the proposed action. Under the proposed system, each individual who is authorized for unescorted entry into protected areas would have the physical characteristics of their hand (hand geometry) registered with their badge number in the access control system. When an individual enters the badge into the card reader and places the hand on the measuring surface, the system would record the individual's hand image. The unique characteristics of the extracted hand image would be compared with the previously stored template to verify authorization for entry. Individuals, including licensee employees and contractors, would be allowed to keep their badges with them when they depart the site.

Based on a Sandia report entitled ''A Performance Evaluation of Biometric Identification Devices'' (SAND91—0276 UC—906 Unlimited Release, printed June 1991), and on its experience with the current photo-identification system, the licensee stated that the false acceptance rate of the proposed hand geometry system is comparable to that of the current system. The licensee stated that the use of the badges with the hand geometry system would increase the overall level of access control. Since both the badge and hand geometry would be necessary for access into the protected area, the proposed system would provide for a positive verification process. Potential loss of a badge by an individual, as a result of taking the badge off site, would not enable an unauthorized entry into protected areas. The licensee will implement a process for testing the proposed system to ensure continued overall level of performance equivalent to that specified in the regulation. The Physical Security Plan for CPSES will be revised to include implementation and testing of the hand geometry access control system and to allow licensee employees and contractors to take their badges off site.

The access process will continue to be under the observation of security personnel. A numbered picture badge identification system will continue to be used for all individuals who are authorized access to protected areas without escorts. Badges will continue to be displayed by all individuals while inside the protected area.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluent that may be released off site, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts. the environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the CPSES, Units 1 and 2 dated October 1989.

Agencies and Persons Consulted

In accordance with its stated policy, on April 7, 1995, the staff consulted with Texas State official, Mr. John Haygood of the Texas Department of Health, Bureau of Radiation control, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated January 16, 1995 (TXX–95012), as supplemented by letters dated March 1 (TXX–95064), and April 3, 1995 (TXX–95089), which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC and at the local public document room located at the University of Texas at Arlington Library, Government Publications/Maps, 702 College, P.O. Box 19497, Arlington, TX 76019.

Dated at Rockville, Maryland, this 27th day of April 1995.

For the Nuclear Regulatory Commission.

Timothy J. Polich,

Project Manager, Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–10888 Filed 5–2–95; 8:45 am]

BILLING CODE 7590–01–M

Use of NUMARC/EPRI Report TR–102348 for Analog-to-Digital Replacements; Issued

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of issuance.

SUMMARY: The Nuclear Regulatory Commission (NRC) has issued Generic Letter 95–02 on informing licensees for reactors of the NRC staff's new position on the use of Nuclear Management and Resource Council/Electric Power Research Institute (NUMARC/EPRI) Report TR–102348, ''Guideline on Licensing Digital Upgrades,'' dated December 1993, as acceptable guidance for determining when an analog-to-digital replacement can be performed without prior NRC staff approval under the requirements of § 50.59 of Title 10 of the Code of Federal Regulations. This generic letter is available in the Public Document Rooms under accession number 9504140227. The resolution of public comments received on this generic letter is discussed in a memorandum which is also available in the Public Document Rooms under accession number 9504260141.

DATES: The generic letter was issued on April 26, 1995.

ADDRESSES: Not applicable.

FOR FURTHER INFORMATION CONTACT: Paul J. Loeser at (301) 415–2825.

SUPPLEMENTARY INFORMATION: None.

Dated at Rockville, Maryland, this 26th day of April, 1995.

For the Nuclear Regulatory Commission.

Boeǹ-Dar̀ Liaw,

Acting Director, Division of Project Support, Office of Nuclear Reactor Regulation.

[FR Doc. 95–10890 Filed 5–2–95; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF PERSONNEL MANAGEMENT

The National Partnership Council; Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The Office of Personnel Management (OPM) announces the next meeting of the National Partnership Council (the Council). Notice of this meeting is required under the Federal Advisory Committee Act.

TIME AND PLACE: The Council will meet May 10, 1995, at 1 p.m., in the OPM Conference Center, Room 1350, Theodore Roosevelt Building, 1900 E Street, NW., Washington, DC 20415–0001. The conference center is located on the first floor.

TYPE OF MEETING: This meeting will be open to the public. Seating will be available on a first-served basis. Handicapped individuals wishing to attend should contact OPM at the number shown below to obtain appropriate accommodations.

POINT OF CONTACT: Douglas K. Walker, National Partnership Council, Executive Secretariat, Office of Personnel Management, Theodore Roosevelt Building, 1900 E Street, NW., Room 5315, Washington, DC 20415–0001, (202) 606–1000.

SUPPLEMENTARY INFORMATION: The Council will receive reports on and discuss activities contained in the strategic action plan for 1995 that was adopted at the January 10, 1995, meeting.

PUBLIC PARTICIPATION: We invite interested persons and organizations to submit written comments or recommendations. Mail or deliver your comments or recommendations to Mr. Douglas K. Walker at the address shown above. Comments should be received by May 5, in order to be considered at the May 10, meeting.

Office of Personnel Management.

James B. King,

Director.

[FR Doc. 95–10779 Filed 5–2–95; 8:45 am]

BILLING CODE 6325–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Carrington Laboratories, Inc., Common Stock, $.01 Par Value and the Related Preferred Share Purchase Rights Issued Pursuant to its Rights Agreement Dated September 19, 1991) File No. 1–6395

April 27, 1995.

The Carrington Laboratories, Inc., (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified securities (''Securities'') from listing and registration on the American Stock Exchange, Inc. (''Amex'').

The reasons alleged in the application for withdrawing the Securities from listing and registration include the following:

According to the Company, its Board of Directors unanimously approved resolutions on February 9, 1995 to withdraw the Securities from listing on the Exchange and, instead, list the Securities on the Nasdaq/NMS. The decision of the Board followed a lengthy study of the matter, and was based upon the belief that listing of the Securities on Nasdaq will be more beneficial to the Company and its stockholders than the present listing on the Exchange because:

(a) The Nasdaq system of multiple, competing market makers will provide the Company with increased visibility within the financial community, thereby encouraging greater investor awareness of the Company's activities;

(b) The Nasdaq system will enable the Company to attract its own group of market makers and expand the capital base available for purchases of the Securities;

(c) The Nasdaq system will stimulate increased demand for the Securities and result in greater liquidity for the Company's shareholders; and

(d) The firm making a market in the Securities on Nasdaq will be more likely to issue research reports on the Company, which will increase the availability of information about the Company and the Securities and enhance the Company's visibility to investors.

Any interested person may, on or before May 18, 1995, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–10854 Filed 5–2–95; 8:45 am]

BILLING CODE 8010–01–M

[Rel. No. IC–21032; File No. 812–9270]

Equitable Variable Life Insurance Company, et al.

April 26, 1995.

AGENCY: Securities and Exchange Commission (the ''SEC'' or the ''Commission'').

ACTION: Notice of application for an order under the Investment Company Act of 1940 (the ''1940 Act'').

APPLICANTS: Equitable Variable Life Insurance Company (''Equitable Variable''), Separate Account FP of Equitable Variable Life Insurance Company (the ''Account''), and Equico Securities, Inc. (''Equico'').

RELEVANT 1940 ACT SECTION AND RULE: Order requested under Section 6(c) of the 1940 Act for exemptions from Section 27(a)(3) thereof and subsections (b)(13)(ii) and (d)(1)(ii)(A) of Rule 6e–3(T) thereunder.

SUMMARY OF APPLICATION: Applicants seek an order to permit Equitable Variable to make available an Accounting Benefit Rider (''the Rider'') to certain flexible premium variable life insurance policies (''Policies'') it currently issues. The Rider permits the waiver of specified percentages of a Policy's contingent deferred sales charge during the early policy years. The Rider is designed to minimize the negative impact to earnings that results under generally accepted accounting principles in connection with the purchase of a Policy.

FILING DATE: The application was filed on October 4, 1994, and amended and restated on April 17, 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 Secretary of the Commission and serving the

Applicants with a copy of the request, personally or by mail. Hearing requests must be received by the Commission by 5:30 p.m., on May 22, 1995, and should be accompanied by proof of service on the 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 Secretary of the Commission.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Equitable Variable and the Account, 787 Seventh Avenue, New York, NY 10019. Equico, 1755 Broadway, New York, NY 10019.

FOR FURTHER INFORMATION CONTACT: Patrice M. Pitts, Special Counsel, or Wendy Finck Friedlander, Deputy Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the Commission.

Applicants' Representations

1. Equitable Variable is a stock life insurance company organized in 1972 under the laws of the State of New York.

2. Equitable Variable established the Account as a segregated investment account in 1985, pursuant to the insurance laws of New York, for the purpose of funding variable life insurance policies, including the Policies.[1] The Account is registered with the Commission as a unit investment trust under the 1940 Act. Equitable Variable is the depositor of the Account.

3. Equico is registered as a broker-dealer under the Securities Exchange Act of 1934. Equico distributes the variable life insurance policies funded by the Account, including the Policies.

4. Equitable Variable deducts a monthly administrative expense charge and cost of insurance charges from the Policy account value, and reserves the right to assess a charge for transfers among the various investment options available under the Policies. In addition to deductions made from premiums and Policy account value, Equitable Variable assesses a charge against the assets of the Account for mortality and expense risks borne by it under the Policies. All administrative and other charges in connection with the Policies will comply with all applicable requirements of Rule 6e–3(T) under the 1940 Act, subject only to the relief requested in this application.

5. Among the charges assessed under the Policies are: (a) A premium sales charge deducted either on a front-end or a deferred basis (the ''Premium Sales Charge''); and (b) a contingent deferred sales charge (the ''Surrender Charge''). The guaranteed maximum Premium Sales Charge is 6% of each premium payment (some Policies have lower guaranteed maximums). On a current basis, Equitable Variable intends to limit the cumulative Premium Sales Charge on the IL 2000 and IL Plus Series to less than the guaranteed maximum.[2]

6. The Rider provides that, upon surrender of a Policy: (a) All or a portion of the deductions from premiums (charge for premium taxes and Premium Sales Charge) will be refunded if the Policy deducts the Premium Sales Charge;[3] and (b) all or a portion of the Surrender Charge (and, in the case of the IL Plus Series, the administrative surrender charge) will be waived if the Policy is surrendered during the early policy years. The amount refunded or waived decreases proportionately in each of the second through sixth policy years as follows:

Surrender in policy year	Percent of premium deductions refunded	Percent of surrender charges waived
1	100	100
2	67	80
3	33	60
4	0	40
5	0	20
6 and later	0	0

7. Applicants represent that the net effect of implementation of the Rider is to reduce the amount of sales charges that would otherwise be applicable during the early policy years. Applicants further represent that, because the waiver percentages under the Rider decrease in each of the second through the sixth policy years, implementation of the Rider could cause a policyowner to pay proportionately more Surrender Charge than would have been paid had the Policy been surrendered in a preceding policy year.

8. There is no specific fee or charge related to the Rider.[4] Equitable Variable intends to make the Rider available with Policies purchased through corporations or partnerships under the following circumstances:[5] (a) A minimum of five lives are insured; (b) proposed insureds are highly compensated; (c) the Policies have an average Face Amount of at least $500,000;[6] (d) the initial premium payment is made with corporate or partnership funds; and (e) the aggregate annualized first year premium for all Policies is at least $150,000.

9. In Equitable Variable's experience, policyowners of the type to which the Rider will be available are unlikely to surrender their Policies within the five-year period during which the Rider is operative. Applicants represent that the amount of the Surrender Charge has not been increased to compensate for the fact that, because of the Rider, not all Policies will be subject to the full Surrender Charges that otherwise would apply.

Applicants' Legal Analysis

1. Section 27(a)(3) of the 1940 Act provides, in effect, that the amount of sales Charge deducted from any of the first twelve monthly payments of a periodic payment plan certificate may not exceed proportionately the amount deducted from any other such payment, and that the amount deducted from any subsequent payment may not exceed proportionately the amount deducted from any other subsequent payment. This prohibition is referred to commonly as the ''stair-step'' rule.

2. Applicants request an exemption from the stair step requirements of Section 27(a)(3) and Rule 6e–3(T)(b)(13)(ii) and (d)(1)(ii)(A) to the extent necessary because, until the seventh policy year, the Rider could cause a policyowner to pay proportionately more Surrender Charge than would have been paid had the Policy been surrendered in a preceding policy year. Applicants submit that the requested relief is necessary only because they have reduced the amount of the Surrender Charge otherwise payable under the Policy during the early policy years, a procedure they contend is favorable to policyowners.

3. Subsection (b)(13)(ii) of Rule 6e–3(T) under the 1940 Act, in pertinent part, provides an exemption from Section 27(a)(3), provided that the proportionate amount of sales charge

[1] The Policies shall be referred to more specifically herein as the ''IL 2000 Series,'' The ''IL Plus Series,'' and the ''COLI Series.'' The relevant file numbers are 33–40590 (IL 2000 Series) and 33–83948 (IL Plus and COLI Series).

[2] Under the COLI Series, the Premium Sales Charge is deducted on a deferred basis from Policy account value rather than from gross premium.

[3] No deductions from premium are refunded under a Policy that provides for deferred deduction of the Premium Sales Charge.

[4] The provisions of the Rider are incorporated into the contract form for the COLI Series. The term ''Rider'' as used herein, includes the provisions of the COLI Series contract.

[5] These requirements may vary in certain states.

[6] This criterion does not apply to the COLI Series.

deducted from any payment does not exceed the proportionate amount deducted from any prior payment. This general proviso holds true unless the increase in sales load deduction is caused by reductions in the annual cost of insurance or reductions in sales load for amounts transferred to a variable life insurance policy from another plan of insurance. Applicants represent that neither exception applies in the present case.

4. Subsection (d)(1) of Rule 6e–3(T) provides relief similar to that provided by subsection (b)(13)(ii), but for sales charges deducted from other than premiums, and provided that the sales load deducted pursuant to any method permitted thereunder does not exceed the proportionate amount of sales load deducted prior thereto pursuant to the same method. Applicants represent that the express language of subsection (d)(1)(ii)(A) prohibits the actual deduction of proportionately greater amounts.

5. Applicants represent that although the Rider causes the Surrender Charge to increase over a limited period of time, the actual amount of the Surrender charge deducted in connection with the IL 2000 Series and the IL Plus Series never is proportionately greater than any Surrender Charge deducted prior thereto, because either: (a) There has been no prior Surrender Charge deduction; or (b) the prior deduction resulted from a face amount decrease to which the Rider does not apply, with the result that the Surrender Charge percentages applicable to the decrease are the higher percentages specified in the Policy.

6. Applicants state that, unlike under the IL 2000 Series and the IL Plus Series, however, under the COLI Series, the Rider applies to amounts of Surrender Charges imposed upon decreases in the face amount. Therefore, the effective rate of a Surrender Charge imposed upon a decrease in the face amount under the COLI Series during the first five Policy years may be lower than the Surrender Charge applicable to a later decrease in the face amount, surrender, or termination of a Policy. Applicants represent that this phenomenon results solely from the fact that the Rider—which is beneficial to policyowners—applies to decreases in face amount (as well as surrenders and Policy termination) under the COLI Series.

7. Applicants assert that Section 27(a)(3), in conjunction with the other sales charge limitations in the 1940 Act, was designed to address the perceived abuse of periodic payment plan certificates that deducted large amounts of front-end sales charges so early in the life of the plan that an investor redeeming in the early periods would recoup little of his or her investment. Applicants contend that waiver of an amount of Surrender Charge otherwise payable under the Policy upon surrender through operation of the Rider does not present the abuses addressed in Section 27(a)(3); indeed, operation of the Rider could further the purposes of the 1940 Act.

8. Applicants also assert that one purpose behind Section 27(h)(3) of the 1940 Act, a provision similar to Section 27(a)(3), is to discourage unduly complicated sales charges. Applicants submit that this also may be deemed to be a purpose of Section 27(a)(3) and subsections (b)(3)(ii) and (d)(1) of Rule 6e–3(T). Applicants submit that the variation to the Policies' sales charge structure effected by the Rider is relatively straightforward and easily understood, as compared to that of many other variable life insurance Policies currently being offered. Moreover, Applicants represent that eligible policyowners will benefit from the sales charge structure effected by the Rider, and that the prospectuses for the Policies, or supplements thereto, will contain disclosure informing prospective eligible policyowners of the effect of the Rider on the sales charges under the Policies.

Applicants' Conclusion

Applicants submit that, for the reasons and based upon the facts set forth above, the requested exemptions from Section 27(a)(3) of the 1940 Act and subsections (b)(13)(ii) and (d)(1)(ii)(A) of Rule 6e–3(T) under the 1940 Act—to permit Equitable Variable to make a Rider available under the Policies—meet the standards of Section 6(c) of the 1940 Act. In this regard, Applicants submit that the exemptions are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by 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. 95–10797 Filed 5–2–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35653; File No. SR–NYSE–95–09]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Entry of Limit-at-the-Close Orders

April 27, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''), 15 U.S.C. 78s(b)(1), notice is hereby given that on March 3, 1995, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule change, and on April 18, 1995, filed Amendment No. 1 to the proposed rule change,[1] as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. 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 proposed rule change would provide for a one-year pilot for the entry of limit-at-the-close (''LOC'') orders[2] to offset a market-at-the-close (''MOC'') order[3] imbalance of 50,000 shares or more in all stocks for which MOC order imbalances are published.

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 self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] Amendment No. 1 made non-substantive, clarifying changes to the proposal. See Letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Glen Barrentine, Team Leader, SEC dated April 17, 1995.

[2] A LOC order is a limited price order entered for execution at the closing price if the closing price is within the limit specified. See Securities Exchange Act Release No. 33706 (March 3, 1994), 59 FR 111093.

[3] A MOC order is a market order to be executed in its entirety at the closing price on the Exchange. See NYSE Rule 13.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to expand the universe of stocks in which LOC orders may be entered to all stocks for which MOC imbalances are published pursuant to such procedures regarding time of order entry and order cancellation as the Exchange may establish from time to time. The Exchange intends to keep the 3:55 p.m. cutoff time for the entry of LOC orders, except to correct a bona fide error. On expiration days,[4] LOC orders will continue to be irrevocable after 3:40 p.m., except to correct a bona fide error. For non-expiration days, cancellation of LOC orders would be prohibited after 3:55 p.m., except to correct errors.

In SR–NYSE–92–37, the Exchange filed a proposed amendment to Exchange Rule 13 to provide that LOC orders may be entered to offset published imbalances of MOC orders of 50,000 shares or more in stocks selected from the expiration day pilot stocks.[5] The Commission approved this proposal on a 15-month pilot basis through July 15, 1995.[6]

The LOC pilot currently consists of only five of the expiration day ''pilot stocks.'' Thus far, the LOC order type has been used rarely. Members cite the limited number of stocks for which this order type may be entered as a primary reason for not committing resources to effect system program changes necessary to support this order type.

The Exchange believes that by expanding the universe of eligible LOC stocks, the Exchange will make it more feasible for member firms to effect the systems changes required to use this order type. The Exchange is therefore proposing to expand the pilot to permit the entry of LOC orders to offset a MOC order imbalance of 50,000 shares or more in all stocks for which MOC order imbalances are published.[7]

The Exchange believes that the LOC order type may be a useful means to help address the prospect of excess market volatility that may be associated with an imbalance of MOC orders at the close. Therefore, the Exchange believes it is appropriate to expand the current pilot for LOC orders to all stocks for which MOC imbalances are published and to extend the pilot for LOC orders one year from the date of approval of this proposed rule change.[8]

2. Statutory Basis

The basis under the Act for this proposed rule change is the requirement under Section 6(b)(5) that an Exchange have rules that are designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposed rule change perfects the mechanism of a free and open market by providing investors with the ability to use LOC orders as a vehicle for managing risk at the close.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the proposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such other period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve the 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 date, 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 at 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 the NYSE. All submissions should refer the File No. SR–NYSE–95–09 and should be submitted by May 24, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–10853 Filed 5–2–95; 8:45 am]

BILLING CODE 8010–01–M

[4] The term ''expiration days'' refers to both (1) the trading day, usually the third Friday of the month, when some stock index options, stock index futures and options on stock index futures expire or settle concurrently (''Expiration Fridays'') and (2) the trading day on which end of calendar quarter index options expire (''QIX Expiration Days'').

[5] The Expiration Friday pilot stocks consist of the 50 most highly capitalized Standard & Poors (''S&P'') 500 stocks and any component stocks of the Major Market Index (''MMI'') not included therein. The QIX Expiration Day pilot stocks consist of the 50 most highly capitalized S&P 500 stocks, any component stocks of the MMI not included therein and the 10 highest weighted S&P Midcap 400 stocks.

[6] See Securities Exchange Act Release No. 33706 (March 3, 1994), 59 FR 11093.

[7] Currently, MOC imbalances are published for pilot stocks on expiration days and non-expiration days. In addition, on non-expiration days, MOC imbalances are published for stocks that are being added to or dropped from an index and, upon the request of a specialist, any other stock with the approval of a Floor Official. See Securities Exchange Act Release No. 35589 (April 10, 1995), 60 FR 19313.

[8] Given the limited use of the LOC order type in the current pilot for five stocks, the Exchange proposes that the existing pilot be replaced with the one year pilot for LOCs in all stocks proposed herein.

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2769]

Oklahoma; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on April 26, 1995, I find that Oklahoma County in the State of Oklahoma constitutes a disaster area due to damages caused by an explosion at the Alfred P. Murrah Federal Building in Oklahoma City on April 19, 1995. Applications for loans for physical damages may be filed until the close of business on June 24, 1995, and for loans for economic injury until the close of business on January 26, 1996, at the address listed below:

U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon

Carter Blvd., Suite 102, Ft. Worth, TX 76155

or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the contiguous counties of Canadian, Cleveland, Kingfisher, Lincoln, Logan and Pottawatomie in the State of Oklahoma may be filed until the specified date at the above location.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere.	8.000
Homeowners Without Credit Available Elsewhere.	4.000
Businesses With Credit Available Elsewhere.	8.000
Businesses and Non-Profit Organizations Without Credit Available Elsewhere.	4.000
Others (Including Non-Profit Organizations) With Credit Available Elsewhere.	7.125
For Economic Injury: Businesses and Small Agricultural Cooperatives Without Credit Available Elsewhere.	4.000

The number assigned to this disaster for physical damage is 276904 and for economic injury the number is 850400.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008).

Dated: April 26, 1995.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 95–10805 Filed 5–2–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. 49844]

RIN 2105–AC19

Statement of United States International Air Transportation Policy

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice.

SUMMARY: This notice sets forth a statement of U.S. international air transportation policy.

FOR FURTHER INFORMATION CONTACT: William Boyd, Office of International Aviation, Office of the Assistant Secretary for Aviation and International Affairs, U.S. Department of Transportation, 400 7th Street SW., Room 6412, Washington, DC 20590, (202) 366–4870; or Patricia N. Snyder, Office of International Law, Office of the General Counsel, U.S. Department of Transportation, 400 7th Street SW., Room 10105, Washington, DC 20590. (202) 366–9179.

SUPPLEMENTARY INFORMATION: This statement of U.S. international air transportation policy, which was developed by the Department of Transportation in consultation with the Department of State and other executive agencies, sets forth objectives and guidelines for use by U.S. Government officials in carrying out U.S. international air transportation policy. It was first published in the **Federal Register** on November 7, 1994 to enable interested persons to comment.[1] On January 6, 1995, the Department asked for comments on a related report prepared for the Office of the Secretary titled ''A Study of International Airline Code Sharing.''[2] After reviewing the comments received on the policy statement and on the code sharing study, the Department of Transportation and other agencies have adopted the following final international air transportation policy statement.

United States International Air Transportation Policy

Introduction

The availability of efficient international air transportation will greatly enhance the future expansion of international commerce and the development of the emerging global marketplace. Worldwide, travelers and shippers are demanding more and better quality service to more places. U.S. and foreign airlines are responding to this demand by expanding traditional forms of service and by developing new and innovative services. Increased demand and the variety of carrier responses to it challenge the existing intergovernmental system's ability to ensure the development of a competitive air transportation system that meets the needs of the rapidly evolving, expanding and increasingly integrated international aviation marketplace. In many cases, existing bilateral agreements impede the growth of the marketplace.

We must address the challenges presented by these rapid changes to meet our future civil and military air transportation needs, and to provide our aviation industry with the environment and the opportunities that will enable it to grow and compete effectively in the world market. This policy statement outlines our approach to addressing those challenges.

Our Goal

Safe, Affordable, Convenient and Efficient Air Service for Consumers

As established in our last aviation policy statement in 1978, our overall goal continues to be to foster safe, affordable, convenient and efficient air service for consumers. We continue to believe that the best way to achieve this goal is to rely on the marketplace and unrestricted, fair competition to determine the variety, quality, and price of air service. We believe that this approach will provide consumers and shippers with more and better service options at costs that reflect economically efficient operations and work best to:

- Expand the international aviation market;
- Increase airlines' opportunities to expand their operations;
- Increase productivity and high-quality job opportunities within the aviation industry;
- Address the nation's defense air transportation needs; and
- Promote aerospace exports and general economic growth.

Changing Environment

Growing economic interdependence among nations—the ''globalization'' of the world economy—has expanded demand for convenient, reliable and affordable international air service. Demand for international service is growing faster than demand for U.S. domestic service, and most major U.S. airlines are now providing and planning to expand international operations. Between 1983 and 1993, the international component of U.S. airlines' route networks, measured in revenue passenger miles (RPMs), grew from around 16% to over 27%. U.S. airline revenues from international air service nearly tripled from $6.3 billion to $17.6 billion. Moreover, forecasts indicate that U.S. carrier international traffic, measured by RPMs, will increase to almost one-third of their total system traffic by the year 2000.

Just as important, the pattern of demand for international service has changed considerably. First, the regional distribution of U.S. carriers' international revenues has changed dramatically, as the primary focus of carriers' expansion moved beyond Europe to meet new demand in the emerging markets of Asia, the Pacific

[1] An earlier statement of international air transportation policy and our request for comments on the statement was published at 59 FR 55523, Nov. 7, 1994.

[2] Our request for comments on the code sharing study was published at 60 FR 2171, Jan. 6, 1995.

Rim and Latin America. In 1983, the Atlantic accounted for 48% of our carriers' international revenues, while the Pacific accounted for 32%. By 1993, the Pacific had grown to 46% while the Atlantic was only 37%. The fastest growing sectors of the international aviation market are new and relatively undeveloped markets. During this same period, revenues in the Pacific grew 286%, in Latin America 151% and in Europe 116%. Second, from 1983 to 1993, the number of international aviation city-pair markets in which U.S. airlines participate has grown by more than a third, reflecting the major expansion of air service and carrier networks throughout the world and the increased dispersion of demand. Many of these city-pair markets are relatively small, generating only a few passengers per day.

Towards a Globalized Aviation Industry

The rapid growth of demand for international air service and the wider dispersion of traffic in city-pair markets are primary factors influencing the development of the air service industry. Carriers are increasingly finding that they cannot remain profitable unless they can respond to this changed demand. To compete effectively, carriers today must have unrestricted access to as many markets and passengers as possible.

To meet demand and to improve their efficiency, many carriers are developing international hub-and-spoke systems that permit them to combine traffic flows from many routes (the ''spokes'') at a central point (the ''hub'') and transport them to another point either directly or through a hub in another region. Just as U.S. carriers developed hub-and-spoke systems to tap the broad traffic pool in the domestic market and to provide the most cost-efficient service for hundreds of communities that could not support direct service, international air carriers are developing world-wide hub-and-spoke systems to tap the substantial pool of international city-pairs. Internationally, an even larger portion of traffic moving over hub-and-spoke systems will require the use of at least two hubs (*e.g.*, a hub in both the U.S. and Europe for a passenger moving from an interior U.S. point to a point beyond the European hub). This increases the complexity and interdependence of the components of the system (both the spokes and hubs) and the importance of multinational traffic rights to the success of the system.

As a result, carriers wishing to establish global networks require a higher quality and quantity of supporting route authority than they have sought in the past. Airlines will become increasingly concerned with every market that enables them to flow passengers over any part of their system network. These airlines will be looking for broad, flexible authority to operate beyond and behind hub points, in addition to the hub-to-hub market between two countries. At present, governments operating in a bilateral context naturally focus on opportunities for their respective carriers to serve the local market between their two countries. In a bilateral context, services destined for or coming from third countries receive less consideration. In the future, governments will have to adjust their focus to bargain for the bundles of rights that will permit airlines to develop global networks.

Carriers can either serve markets themselves (direct service) or provide service through commercial arrangements with other carriers (indirect service), whether on a traditional interline connecting basis or under a closer commercial agreement between the carriers, such as code sharing. Carriers will develop service products—single-plane, on-line connecting, interline connecting, joint service—that respond to the preferences of the traveling public as measured by passenger willingness to pay for differences in the quality of service and that take into account their cost structure and market strategy. To the greatest extent possible, airlines should be free to set prices and offer various service products in response to passenger preferences.

Significant challenges face carriers wishing to develop international networks using their own direct services. They need:

- Substantial access not only to key hub cities overseas, but also through and beyond them to numerous other cities, mostly in third countries. This type of access is not readily obtainable in today's bilateral system of negotiating air rights, since governments can only exchange access rights to their own countries and cannot, between themselves, deliver access to third countries, thus requiring piecemeal negotiating efforts to build the necessary package of rights;
- Access to a large number of gates and takeoff/landing slots, frequently at some of the world's most congested airports. It may become increasingly difficult for carriers to gain effective, direct access to certain airport facilities, including some in the United States;
- Considerable financial resources to establish and sustain commercially successful overseas hub systems; and
- The ability to obtain infrastructure and establish market presence in a new region quickly. Existing foreign investment laws can effectively preclude airlines from entering new markets in one of the most efficient means available: merger or acquisition.

Some carriers are taking on these challenges directly and are striving to develop their own global systems of direct service. Other carriers have chosen to side-step the obstacles, turning instead to a new network-building technique: Cross-border marketing alliances that link traffic flows between established hub-and-spoke systems in key cities of the Western Hemisphere, Europe and Asia. Some of these alliances involve cross ownership, while others do not. Under this strategy, the linking of hubs requires indirect market access through code-sharing or other cooperative marketing arrangements. Although code sharing has become a widely-used marketing device for airlines and is currently the most prevalent form of commercial arrangement, further evolution of the industry and its regulatory environment may lead to new marketing practices that could supplement or supplant code sharing.

Code sharing and other cooperative marketing arrangements can provide a cost-efficient way for carriers to enter new markets, expand their systems and obtain additional flow traffic to support their other operations by using existing facilities and scheduled operations. Because these cooperative arrangements can give the airline partners new or additional access to more markets, the partners will gain traffic, some stimulated by the new service, and some diverted from incumbents. In this way, cooperative arrangements can enhance the competitive positions of both partners in such a relationship.

Increased international code sharing and other cooperative arrangements can benefit consumers by increasing international service options and enhancing competition between carriers, particularly for traffic to or from cities behind major gateways. By stimulating traffic, the increased competition and service options should expand the overall international market and increase overall opportunities for the aviation industry. U.S. airlines should be major beneficiaries of this expansion and the concomitant increased service opportunities, given their competitive advantages.

Moreover, code sharing should also enhance domestic competition. Many

international passengers traveling to or from U.S. interior cities use domestic services for some portion of their international journey. Code sharing should increase competition among domestic carriers to carry those passengers on the domestic segment of their international journey.

Although we expect the expansion of cooperative arrangements to be largely beneficial, there may be some negative effects. The greater traffic access of participants may give them considerable competitive muscle, and we may need to watch for harmful effects on competition. In addition, cooperative arrangements may affect the availability of civil aircraft to meet emergency airlift requirements. Our national defense establishment relies on U.S. civil aircraft committed to the Civil Reserve Air Fleet program to respond to worldwide crises. As set forth in our National Airlift Policy, the global mobility needs of our national defense establishment, and ensuring that the nation's defense air transportation needs are met during peace and contingency operations, are important considerations.

Global systems and the growing use of code sharing may put significant competitive pressure on carriers whose strategy does not include participation in such systems or in code-sharing alliances, or whose options to participate may be limited due to the lack of potential partners. Such carriers will have to develop other commercial responses to compete effectively. We expect these pressures and responses to lead to a restructuring of service and airlines, similar to the U.S. domestic experience in the 1980s. Overall, cities and consumers will probably enjoy improved service and access to the international transportation system, although some cities may have fewer or less convenient service options in some markets than they have today. Similarly, although some airlines will grow and prosper, others will not. Moreover, we recognize that the balance of benefits in any particular alliance will depend on the specific structure of that arrangement between the partners. Overall, this evolution should expand the level and quality of international air service for consumers.

Code-sharing arrangements are designed to address the preference of passengers and shippers for on-line service from beginning to end through coordinated scheduling, baggage- and cargo-handling, and other elements of single-carrier service. However, innovative service products, such as code sharing, can only respond to consumer preferences accurately, and thereby enable the marketplace to function efficiently, if consumers make choices based on full information. Therefore, we must ensure that airlines give consumers clear information about the characteristics of their service product, and that consumers can distinguish between code sharing and other forms of service.

In addition to the two types of global networks (sole-carrier systems and joint carrier systems), there will continue to be a role for air services outside of global networks. The U.S. experience with deregulation indicates that—absent legal barriers to entry—specialized competitors will enter the market and discipline the pricing and service behavior of the larger network operators. The introduction of technologically advanced aircraft such as the B–767, the MD–11 and the B–777 make direct service on longer or thinner routes economically viable. Moreover, airlines can viably serve heavily traveled routes with point-to-point service.

In short, as indicated by our domestic experience, a variety of service forms—global networks with carriers participating either as the sole provider or as participant in a joint network, and regional niche carriers—can exist in the international aviation market and the competition among these services will enhance consumer benefits through efficient operations and low fares. Thus, our international aviation strategy should provide opportunities for all of these forms of service so that we realize the benefits from maximum competition among them.

Our airlines are well positioned to be primary participants in all aspects of the future global marketplace. In recent years, our largest domestic carriers have become our primary international carriers, replacing specialized international operators. After operating in a deregulated domestic market for more than 15 years, our carriers have developed operating efficiencies that give them a cost advantage over their major foreign competitors. Moreover, the financial positions of our carriers are improving due to their cost-cutting measures and improving economic conditions. Coupled with their cost efficiencies, their improving financial status will further enhance their competitive capabilities. Over time, however, trends toward privatization and increased productivity of major foreign competitors may affect the current cost advantage U.S. airlines enjoy. We must try to provide our carriers with the flexible rights and economic environment that will enable them to respond to the dynamics of the marketplace.

Intergovernment Aviation Relations

International air services between two nations have traditionally been conducted pursuant to bilateral agreements. The U.S. National Commission to Ensure a Strong Competitive Airline Industry and the European Union's Comité des Sages for Air Transport have both recognized that the bilateral system is limited in its ability to encompass the broad, multinational market access required by the new global operating systems. Consequently, progress in developing global networks has been and will be extremely fragmented and may preclude or limit the development of efficient operations. We must consider alternative forums for international aviation negotiations and agreements in which we can obtain the necessary broad access rights. We should examine the feasibility of achieving multilateral air service agreements among trading partners. Although such negotiations may be more complex and difficult because of the number of parties involved, they should be undertaken when they present a reasonable prospect for further liberalization.

Moreover, some governments are taking steps to enhance their airlines' positions both by restricting the development of new, competitive services and by trying to overcome, through government fiat, their carriers' cost disadvantages that make it difficult for them to compete against U.S. airlines in a free market. These efforts underlie many of the disputes we face in international negotiations today.

Such countries are responding to the highly competitive integrated and global air transportation market, in which their airlines may not be fully prepared to compete. Most foreign airlines are only beginning to adapt to the more competitive operating environment through such mechanisms as streamlining costs and realigning their operations to achieve greater productivity and operating economies. For state-owned airlines, privatization is an important initial step as it will lead those airlines to develop cost-efficient operations and, in the longer term, to expand their markets. These governments also may be reacting to the U.S. airlines' recent operating successes in the international aviation market, which are largely attributable to the U.S. airlines' productivity and competitive gains.

Some national governments continue to give their national airlines financial aid. Some also distort the marketplace by permitting their national airlines to maintain ground-handling and other

monopolies, by denying airlines access to necessary airport facilities, or by allowing user fees that equalize cost differentials between carriers. These actions distort competition and deprive the aviation system and consumers of the benefits that greater cost efficiency and lower prices would encourage. In the long run, these efforts will work against the overall best interest of the world economy. Moreover, they will be unsuccessful in providing long-term protection against the developing global aviation systems because no individual government can control all facets of its airlines' marketplace.

U.S. Objectives

We have outlined above our expectations about the future of the world air transportation industry and the role of U.S. airlines. We expect that international operations will depend more on traffic flows from multiple countries. In light of our goals, recent developments in the market and industry, and the positions and actions of our trading partners, we have designed our international aviation strategy to meet the following objectives:

- Increase the variety of price and service options available to consumers.
- Enhance the access of U.S. cities to the international air transportation system.
- Provide carriers with unrestricted opportunities to develop types of service and systems based on their assessment of marketplace demand:

—These opportunities should include unrestricted rights for airlines to operate between international gateways by way of any point and beyond to any point, at the discretion of airline management. Carriers should be able to pursue both direct service using their own equipment and indirect service through commercial relationships with other carriers;

—Service opportunities should not be restricted in any manner, such as restrictions on frequencies, capacity or equipment, so that carriers may provide levels of service commensurate with market demand;

—Carriers' ability to set prices should also be unrestricted to create maximum incentives for cost efficiencies and to provide consumers with the benefits of price competition and lower fares; and

—These opportunities should apply not only to scheduled passenger services, but also to cargo and charter opportunities, because of their growing importance to the world's economy. We have long recognized the significant differences among these types of operations. In particular, air cargo services have specific qualities and requirements that are significantly different from the passenger market. We will continue to follow our longstanding policy of seeking an open, liberal operating environment to facilitate the establishment and expansion of efficient, innovative and competitive air cargo services.

- Recognize the importance of military and civil airlift resources being able to meet defense mobilization and deployment requirements in support of U.S. defense and foreign policies.
- Ensure that competition is fair and the playing field is level by eliminating marketplace distortions, such as government subsidies, restrictions on carriers' ability to conduct their own operations and ground-handling, and unequal access to infrastructure, facilities, or marketing channels.
- Encourage the development of the most cost-effective and productive air transportation industry that will be best equipped to compete in the global aviation marketplace at all levels and with all types of service:

—Infrastructure needs should be addressed and unnecessary regulatory barriers eliminated.

—Privately held airlines have better incentives to reduce costs and respond to public demand. Therefore, as we have in the past, we will be supportive of governments wishing to privatize their airlines so that their privatization efforts will be successful; and

—Reduce barriers to the creation of global aviation systems, such as limitations on cross-border investments wherever possible.

Plan of Action

We recognize that considerable time and effort will be required to achieve an open aviation regime worldwide. We can get there by making a concerted effort to eliminate the obstacles to that regime and by taking a more strategic and long-term approach to our overall international aviation policies. At a minimum, we must increase our focus on emerging markets and their contribution to global networks; build a coalition of like-minded trading partners committed to the principles of free trade in aviation services; work closely with our trading partners to address their concerns; develop new incentives for encouraging market reform, such as increased opportunities for cross-border investment in airlines; and devise alternatives to the bilateral aviation system for achieving our objectives. We are launching our new initiatives to create freer trade in aviation services by taking the following steps:

- Extend invitations to enter into open aviation agreements to a group of countries that share our vision of liberalization and offer important flow traffic potential for our carriers even though they may have limited Third and Fourth Freedom traffic potential. This would assist the development of global systems and increase the momentum for further worldwide liberalization.
- Give priority to building aviation relationships between the United States and potential growth areas in Asia, South America and Central Europe. This recognizes the importance of these trading partners and the need to provide air transportation to support those developing trade markets. It will also make available new markets to build global networks.
- Renew efforts to achieve liberal agreements with trading partners with which our aviation relationships lag behind those of our general trade advancements, as we have done successfully with Canada.
- Emphasize the importance of sound economic analysis based on sufficient data in developing policies and strategies for achieving our overall aviation goals. This will enable us to remain focused on the overall strategic objectives, understand developments in the industry and market, and plan for the future.
- Seek changes in U.S. airline foreign investment law, if necessary, to enable us to obtain our trading partners' agreement to liberal arrangements to the extent it is consistent with U.S. economic and security interests.
- Increase our efforts to reach out to Congress and constituent groups, such as consumers, corporations with international perspectives (aircraft manufacturers, telecommunications, travel and tourism industries), cities, airports, airlines, labor and travel agents to learn their anticipated needs over a 3–5 year period. This will provide us with valuable information for developing our positions, as well as enlisting their support in pushing for greater liberalization.
- Establish stronger connections among U.S. government agencies whose functions are to promote U.S. business and trade interests (e.g., Departments of Commerce, State, and Transportation, Office of the United States Trade Representative, and the Export/Import Bank) as well as the Department of Defense, to ensure that we share a single vision of the future global marketplace

while meeting national security requirements.

Given the diverse positions of our trading partners and their varying degrees of willingness to liberalize aviation relations, we must also have a strategy for dealing with countries that are not prepared or willing to join us in moving quickly to an unrestricted air service regime. Our approach is a practical one: It proposes to advance the liberalization of air service regimes as far as our partners are willing to go, and to withhold benefits from those countries that are not willing to move forward. Specifically, we will pursue the following strategy:

1. We will offer liberal agreements to a country or group of countries if it can be justified economically or strategically. We will view economic value more broadly than we have in the past, in terms of both direct and indirect access and in terms of potential future development. Moreover, there may be strategic value in adopting liberal agreements with smaller countries where doing so puts competitive pressure on neighboring countries to follow suit.

2. We recognize that some countries believe that they can resist the trend of economic forces and continue to control access to their markets tightly. We believe that they cannot, and that attempts to do so will ultimately fail. Nevertheless, we will work with these countries to develop alternatives that address their immediate concerns where this will advance our international aviation policy objectives. We will examine alternative approaches that may include departing from established methods of negotiation (perhaps negotiations with two or more trading partners); trying to develop service opportunities for the foreign airline to make service to the U.S. more economically advantageous for it; and continuing our efforts to help those governments and their constituencies appreciate the benefits that unrestricted air services can bring to their economies and industries.

While we work with such countries, we can consider, in the interim, transitional or sectoral agreements.

Transitional agreements—Under this approach, we would agree to a specified phased removal of restrictions and liberalization of the air service market. This approach contemplates that both sides would agree, from the beginning, to a completely liberalized air service regime that would come into effect at the end of a certain period of time.

Sectoral agreements—Traditionally, aviation agreements have covered all elements of air transportation between two countries. However, as a first step, we can consider agreements that eliminate restrictions only on services in specific aviation sectors, such as air cargo or charter services.

3. For countries that are not willing to advance liberalization of the market, we will maintain maximum leverage to achieve our procompetitive objectives. We can limit their airlines' access to the U.S. market and restrict commercial relations with U.S. airlines. When airlines request authority to serve restricted bilateral markets that is not provided for under an international agreement, we will consider their requests on a case-by-case basis in light of all our policy objectives, including, inter alia:

- Whether approval will increase the variety of pricing and service options available to consumers;
- Whether approval will improve the access of cities, shippers and travelers to the international air transportation system;
- The effect of granting code-sharing authority on the Civil Reserve Air Fleet program;
- The effect of the proposed transaction on the U.S. airline industry and its employees. In this regard, we will ascribe greater value to code-sharing arrangements where U.S. airlines provide the long-haul operations. We will also recognize the greater economic value of such arrangements where the services connect one hub to another; and
- Whether the transaction will advance our goals of eliminating operating and market restrictions and achieving liberalization.

If aviation partners fail to observe existing U.S. bilateral rights, or discriminate against U.S. airlines, we will act vigorously, through all appropriate means, to defend our rights and protect our airlines.

Conclusion

We are living through a period in which international aviation rules must change. Privatization, competition, and globalization are trends fueled by economic and political forces that will ultimately prevail. Governments and airlines that embrace these trends will far outpace those that do not. The U.S. government will be among those that embrace the future.

Authority citation: 49 U.S.C.40101, 40113, 41102, 41302, and 41310.

Dated: April 25, 1995.

Patrick V. Murphy,

Acting Assistant Secretary for Aviation and International Affairs, Department of Transportation.

[FR Doc. 95–10584 Filed 5–2–95; 8:45 am]

BILLING CODE 4910–62–P

[Docket No. 50315]

Study of Gambling on Commercial Aircraft

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of request for comments on study of gambling on commercial aircraft.

SUMMARY: This notice sets forth the elements of an ongoing study of gambling on commercial aircraft. This notice is being published to provide interested persons an opportunity to provide comments on specific questions important to the study.

DATES: Comments must be received no later than May 31, 1995.

ADDRESSES: Comments should be sent to the Docket Clerk, Docket 50315, Department of Transportation, 400 7th Street SW., Plaza 401, Washington, DC 20590. To facilitate consideration of the comments, we ask commenters to file eight copies of each comment. We encourage commenters who wish to do so also to submit comments to the Department through the Internet; our Internet address is dot__dockets@postmaster.dot.gov.[1] However, at this time the Department considers only the paper copies filed with the Docket Clerk to be the official comments. Comments will be available for inspection at this address from 9:00 a.m. to 5:00 p.m., Monday through Friday. Commenters who wish the Department to acknowledge the receipt of their comments should include a stamped, self-addressed postcard with their comments. The Docket Clerk will date-stamp the postcard and mail it back to the commenter.

FOR FURTHER INFORMATION CONTACT: James H. New, II, Office of Planning and Special Projects, Office of the Secretary, U.S. Department of Transportation, 400 7th Street SW., Room 9215A, Washington, DC 20590, (202) 366–4868.

SUPPLEMENTARY INFORMATION: This study, which is mandated by 49 U.S.C. 41311, requires the consideration of, among other things, the safety and competitive implications of gambling on commercial aircraft. Before this study is

[1] Our X.400 e-mail address is S=dotdockets/OU1=qmail/O=hq/p=gov+dot/a=attmail/c=us.

completed, we will carefully consider any comments that are received.

Study of Gambling on Commercial Aircraft

Background

Section 205 of the Federal Aviation Administration Authorization Act of 1994 (the ''Act''), P.L. No. 103–305 (August 23, 1994) added section 41311 to Title 49 of the U.S. Code. Under 49 U.S.C. 41311(a), ''an air carrier or foreign air carrier may not install, transport, or operate, or permit the use of any gambling device on board an aircraft in foreign air transportation.'' Section 41311(a) was designed to clarify current statutory prohibitions and to ensure equal treatment of U.S.-flag air carriers with foreign flag carriers with regard to in-flight gambling on commercial aircraft while the Department of Transportation studied the issue and recommended whether a different approach might be appropriate. Moreover, there was some concern that at some future time a different rule might be more appropriate. *See* 140 Cong. Rec. S6664 (June 9, 1994).

Pursuant to 49 U.S.C. 41311(b), the Secretary of Transportation is required to complete a study not later than one year (August 23, 1995) after the date of the enactment of the Federal Aviation Administration Authorization Act of 1994.

The study must have three components outlined as follows:

(1) the aviation safety effects of gambling applications on electronic interactive video systems installed on board aircraft for passenger use, including an evaluation of the effect of such systems on the navigational and other electronic equipment of the aircraft, on the passengers and crew of the aircraft and on issues relating to the method of payment;

(2) the competitive implications of permitting foreign air carriers only, but not United States air carriers, to install, transport, and operate gambling applications on electronic interactive video systems on board aircraft in the foreign commerce of the United States on flights over international waters, or in fifth freedom city-pair markets; and

(3) whether gambling should be allowed on international flights, including proposed legislation to effectuate any recommended changes in existing law.

Within five days after completion of the study, the Secretary of Transportation must submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives on the results of the study.

Interested parties are invited to participate in this study of gambling on aircraft by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasonable responses to the congressional issues raised. Comments are specifically invited regarding:

(a) Effects on safety of allowing gambling devices, including payment methods, to be installed and/or operated onboard aircraft including the effects on: (1) Navigational and other electronic equipment, and (2) passengers and crew. Regarding payment methods, at a minimum, the following issues are of particular interest—payments that require an air-to-surface interface, and whether payments/losses will interfere with passenger safety and duties of the crew.

(b) Competitive effects of retaining, lifting, or modifying the current restrictions on U.S. carriers with respect to (1) foreign air transportation, (2) code-share arrangements, and (3) flights involving fifth freedom markets.

(c) Whether gambling should be allowed in foreign air transportation by U.S. and/or foreign air carriers.

(Authority Citation: 49 U.S.C. 41311)

Dated: April 27, 1995.

Patrick V. Murphy

Acting Assistant Secretary for Aviation and International Affairs, Department of Transportation.

[FR Doc. 95–10909 Filed 5–2–95; 8:45 am]

BILLING CODE 4910–62–P

Federal Aviation Administration

Airborne Ground Proximity Warning Equipment; Proposed Technical Standard Order

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability for public comment.

SUMMARY: This notice announces the availability of and request comments on a proposed technical standard order (TSO) pertaining to airborne ground proximity equipment. The proposed TSO prescribes the minimum performance standards that airborne ground proximity equipment must meet to be identified with the marking ''TSO–C92c.''.

DATES: Comments must identify the TSO file number and be received on or before August 4, 1995.

ADDRESSES: Send all comments on the proposed technical standard order to: Technical Programs and Continued Airworthiness Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service—File No. TSO–C92c, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591. Or deliver comments to: Federal Aviation Administration, Room 804, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Ms. Bobbie J. Smith, Technical Programs and Continued Airworthiness Branch, AIR–120, Aircraft Engineering Division, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591, Telephone (202) 267–9546.

Comments Invited

Interested persons are invited to comment on the proposed TSO listed in this notice by submitting such written data, views, or arguments as they desire to the above specified address. Comments received on the proposed technical standard order may be examined, before and after the comment closing date, in Room 804, FAA Headquarters Building (FOB–10A), 800 Independence Avenue, SW., Washington, DC 20591, weekdays except Federal holidays, between 8:30 a.m. and 4:30 p.m. All communications received on or before the closing date for comments specified above will be considered by the Director of the Aircraft Certification Service before issuing the final TSO.

Background

The FAA has reviewed TSO–C92b and the referenced RTCA, Inc., Document No. DO–161A and finds that there is a need to revise this TSO to address NTSB Safety Recommendations A–92–39 through A–92–42 and to update the computer software and environmental requirements.

Proposed TSO–C92c would add two new requirements: Each aural warning shall identify the reason for a GPWS warning, and each approved equipment would include airspeed in the logic that determines GPWS warning times. These requirements should satisfy Safety recommendations A–92–39 and A–92–40. The proposal adds a new paragraph which will allow added features, such as altitude callouts during nonprecision approaches and warnings based on airport location and aircraft position data. This paragraph addresses Safety Recommendations A–92–41 and A–92–42. Additionally, the FAA proposes to include RTCA DO–178B as the computer software requirement (none specified in TSO–C92b) and to update

the environmental standard with RTCA DO–160C.

How To Obtain Copies

A copy of the proposed TSO–C92c may be obtained by contacting ''For Further Information Contact.'' Copies of RTCA Document No. DO–161A, ''Minimum Performance Standards for Airborne Ground Proximity Warning Equipment,'' may be purchased from the RTCA Inc., 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

Issued in Washington, DC, on April 18, 1995.

Abbas A. Rizvi,

Acting Manager, Aircraft Engineering Division, Aircraft Certification Service.

[FR Doc. 95–10766 Filed 5–2–95; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

[Docket No. 95–21, Notice No. 01]

Availability and Request for Comment on Draft Report to Congress on the Benefits of Safety Belts and Motorcycle Helmets

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Notice of availability and request for comment on draft report to Congress on the benefits of safety belts and motorcycle helmets required by the Intermodal Surface Transportation Efficiency Act of 1991.

SUMMARY: This notice announces the availability of the draft of the report to Congress on the benefits of safety belts and motorcycle helmets generated from the Crash Outcome Data Evaluation System (CODES) Project. The Report was mandated by Section 1031(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). As required in the ISTEA, the agency seeks comments on the draft report. The comments will be evaluated and incorporated, as appropriate, into the final report which will be provided to the Congress in February, 1996.

DATES: Comments on the draft report are due no later than August 1, 1995.

ADDRESSES: Interested persons may obtain a copy of the draft report, free of charge, from NHTSA's Docket Section at the address below. Written comments should refer to the docket and notice number of this notice and should be submitted to: Docket Section, Room 5109, NASSIF Building, 400 Seventh Street, SW., Washington, DC 20590. Telephone: 202–366–4949. Docket hours are 9:30 a.m. to 4:00 p.m., Monday through Friday.

SUBMISSION OF COMMENTS: Interested persons are invited to submit comments on the draft report. It is requested, but not required, that 10 copies be submitted. All comments must not exceed 10 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 10 page limit. This limitation is intended to encourage commenters to detail their arguments in a concise fashion. All comments received before the close of business on the comment closing date indicated above for the draft report 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 also will be considered. Those persons desiring to be notified upon receipt of their comments in the docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

FOR FURTHER INFORMATION CONTACT: Mr. Dennis Utter, National Center for Statistics and Analysis NRD–31, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590: Telephone 202–366–5351.

SUPPLEMENTARY INFORMATION: The Report to Congress on the benefits of safety belts and motorcycle helmets was mandated by Section 1031(b) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Grants were awarded to entities in Hawaii, Maine, Missouri, New York, Pennsylvania, Utah, and Wisconsin to obtain the data and perform the analyses upon which this report is based. NHTSA entitled the project the Crash Outcome Data Evaluation System (CODES) Project. These CODES grantee states linked statewide motor vehicle crash report data and computerized emergency medical service, emergency department, hospital discharge, and rehabilitative/long-term care data, so that those people injured in motor vehicle crashes could be followed through the health care system. The medical and financial outcome information was then used to determine the benefits of the protective devices in crashes. The grantees have provided NHTSA with the results of analyses using these data, and NHTSA has summarized the results of the individual state studies to produce the draft report to Congress. After the close of the comment period, NHTSA will review any comments received and make appropriate modifications to the report. The final version is to be delivered to Congress by February, 1996.

The draft report provides an overview of the study, the databases used, and the methodology used to link and analyze the data. The effectiveness rates presented in the report show that safety belts are highly effective in preventing injury and fatality in motor vehicle traffic crashes, particularly the more serious injuries. Motorcycle helmets also are effective in preventing fatalities and serious injuries, but not as effective in preventing minor injuries. Average inpatient charges are compared for belted and unbelted passenger vehicle drivers and for helmeted and unhelmeted motorcycle riders. Because the estimates of safety belt effectiveness are higher than NHTSA's current estimates, a discussion is presented about the potential effect of over-reporting of safety belt use on the study results. However, the results support NHTSA's belief that safety belts and motorcycle helmets are effective in reducing mortality and morbidity and showed, for the first time, that costs (inpatient charges) were significantly higher for unbelted hospitalized drivers compared to those who used their safety belts.

The CODES project had other benefits. The project demonstrated the efficacy of linking crash data files with medical outcome data files. Through the cooperation of the highway safety and medical communities, CODES was the first project to link state highway safety and injury-related databases using a probabilistic linkage algorithm, whereby statewide data from police crash reports, emergency medical services, hospital emergency departments, hospital discharge files, claims, and other sources were linked, without in most states the benefit of personal identifiers. The project also showed examples of the value of the linked data. Several of the CODES states have used their data to support highway safety initiatives and to produce research articles. Because the linked data are permanent and state specific, they can continue to be used now and in the future at minimal cost to support state and local highway safety initiatives.

Issued On: April 27, 1995.

Ricardo Martinez,

Administrator, National Highway Traffic Safety Administration.

[FR Doc. 95–10840 Filed 5–2–95; 8:45 am]

BILLING CODE 4910–59–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Privacy Act of 1974; System of Records

AGENCY: Internal Revenue Service, Treasury.

ACTION: Supplemental information about a proposed amendment to a system of records.

SUMMARY: On December 20, 1994, the Internal Revenue Service published, at 59 FR 65573, notice of an amended Privacy Act system of records: ''Compliance Programs and Projects File—Treasury, IRS 42.021.'' Based on the comments received, the notice may not have adequately distinguished among the various users and uses of the compliance system, as well as the data it is to contain.

The system will not be used to support large scale data matching in order to identify specific individuals for contact by IRS personnel. The IRS has developed procedural safeguards to prevent data used in the compliance research programs and projects that engage in large scale data manipulation techniques to determine levels of compliance in particular ''market segments'' from being used for enforcement purposes as to specific taxpayers.

In light of the comments received, the IRS will clarify the notice to better describe more precisely the types of activities covered. Until that clarification is issued, the supplementary information below fully describes the compliance programs and projects covered.

ADDRESSES: Comments may be sent to the Office of Disclosure, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224. Comments will be made available for inspection and copying in the Freedom of Information Reading Room, (202) 622–5164, upon request.

FOR FURTHER INFORMATION CONTACT: Wayne Thomas, National Director, Compliance Research, (202) 874–0100.

SUPPLEMENTARY INFORMATION: The compliance research system presently includes records to support information gathering to identify noncompliance with the Internal Revenue Code. The system is being redesigned to identify causes and trends of noncompliance and to generate and test new approaches to increasing voluntary compliance.

This redesign will be accomplished by using an automated information system and secure networks to support compliance research on broadly shared characteristics and compliance trends of large groups. The enhancements themselves, the personnel who will access and use the enhanced system, and the purposes for which it will be used will be clearly distinguished from other uses by enforcement personnel who lawfully access similar records for individual enforcement actions.

The enhancements will not include maintenance of records with individually identifying information since compliance research will focus on broadly shared characteristics and compliance trends of large groups, typically national in scope. The personnel who use and access the research system will not be enforcement personnel. The system will not be used to select individuals for enforcement actions.

The enhanced system should provide the Internal Revenue Service with a wider range of options for improving voluntary compliance beyond the limited and costly current enforcement actions applied to individuals, one at a time. Information produced by analyzing enhanced data will be analogous to that used broadly in the private sector under the name ''market segment research.'' It will allow group-based measurements of noncompliance. Based solely upon an identified significant degree of group noncompliance, these enhancements will further allow the construction of group profiles or characteristics directly related to tax compliance behavior. Enhanced data will also permit researchers to use statistical and other research methods to determine the issues and causes of noncompliance. Against those issues and causes, new initiatives at improving group compliance will be vigorously tested on a small scale. Research personnel will oversee but not directly test or implement such initiatives.

The enhanced system is intended to support compliance initiatives that rely more on group access and forums that on contacting individuals; and more on non-enforcement actions (e.g., legislative or regulatory revision, education, assistance) rather than on enforcement actions. Even in those instances where an enforcement remedy is appropriate, the enhanced system itself cannot be used by enforcement personnel nor can it select individuals to whom such remedies will be applied.

This system of records has always on a limited basis and with legal authority contained information from various third-party sources. The enhancements to this system will add more information from more sources. It will also improve access to this information. However, use of these enhancements for the purposes of compliance research will adhere to the operating principles of such research: it will be group-focused rather than individually focused and not directly used to select individuals for enforcement actions. The minimum data about group demographic and economic characteristics that bear directly upon measured group non-compliance will be used. Unlike the common practice of private-sector market research, these enhancements will not include ''life-style'' or other highly personal information even in aggregate. Additionally, the Internal Revenue Service recognizes its responsibility to validate third-party data before they are used to support even research activities.

Dated: April 16, 1995.

Alex Rodriguez,

Deputy Assistant Secretary (Administration).

[FR Doc. 95–10801 Filed 5–2–95; 8:45 am]

BILLING CODE 4830–01–M

Office of Thrift Supervision

[AC–27; OTS No. 2952]

Gallup Federal Savings and Loan Association, Gallup, New Mexico; Approval of Conversion Application

Notice is hereby given that on April 26, 1995, the Assistant Director, Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Gallup Federal Savings and Loan Association, Gallup, New Mexico, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Midwest Regional Office, Office of Thrift Supervision, 122 W. John Carpenter Freeway, Suite 600, Irving, Texas 75039.

Dated: April 27, 1995.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 95–10806 Filed 5–2–95; 8:45 am]

BILLING CODE 6720–01–M

[AC–28; OTS No. 5161]

Schenectady Federal Savings and Loan Association, Schenectady, New York; Approval of Conversion Application

Notice is hereby given that on April 25, 1995, the Assistant Director,

Corporate Activities, Office of Thrift Supervision, or her designee, acting pursuant to delegated authority, approved the application of Schenectady Federal Savings and Loan Association, Schenectady, New York, to convert to the stock form of organization. Copies of the application are available for inspection at the Information Services Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, D.C. 20552, and the Northeast Regional Office, Office of Thrift Supervision, 10 Exchange Place, 18th Floor, Jersey City, New Jersey 07302.

Dated: April 27, 1995.

By the Office of Thrift Supervision.

Nadine Y. Washington,

Corporate Secretary.

[FR Doc. 95–10807 Filed 5–2–95; 8:45 am]

BILLING CODE 6720–01–M

Sunshine Act Meetings

Federal Register
Vol. 60, No. 85
Wednesday, May 3, 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).

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

INSTITUTE OF MUSEUM SERVICES

Notice of Meeting

SUMMARY: This notice sets forth the agenda of a forthcoming meeting of the National Museum Services Board. This notice also describes the functions of the Board. Notice of this meeting is required under the Government through the Sunshine Act (Public Law 94–409) and regulations of the Institute of Museum Services, 45 CFR 1180.84.

TIME/DATE: 1:30 p.m. to 4 p.m.—Friday, May 12, 1995.

STATUS: Open.

ADDRESS: The Madison Hotel, 15th and M Streets, NW., Salon A, Washington, DC 20005, 202/862–1600.

FOR FURTHER INFORMATION CONTACT: Elsa Mezvinsky, Special Assistant to the Director, Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Room 510, Washington, DC 20506—(202) 606–8536.

SUPPLEMENTARY INFORMATION: The National Museum Services Board is established under the Museum Services Act, Title II of the Arts, Humanities, and Cultural Affairs Act of 1976, Public Law 94–462. The Board has responsibility for the general policies with respect to the powers, duties, and authorities vested in the Institute under the Museum Services Act.

The meeting of Friday, May 12 will be open to the public.

If you need special accommodations due to a disability, please contact: Institute of Museum Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20506—(202) 606–8536—TDD (202) 606–8636 at least seven (7) days prior to the meeting date.

63rd Meeting of the National Museum Services Board, Friday, May 12, 1995, 1:30 p.m.–4 p.m.

Meeting Agenda

I. Swearing in of New Members
II. Chairman's Welcome and Approval of Minutes
III. Director's Report
IV. Appropriations Report
V. IMS Programs—Actions Items
  A. Conservation Project Support (CP)
  B. General Operating Support (GOS)
  C. Museum Assessment Program (MAP)
  D. Conservation Assessment Program (CAP)
VI. Museum Assessment Committee Report
VII. Legislative/Public Affairs Report

Dated: April 24, 1995.

Linda Bell,

Director of Policy, Planning and Budget, National Foundation on the Arts and the Humanities, Institute of Museum Services.

[FR Doc. 95–11006 Filed 5–1–95; 1:01 pm]

BILLING CODE 7036–01–M

NATIONAL SCIENCE FOUNDATION

NATIONAL SCIENCE BOARD

DATE AND TIME:

May 11, 1995, 8:30 a.m. Open Session
May 11, 1995, 3:30 p.m. Closed Session
May 12, 1995, 9 a.m. Closed Session
May 12, 1995, 11 a.m. Open Session

PLACE: National Science Foundation, 4201 Wilson Boulevard, Room 1235, Arlington, Virginia 22230.

STATUS: Part of this meeting will be open to the public. Part of this meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Thursday, May 11, 1995

Open Session (8:30 a.m.–3:20 p.m.)

—Long Range Planning and Priorities
—Swearing in Ceremony of New NSB Members—Public invited
—Long Range Planning and Priorities: Continued

Thursday, May 11, 1995

Closed Session (3:30 p.m.–4:30 p.m.)

—Planning and Budget

Friday, May 12, 1995

Closed Session (9 a.m.–11 a.m.)

—Minutes, March 1995 Meeting
—Election of Executive Committee Members
—Planning and Budget: Continued

Friday, May 12, 1995

Open Session (11 a.m.–11:45 a.m.)

—Minutes, March 1995 Meeting
—Closed Session Agenda Items for June 1995 Meeting
—Chairman's Report
—Director's Report
—Executive Committee Annual Report
—Calendar of Meetings
—Reports from Committees
—Other Business/Adjourn

[FR Doc. 95–10943 Filed 5–1–95; 9:15 am]

BILLING CODE 7555–01–M

federal register

Wednesday
May 3, 1995

Part II

Department of Justice

Office of Justice Programs Fiscal Year 1995 Program Plans; Notice

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP NO. 1048]

ZRIN 1121–ZA11

Office of Justice Programs Fiscal Year 1995 Program Plans

AGENCY: Department of Justice, Office of Justice Programs.

ACTION: Notice of program plans.

DATES: See specific Program Plan.

ADDRESSES: All questions concerning these Program Plans should be addressed to the appropriate Bureau or Office at 633 Indiana Avenue, NW., Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Carol Winfield of the Department of Justice Response Center at 1–800–421–6770.

SUPPLEMENTARY INFORMATION:

Preface

OJP Bureaus' Fiscal Year 1995 Program Plans

The increasing crime rate, particularly escalating violent crime by juvenile offenders, continues to be a major concern of the American public. No community is untouched. Law enforcement and criminal justice agencies around the country are faced with new and increasing challenges as they respond to crime.

The Fiscal Year 1995 Program Plans for the United States Department of Justice, Office of Justice Programs (OJP) Bureaus—the National Institute of Justice, the Bureau of Justice Assistance, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime—reflect an effort to address these problems aggressively. Their simultaneous publication in the **Federal Register** reflects an emphasis on collaborative relationships among the Bureaus and a strong commitment to working in partnership with communities across the country in addressing the problem of crime.

These plans not only reflect a renewed commitment to coordination among the OJP Bureaus, but also demonstrate a recognition that the only way in which we can hope to have an impact on the country's crime problems is by reaching out to public agencies at all levels of government, as well as a broad range of community and private groups. In developing their Program Plans, the Bureaus solicited input from State and local criminal justice agencies, constituent and community groups, law enforcement, prosecutors, courts, corrections agencies, and victim service providers, as well as other Department of Justice components and other Federal agencies. Thus, in addition to embracing existing Administration and Department of Justice initiatives—reducing violent crime, developing comprehensive community-based approaches to crime and violence, focusing on youth crime and firearms, actively involving citizens in prevention efforts, and meeting the needs of crime victims—the Fiscal Year 1995 OJP Program Plans also reflect needs expressed by the field.

The Program Plans encourage applicants to forge partnerships along new frontiers, often reaching beyond criminal justice boundaries to find solutions. By approaching crime and violence in a comprehensive fashion—bringing all the players in the system together—applicants are encouraged to improve the effectiveness of their services, reduce wasteful duplication, and identify new and innovative approaches to tough problems.

For example, OJP Bureaus are working together on several initiatives, such as Project PACT (Pulling America's Communities Together), the Comprehensive Communities Program (CCP), and the new Safe Futures Program, that fund communities to mobilize their law enforcement and justice system resources together with a coalition of government agencies and private sector resources. Working in partnership with the community, key officials and community leaders develop broad-based, coordinated strategies to reduce the high rates of drug abuse and related crime and violence in their neighborhoods. Project PACT, CCP, and Safe Futures are examples of programs that empower communities to impact crime and violence, particularly youth violence, through comprehensive planning, and improved intergovernmental relationships.

Another recurrent theme in the OJP Program Plans is the Federal government's role in providing leadership and guidance on crime control, prevention and victims issues by developing and testing new approaches and determining ''what works.'' As model programs are tested and developed through research, evaluation, and demonstration grants, information on effective programs and practices is disseminated widely to State and local criminal justice and social service agencies. Local communities should not have to ''road test'' new ideas without solid knowledge about what has been tried before in other jurisdictions, what has worked, and what has not. The Program Plans also provide information on the availability of training and technical assistance to assist States and local jurisdictions interested in implementing ''best practices.''

Important priorities identified in the 1994 Crime Act—particularly with regard to violence against women, the illegal possession and use of firearms, and comprehensive, innovative prevention and early intervention strategies aimed at high risk youth—are also reflected in the Program Plans.

Another key goal for OJP was to make it easier for States and local communities to access OJP services, programs, and information. As a result, we have set up a new inter-department, Internet-based clearinghouse called PAVNET. PAVNET will provide information on promising programs, available funding, and technical assistance. We have also set up the Department of Justice Response Center to answer questions concerning program availability and funding.

The Program Plans that follow, describe in greater detail OJP's funding goals and priorities for this Fiscal Year. For more information about the application process, as well as about Crime Act programs, you can call the DOJ Response Center at 1–800–421–6770.

* * * * *

As we move ahead with our initiatives for Fiscal Year 1995, the Office of Justice Programs is committed to working in close partnership with communities at the State and local level. Only by working together can we hope to have an impact on the enormous problems of crime and violence confronting our nation today.

Laurie Robinson,

Assistant Attorney General Office of Justice Programs.

Bureau of Justice Assistance

Fiscal Year 1995 Program Plan

I am pleased to announce the Bureau of Justice Assistance's (BJA) Discretionary Program Plan for FY 1995. BJA assists States and local jurisdictions through the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. Through the Byrne Discretionary Grant Program, BJA provides leadership and guidance on crime and violence prevention and control and criminal justice system improvement at the State and local levels. BJA also develops and tests new approaches in criminal justice and crime control, and encourages replication of effective programs and practices by State and local agencies.

This year, BJA's plan focuses primarily on national scope demonstration programs. These programs support two goals: to assist States and local units of government to reduce and prevent crime, violence, and drug abuse and to improve the criminal justice system. To meet these goals BJA will work with communities to develop comprehensive strategies and expansive, problem-solving partnerships. Special emphasis is placed on anti-violence initiatives, particularly those dedicated to reducing the availability of illegal firearms and providing young people with alternatives to gangs and criminal involvement. Additionally, BJA will continue to work in partnership with State and local law enforcement, as well as the United States Attorneys; improve the adjudication process; assist States with alleviating prison overcrowding by fostering corrections options programs; and focus resources on both evaluation of promising programs and dissemination of information about these programs to the field.

BJA's Program Plan for FY 1995 includes a $50 million appropriation for general programs and a $12 million appropriation for Corrections Options Programs. It describes planned activities for the Regional Information Sharing Program (RISS) and the National White Collar Crime Center. Joint efforts planned with other Federal agencies are also described.

Obviously, our dollars are limited. Consistent with the Administration's policies and in an effort to get the most for each dollar spent, I am committed to making BJA's Discretionary Grant Program as competitive as possible and to maximizing the impact of these limited competitive dollars through a wide array of programs directed toward urban communities, rural areas, and Native American communities. For this reason, in FY 1995 BJA will:

- Give preference to applicants who leverage BJA dollars through partnerships among organizations bringing a commitment of other resources to the table (such as Empowerment Zones/Enterprise Communities);
- Notify all grantees that continuation funding in future years is not guaranteed but, rather, will be based on performance and other relevant factors;
- Institute the practice of awarding a declining BJA share of funding for second and subsequent years where continuation funding is provided;
- Complete the process of developing, in consultation with the National Institute of Justice, a strategy for obtaining early evaluative information on particularly promising programs for early dissemination to our constituents;
- Promote activities complementing the initiatives being implemented through the Crime Act; and
- Continue to maximize OJP resources by working in partnership with the National Institute of Justice, the Office for Victims of Crime, the Office of Juvenile Justice and Delinquency Prevention, and other components of the Justice Department.

These initiatives, coupled with focused goals and objectives, will build stronger partnerships at all levels. I envision these partnerships to be a continuum of relationships encompassing all components of the criminal justice system.

Goals

The FY 1995 Program Plan addresses BJA's two goals: To help State and local units of government (1) reduce and prevent crime and violence and (2) improve the functioning of the criminal justice system. Enhanced coordination and cooperation of Federal, State and local efforts facilitate the achievement of these goals. The objectives for each of the goals are outlined below. The programs developed to address the objectives are described in the plan.

- Reduce and Prevent Crime and Violence

Encourage the development and implementation of comprehensive strategies, in coordination with human service providers, to reduce and prevent crime and violence.

Encourage the active participation of community organizations and citizens in crime- and violence-prevention efforts.

Provide national scope training and technical assistance to support local crime-, drug use-, and violence-prevention efforts.

Provide young people with legitimate opportunities and activities which serve as alternatives to crime and involvement with gangs.

Reduce the availability of illegal weapons and develop programs to address violence in our communities, homes, schools, and workplaces.

- Improve the Functioning of the Criminal Justice System

Enhance the ability of law enforcement agencies to reduce crime, drug trafficking and sales, and violence.

Improve the effectiveness and efficiency of all aspects of the adjudication process.

Assist States in freeing prison space for serious and violent offenders through the design, development, and implementation of effective correctional options for nonviolent offenders.

Enhance the ability of State and local agencies, in conjunction with the Immigration and Naturalization Service, to apprehend and deport criminal aliens.

Evaluate the effectiveness of funded programs, disseminate results, and enhance the ability of criminal justice agencies to use new information technologies.

How Priorities Were Established

Priorities for the FY 1995 Discretionary Grant Program reflect a balance of congressional mandates, Administration priorities, and needs expressed by State and local criminal justice practitioners. The goals are defined by the authorizing legislation for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. Priorities for a number of specific programs to address those goals are mandated by Congress through the earmarking of the appropriation.

BJA's priorities also reflect Administration and Department of Justice priorities, especially those related to reducing violent crime, the need to develop comprehensive approaches to crime and violence, the focus on youth, and the need for active citizen participation in prevention efforts.

During the planning process, BJA solicited input on priorities from national organizations which represent State and local governments, criminal justice agencies, and community groups. Input was also requested from the State agencies which administer the Byrne Formula Grant Program as well as from U.S. Attorneys. A number of programs that address current issues were incorporated into the plan in response to this valuable input.

Types of Programs

BJA is authorized by Congress to make awards to public and private agencies and organizations for national scope and multi-State programs, demonstration programs, training, and technical assistance to assist States and local jurisdictions. National scope programs provide a service or product of benefit throughout the country or across multiple States or address issues that are of concern nationally. Demonstration programs are used to develop, test, evaluate, and document new programs and practices. Training is developed and provided to State and local criminal justice practitioners and others to provide them with state-of-the-art information on effective programs and practices. Technical assistance is

provided to sites participating in demonstration programs or is available to help an individual jurisdiction implement a program or practice or address a specific issue.

Competitive and Noncompetitive Grants

Each section of this Program Plan is divided into programs that will be awarded on a competitive basis and those that are noncompetitive. Whenever possible, BJA encourages broad participation in the grants process by public and private agencies and organizations at the State and local levels and makes awards on a competitive basis.

Each year, BJA also makes noncompetitive awards. There are a number of factors that limit the number of competitive programs:

- Congressional Earmarks—Each year Congress directs BJA to award a portion of the appropriated funds for specified programs and/or organizations. In FY 1995, over $23 million of the $50 million appropriated for general discretionary programs were earmarked for specific programs. BJA was also directed to review other programs (soft earmarks) for possible funding.
- Continuation and Implementation Grants—Many of BJA's programs require several years of funding to accomplish their goals. For example, training efforts require several years of funding to develop the curriculum and to reach the intended audience. Demonstration sites, which are generally selected competitively the first year, require 2–3 years of funding to develop fully, implement, and evaluate the program. In addition, BJA has funded several planning efforts with implementation funding provided in subsequent years.
- Limited Competition—Limited competition is used when a limited number of jurisdictions or organizations meet the requirements of the program. These jurisdictions or organizations are then invited to compete for an award. A limited competition saves jurisdictions or organizations that will not qualify the time and expense of preparing an application. It also allows BJA to concentrate technical assistance and training on this limited pool of applicants.
- Sole Source Selection—In some cases, there is only one organization or agency that has the capability, expertise, or constituents to administer a program that BJA wants to implement. For example, an association that represents a constituency which BJA wants to reach with technical assistance or training may be the best organization to implement the program. In other cases, BJA may make an award on a non-competitive basis to an agency that has developed an innovative program and has the expertise to implement it.

In FY 1995, BJA has modified applicant requirements and review criteria to facilitate stronger partnerships with grantee agencies and to maximize the impact of limited competitive dollars. These include:

- Preference will be given to applicants who leverage BJA dollars through partnerships among organizations bringing a commitment of other resources to the table;
- All grantees are on notice that continuation funding in future years is not guaranteed but, rather, will be based on performance and other relevant factors; and
- As appropriate, BJA will provide a declining share of total funding for second and subsequent years where continuation funding is provided after FY 1995.

Application Process

A Program Announcement and Application Kit, which will be available in late April, will serve as a request for proposals. It will contain detailed descriptions of competitive programs and complete forms and instructions for developing an application.

Competitive Programs—The Program Announcement and Application Kit will describe for each competitive program: the purpose of the program, background, goals, objectives, program design, eligibility requirements, selection criteria, award period, award amount and due date. Applications for competitive programs are due by June 30, 1995. A panel of experts will be established for each competitive program area to review and rank the applications. Funding decisions are made by the Director of BJA.

Non-Competitive Programs—BJA staff will contact applicants for noncompetitive programs to discuss application requirements and due dates.

The Department of Justice Response Center staff are available to respond to questions and provide technical assistance to applicants and other interested parties. The Response Center number is (800) 421–6770.

Goal I: Reduce and Prevent Crime and Violence

Comprehensive Communities Program

Encourage the Development and Implementation of Comprehensive Strategies To Reduce and Prevent Crime and Violence

The Comprehensive Communities Program (CCP) reflects the Administration's priority of reducing crime and violence by initiating comprehensive planning and improving intergovernmental relationships. It requires selected jurisdictions to engage in a comprehensive planning and strategy development process for crime and violence control and prevention. It requires law enforcement and other governmental agencies to work in partnership with communities to address crime problems, as well as the factors that increase the risk that individuals will become involved in problem behavior.

In FY 1994, 16 jurisdictions faced with high rates of crime and violence were selected to participate in CCP. The four Pulling America's Communities Together (Project PACT) sites were included in this group. Each jurisdiction was provided with planning funds to develop a strategy that demonstrates a jurisdictionwide commitment to community policing, coordination among public and private agencies (including, social services, public health, etc.), and an active role by the community in problem solving.

BJA made funding available for a number of program components to assist with implementation of the strategy. These components are designed to implement specific models that BJA has already developed and found to be effective or models the agency wants to test. These components also allow for the development of new models, which, if successful, can be replicated by other jurisdictions. The program components are described below. Each strategy was required to include community policing and community mobilization/prevention initiatives. Six sites received awards from the FY 1994 allocation. The remaining 10 sites received awards in FY 1995.

Jurisdictionwide Community Policing

Jurisdictionwide Community Policing, a mandatory program component, forms the core of the Comprehensive Communities Program. It requires the applicant to implement a jurisdiction-wide model of community policing using a framework developed by a consortium of national law enforcement organizations working with BJA. Funding for this component, in the amount of $9,990,000 was provided by the COPS Office.

Community Mobilization/Prevention—$969,718

Community mobilization, also a mandatory component, focuses on implementation of strategies to promote the acceptance and practice of community policing, rehabilitate crime-ravaged neighborhoods, and empower

communities by strengthening relationships among citizens, law enforcement, and other public and private service providers.

Nonviolent Dispute Resolution

The Non-Violent Dispute Resolution component is a joint effort of BJA and the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to test a variety of strategies to train teenagers constructively to manage anger, resolve conflict without the use of firearms or violence, learn the importance of mutual respect, and be responsible for their actions. Funding, in the amount of $300,000 is being provided by OJJDP.

Boys & Girls Clubs Demonstration

The goal of this component is to establish or expand Boys and Girls Clubs in public housing and other at-risk communities through the Boys and Girls Clubs of America. This program will be supported under an earmark to the Boys and Girls Clubs of America described in the section on Youth and Gangs.

Comprehensive Gang Initiative

The Comprehensive Gang Initiative requires sites to implement a model comprehensive approach to gang issues that carefully balances initiatives for prevention, intervention, and suppression. Funding for this component, in the amount of $799,345, is being provided by OJJDP.

Community Prosecution—$969,719

This program component encourages local prosecutors to be more responsive to the needs of their communities by bringing the prosecutor and the community together as partners to maintain public safety.

Community-Based Alternatives to Incarceration—$1,350,000

This program component encourages local communities to develop community-based alternatives to incarceration that hold offenders accountable while keeping them in the community where they can participate in job training and/or work, substance abuse treatment, restitution or community service, and other services needed to make them productive citizens.

Continued Comprehensive Planning—$400,000

Four of the sites that participated in the Comprehensive Communities Program planning process in FY 1994 will be provided with additional time and resources to refine their comprehensive strategies.

Implementation Funding—$1,600,004

Funds are being set aside to assist the four sites still engaged in planning with implementation of their strategies.

Training and Technical Assistance—$300,000

Training and technical assistance will be provided to the Comprehensive Communities Program sites to assist them with the planning process and the effective implementation of their strategies.

Community-Based Programs

Encourage the Active Participation of Community Organizations and Citizens in Crime- and Violence-Prevention Efforts

Crime and violence are only symptoms of broader problems which plague our communities. Crime cannot be stopped by law enforcement without the active participation of the community and other public and private agencies. It cannot be eradicated unless we address the causes which surround our children with violence, crime, and despair.

BJA plans to expand and enhance community mobilization efforts by assisting local communities and law enforcement agencies actively to engage residents and community groups in taking back their neighborhoods. One neighborhood at a time, these partnerships will seek to rid communities of drug dealers, gangs, and other criminals.

Operation Weed and Seed will be continued and expanded in FY 1995. This comprehensive, multiagency approach is helping 36 communities address both public safety and neighborhood revitalization issues. BJA will also continue to fund several community mobilization/action programs that encourage citizens to work with the police, government, community organizations, and the private sector to explore new and innovative approaches to preventing crime, youth handgun violence, and drug abuse.

In FY 1995, BJA will also address the Attorney General's commitment to focus resources on problems faced by many American Indian tribes by establishing Federal/tribal partnerships with several tribes for the purpose of developing tribal strategies against violence. Violence in public housing will also be addressed by assisting local communities develop comprehensive approaches to crime and violence in public housing. Both of these planning processes will be documented to serve as guides for other communities.

To address the rights and needs of the victims of crime, which are important components of all of the community-based programs, BJA and the Office for Victims of Crime will jointly fund a number of programs to assist the victims of crime and to increase the criminal justice system's responsiveness to the rights and needs of victims.

Competitive

Communities in Action to Prevent Drug Abuse—$400,000

The Bureau of Justice Assistance in cooperation with the Employment and Training Administration, U.S. Department of Labor, will continue a unique demonstration program at the grassroots-level. The National Training and Information (NTIC) and up to ten of its affiliated neighborhood-based organizations will implement a program to reduce crime and violence and to help residents access services of local job training and employment systems. Key program elements are: building and/or enhancing local planning teams and partnerships made up of public officials, law enforcement, representatives of private industry councils and other groups that focus on providing job training and related services, other service providers, businesses, churches, schools, community organizations, youth, and other residents; the development of short-, intermediate-, and long-term strategies; community policing; prevention education; and, the development of training opportunities for job placement.

Non-Competitive

Tribal Strategies Against Violence—$300,000

This program is a Federal/tribal partnership initiative designed to galvanize Native American communities in up to five sites to develop strategies to reduce the incidence of family violence, child abuse, and juvenile delinquency as well as to foster community participation and support in the implementation of the strategies.

Community Drug Abuse Prevention Initiatives—$500,000

The National Crime Prevention Council will continue to provide cost-effective technical assistance and training to reduce crime, violence, and the demand for drugs, with a focus on acceptance of community policing, rehabilitating crime-ravaged neighborhoods, and community empowerment.

National Neighborhood Mobilization Program to Prevent Crime—$50,000

This program will provide continuation funding for a grassroots organization in Philadelphia to support community policing through the implementation of comprehensive, innovative, anti-crime, anti-firearm, and anti-drug strategies.

Victim Services as a Component of the Criminal Justice System $450,000

This project will provide training and technical assistance to criminal justice agencies to encourage them to be more responsive to the needs and concerns of victims and to incorporate victim services into criminal justice functions.

Operation Weed and Seed—Demonstration and Technical Assistance—$10,000,000

Operation Weed and Seed is a community-based, comprehensive, multiagency approach designed to ''weed'' out crime and gang activity from target neighborhoods and then ''seed'' them with a wide range of human services that provide opportunities for citizens to live, work, and raise families in a stable environment. The 36 existing demonstration sites will receive awards to continue activities and/or expand into new target neighborhoods. Five sites will also receive funding to participate in the National Performance Review Lab, focused on neighborhood revitalization strategies. An array of technical assistance and training services will be available to the demonstration sites. Weed and Seed is a joint effort between BJA and the Executive Office for Weed and Seed. The Executive Office will contribute approximately $13 million to the program, in addition to the BJA funds.

Community Crime and Drug Abuse Prevention and Education Initiatives

Provide National Scope Training and Technical Assistance To Support Local Crime-, Drug Use-, and Violence-Prevention Efforts

This program area implements national-level programs which provide training and technical assistance to local communities to support their prevention activities. For example, local programs may make use of, and localize, nationally and professionally developed print and television crime prevention messages through the National Citizens' Crime Prevention Campaign. Use of the McGruff the Crime Dog logo, which is recognized and respected by over 97 percent of school age children, provides local programs with instant credibility. Similarly, participation in National Night Out serves as a rallying point for citizen participation in local efforts. Both of these programs provide communities with technical assistance and crime prevention materials that can be used locally.

In FY 1995, BJA will continue to support the five Drug Abuse Resistance Education (DARE) Training Centers. These centers prepare State and local law enforcement officers to teach the DARE program in local schools. These Centers have been critical in facilitating the expansion of this very popular program and ensuring that both large and small jurisdictions from across the country have access to the training. Program funds are also used to develop enhancements to the DARE program, such as the mentoring program, the DARE parent program, and DARE training for junior and senior high school students.

The TRIAD Program, initiated in FY 1994, will be continued in FY 1995. This program focuses specifically on reducing the incidence and impact of crime and violence on the elderly. TRIAD, conducted jointly by the National Sheriffs' Association, the International Association of Chiefs of Police, the American Association of Retired Persons, the Office for Victims of Crime, and BJA will provide technical assistance and will develop training and materials at the national level for dissemination to local jurisdictions throughout the country.

Non-Competitive

National Citizens' Crime Prevention Campaign—$3,000,000

The National Citizens' Crime Prevention Campaign, best known for McGruff the Crime Dog and the TAKE A BITE OUT OF CRIME slogan, will continue to rally national, State and local crime and violence prevention efforts through the development and implementation of timely and effective crime-, violence-, and drug-prevention materials, publications, technical assistance, training, and programming.

Drug Abuse Resistance Education (DARE)—$1,750,000

BJA will continue to support the DARE Regional Training Centers which train law enforcement officers to teach the DARE program to students from elementary through high school to help them learn how to resist drug use, gangs, and violent behavior; build self-esteem; and prevent abduction.

The National Association of Town Watch: Crime- and Drug-Prevention Campaign—$200,000

Commonly known as ''National Night Out'', this year-long program provides information, materials, and technical assistance for the development of effective police/community partnerships to reduce crime, violence, and substance abuse.

TRIAD—$200,000

TRIAD, a program developed by the National Sheriffs' Association, the International Association of Chiefs of Police, and the American Association of Retired Persons, strives to reduce the adverse impact of crime and violence on the elderly and promote a better quality of life through volunteerism and the provision of prevention services to their peers. Additional funding of $50,000 will be provided by the Office for Victims of Crime.

Youth and Gangs Programs

Provide Young People With Legitimate Opportunities and Activities Which Serve as Alternatives to Crime and Involvement With Gangs

Research has identified certain risk factors which contribute to substance abuse, delinquency, and violence among adolescents as well as protective factors which promote positive behavior. BJA's youth and gang programs are designed to address a number of risk factors related to: attitudes and norms favorable to problem behaviors, friends who engage in problem behavior, lack of commitment to school, and parental attitudes and involvement. The programs help to balance the risk factors in high-risk communities by establishing or strengthening protective factors which counter or provide buffers against the risk factors. These programs are designed to establish or strengthen protective factors which address the relationships between youth and their social environment.

Most of the programs are joint efforts between BJA and the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Several include participation by private foundations. All of the programs bring together various service agencies and community organizations to assist and provide opportunities for at-risk youth.

Competitive

Pathways to Success—$200,000

The Pathways to Success program, funded jointly by BJA, OJJDP, and the National Endowment for the Arts, is designed to encourage young people to explore a wide range of career and life

options. The program will promote arts education, recreation, job skills training, and business entrepreneurial programs for after-school and weekend hours at the community level. This program will fund up to five applications at up to $40,000 under OJJDP's Safe Futures Program and up to five competitive sites at up to $50,000 each for the first year of a 2-year project.

Interested applicants will need to demonstrate that collaboration has taken place with existing arts, education, business and community groups, and youth-serving agencies in the development of its program, including, where appropriate, collaboration with existing after school and weekend youth programs. The Pathways to Success program is designed to serve at-risk youth from 6 to 18 years of age, but a project need not cover the full age range. Each applicant will be expected to define a lasting outcome, i.e. a product that benefits the community, or to provide an ongoing program that will continue to provide community-based services beyond the end of the funding cycle. OJJDP will also contribute $200,000 to and will administer the Pathways to Success Program.

Non-Competitive

Truancy Reduction Training and Technical Assistance—$200,000

BJA will collaborate with the OJJDP to address the needs of truants, dropouts, children afraid to go to school, children who have been suspended or expelled, as well as children in the juvenile justice system. Program activities include regional hearings, training and technical assistance, and related support services for communities interested in comprehensively addressing the needs of these youth. OJJDP will also contribute $200,000 to and will administer the program.

Boys & Girls Clubs Demonstration—$4,350,000

BJA will provide resources to the Boys and Girls Clubs of America to promote the establishment of Boys and Girls Clubs in public housing and other at-risk communities.

Children At-Risk Program—$1,150,000

This program tests a variety of intervention strategies for preventing and controlling illegal drugs, gun use, and related crime and for fostering healthy development among young people from drug- and crime-ridden neighborhoods. In FY 1995, an impact evaluation, technical assistance with emphasis on community policing, and existing demonstration sites will be continued. This program is joint venture between BJA, OJJDP, and the Center for Addiction and Substance Abuse, with additional funding provided by several foundations. OJJDP will contribute $350,000 to the program.

Comprehensive Gang Initiative—$150,000

Under the Comprehensive Gang Initiative, BJA developed a model comprehensive approach to gang issues that carefully balances initiatives for prevention, intervention, and suppression. In FY 1995, BJA will provide continuation funding for the four currently funded projects and provide technical assistance to help other jurisdictions experiencing emerging gang problems. OJJDP will contribute $600,000 to this joint BJA/OJJDP effort.

Violence Reduction

Reduce the Availability of Illegal Weapons and Develop Programs to Address Violence in Our Communities, Homes, Schools, and Workplaces

Efforts to reduce and prevent violence continue to be high priorities in FY 1995. BJA's efforts will include the continuation and expansion of programs to reduce the availability of illegal firearms, prevent homicides, and reduce violence in our communities.

In FY 1993 and 1994, BJA began to address the increase in gun violence and homicides through the initiation of a Firearms Licensee Compliance Program, the establishment of a Firearms Investigative Task Force Program, the creation of a Homicide Task Force, and other initiatives. These programs will be expanded and built upon in coordination with the U.S. Attorneys' Anti-Violence and Youth Handguns Initiatives to assist State and local criminal justice agencies and communities control and prevent street violence.

BJA will also continue its focus on domestic and relational violence. According to the Surgeon General, the number one public health risk to adult women in the United States is violence. For women ages 15–44, violence is the leading cause of injuries. The nature and prevalence of this problem has been dramatized by recent news events. BJA developed a new initiative in FY 1993 to address violence against women, including spouse abuse, child abuse, elder abuse, sexual assault, and stalking. This initiative promotes a systems approach which emphasizes criminal prosecution with comprehensive case follow-through. This demonstration program will be evaluated and documented this year to provide guidance to the States as they implement the Violence Against Women Block Grant Program created by the Violent Crime Control and Law Enforcement Act of 1994.

New initiatives will be implemented to address the growing problem of violence in the workplace and to create a National Major Gang Task Force to track and respond to the growing interaction between street and prison gangs. BJA will also participate in a public/private partnership against violence in America which is a joint effort among private and corporate foundations and several Federal agencies to help local communities address violence.

Competitive

Homicide Investigation Enhancement Program—$300,000

The purpose of this program is to develop a model(s) to assist jurisdictions faced with high and increasing rates of homicides by increasing their capacity and ability to investigate homicides. One or two demonstration sites will implement this model(s) and its various procedures and policies as appropriate to their situation. The development of the model(s) will be based on the Homicide Investigation Enhancement Program at the Metropolitan Police Department (MPD), District of Columbia. This program, funded in FY 1994, assisted the MPD in restructuring its Homicide unit and its operations. In addition, ways to utilize the resources and expertise of the Federal law enforcement agencies, like the Federal Bureau of Investigation and the U.S. Marshal's Service, will be explored. The Police Executive Research Forum will develop this model(s) and provide technical assistance to the demonstration sites.

Firearms Trafficking Program—$1,000,000

The purpose of the BJA Firearms Trafficking Program, working in cooperation with the U.S. Bureau of Alcohol, Tobacco and Firearms, is to demonstrate effective strategies to reduce the level of violent crime by controlling the illegal trafficking of firearms. The goals of the program are to: (1) Reduce the number of Federal firearms licensees and ensure that those who do obtain licenses have a legitimate reason for doing so, and (2) reduce the level of firearms-related violent crime in the demonstration sites. Applicants may address either of the two program goals set forth for this program or develop a strategy which combines both of the

program goals in a comprehensive approach to reducing firearms-related violence. Three or four demonstration sites will be funded.

Non-Competitive

Firearms Trafficking Program—$1,750,000

The Firearms Trafficking Program is designed to assist State and local governments reduce incidents of violence by reducing the availability of and the illegal trafficking in firearms. This program contains several components which BJA has found to be effective or promising in reducing the availability of firearms.

- The Firearms Licensee Compliance Program enhances the ability of State or local law enforcement agencies to conduct more complete and comprehensive background investigations on applicants for new or renewed Federal Firearms Licenses.
- The Firearms Investigative Task Force Program is designed to identify, target, investigate, and prosecute individuals and dismantle organizations involved in the unlawful use, sale, or acquisition of firearms in violation of the Federal and/or State firearms laws.
- Interstate Firearms Trafficking Program supports a cooperative effort among the Governors of 14 States, the District of Columbia, and the ATF to address the increase in violent crime committed with firearms obtained through interstate trafficking of guns.
- Innovative Firearms Program assists State or local jurisdictions in developing and implementing innovative new or enhanced projects designed to control illicit firearms trafficking. In addition, BJA, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), ATF, and U.S. Attorneys will work together to develop a State or local project to implement the new Youth Handgun Safety Act. OJJDP will contribute $250,000.

Public/Private Partnership Against Violence in America—$1,000,000

A Funding Collaborative, comprised of private and corporate foundations, the Department of Justice, and other Federal agencies, has been established to address violence in America, particularly violence affecting children and youth. Local sites will be selected to participate in this program on a competitive basis by the Funding Collaborative.

Arson and Explosives—Investigation and Prosecution Training for Prosecutors—$50,000

This program supports national training for State and local prosecutors in the investigation and prosecution of arson and bombings by addressing the personal and economic losses caused by incendiary and suspicious fires. The U.S. Fire Administration will also contribute $50,000 to this program.

Prison Gang Tracking System—$450,000

This program will support a National Major Gang Task Force designed to provide a coordinated law enforcement and corrections response to the growing interaction between street and prison gangs.

Firearms Legislation Program—$125,000

The purpose of this project is to develop a body of general information about key provisions of States' firearms codes. The Office for Juvenile Justice and Delinquency Prevention contributed $52,500 to this program.

Violence Against Women Demonstration Program—$400,000

This program is designed to demonstrate and assess a systems approach to violence against women including spouse abuse, child abuse, sexual assault, and stalking, which coordinates criminal prosecution with comprehensive case follow-through of court orders, monitoring and enforcement services, and protection for victims. This program will provide continuation funding for three existing sites.

Violence Against Women Program—Training and Technical Assistance—$150,000

A consortium, established between BJA, the American Prosecutors Research Institute, and the National Council of Juvenile and Family Court Judges, will assist the demonstration sites described above in addressing the critical issues related to violence against women.

Goal II: Improve The Functioning Of The Criminal Justice System

Comprehensive Law Enforcement Initiatives

Enhance the Capacity of Law Enforcement Agencies To Disrupt Crime, Drug Trafficking and Sales, and Violence

The Comprehensive Law Enforcement Initiatives are designed to develop and test new programs and practices that enhance the effectiveness of State and local law enforcement agencies in making our communities safe from serious and violent criminals. In addition to continuing several drug task force and financial investigation demonstration programs in FY 1995, BJA will fund an Anti-Car Theft Demonstration Program; a Major Crime Problem Solving Unit; and Gang Organized Crime Narcotics and Violence Enforcement Task Forces. Under these programs, new approaches to major crime and gang problems will be developed, implemented, documented, and made available to other jurisdictions.

Training and technical assistance related to Organized Crime Narcotics (OCN) Enforcement, Financial Investigations, and Clandestine Laboratory Investigation and Interdiction, which have been in great demand by local agencies, will be continued. Training currently under development through a BJA grant to the National Organization of Black Law Enforcement Executives will be initiated in FY 1995 to enhance the ability of law enforcement officers to draw on social and economic support systems available in their community to assist minority families.

BJA will also continue the National Law Enforcement Policy Center, which provides a national resource for local agencies to use in establishing and enhancing their policies and procedures. The Center focuses on new and difficult issues facing local law enforcement agencies. It is a valuable resource to many small- and medium-sized departments that do not have the resources or expertise to conduct research.

Competitive

Auto-theft Deterrence, Investigation and Prosecution Program—$200,000

The purpose of the Auto-Theft, Deterrence, Investigation, and Prosecution Program is to develop, demonstrate, and assess effective strategies to reduce the incidence of auto theft, carjackings and trafficking in stolen motor vehicles or motor vehicle parts. It is designed to: Develop new and innovative strategies to reduce, prevent and deter motor vehicle theft and violence; develop tactical coordination and interagency plans between law enforcement agencies and prosecutors to increase the likelihood of arrest and prosecution for motor vehicle theft and carjacking; and target repeat offenders. The 25 cities with the highest motor vehicle theft rates per 100,000 population in 1993 and/or the 15 cities with the highest number of carjackings in 1992 are eligible to apply for one of two awards to be made. See the Program Announcement and Application Kit for a list of eligible cities.

Non-Competitive

Anti-Car Theft Program—$300,000

The purpose of this program is to establish a National Stolen Auto Part Information System to assist law enforcement agencies in tracking parts from stolen vehicles.

Training and Technical Assistance to Rural Areas—$150,000

This program assists rural areas in the development of approaches and strategies to address rising rates of crime, drug abuse and violence through the provision of technical assistance and training related to such issues as: Prevention, intervention, law enforcement, prosecution, courts, corrections, and treatment.

Non-Traditional Law Enforcement Responses to Minority Families—$150,000

The National Organization of Black Law Enforcement Executives, in partnership with the Jefferson Institute, will continue the development and implementation of a training program through which law enforcement officers will be taught how to access a variety of community resources to address problems facing minority families.

National Law Enforcement Policy Center—$200,000

The National Law Enforcement Policy Center, administered by the International Association of Chiefs of Police, will continue to develop and disseminate model policies for use by State and local law enforcement agencies.

Washington Metropolitan Area Drug Enforcement Task Force—$2,000,000

The Washington, DC, Metropolitan Area Drug Enforcement Task Force will continue to: (1) Provide a visible law enforcement presence; (2) disrupt major links between drug suppliers, distributors, and users; (3) initiate enforcement action against property owners who knowingly allow their property to be used in the distribution of illicit drugs; (4) develop comprehensive intelligence systems; and (5) coordinate with appropriate agencies regarding illegal firearms used by drug organizations.

Major Crime Problem Solving Unit—$400,000

The North Miami Beach Police Department will expand its innovative community policing approach to the detective function.

Chicago Building Interdiction Team Efforts—$500,000

This program will continue the Chicago Building Interdiction Team (BITE), a joint effort of the Chicago and the Chicago Housing Authority Police Departments, in the Robert Taylor Homes/Gateway Gardens Public Housing Developments. It is designed to regain control of these developments from gangs committing violent crime, particularly firearms crimes, and restore tenant confidence in law enforcement agencies.

Organized Crime Narcotics (OCN) Program—Technical Assistance—$300,000

This program will continue to provide technical assistance to the OCN projects, that are demonstrating the effectiveness of law enforcement agencies working together under a shared management concept to attack multijurisdictional criminal conspiracies involving narcotics.

Gang OCN Violence Enforcement Program—$500,000

This program is designed to assist local law enforcement and prosecution agencies in addressing the growing problem of gang-related violence, with a special focus on drugs and firearms. Two sites will be selected to gather intelligence and develop investigative and prosecutorial strategies designed to weaken the structure and activities of violent gangs.

Statewide Intelligence Sharing (SIS) Program—Demonstration and Technical Assistance—$850,000

This program will continue to develop, implement, and demonstrate the efficacy of centrally coordinated statewide narcotics intelligence sharing, using the OCN approach to system design, management, and operation. The four SIS projects will be continued in FY 1995.

Financial Investigations (FINVEST)—Demonstration and Technical Assistance—$900,000

The FINVEST sites will continue to demonstrate the effectiveness of coordinated multijurisdictional financial investigations and prosecutions, using the shared management concept and attacking the profit motive of illegal narcotics trafficking at the State and local levels.

OCN/FINVEST—Multi-Agency Response Training Project—$650,000

The Multi-Agency Response Training Project will continue to help State and local agencies address management issues and provide dedicated training and technical assistance in support of the OCN—New Directions, Statewide Integrated Resources Model, the Financial Investigations Demonstration Programs, as well as for other State and locally funded multi-agency task forces.

Financial Investigation and Money Laundering—Training and Technical Assistance—$250,000

This program will enable the National Association of Attorneys General to continue comprehensive program development initiatives, develop program documentation, and provide training and technical assistance to State Attorneys General to assist them in conducting complex financial investigations of and prosecuting illicit drug enterprises.

Clandestine Laboratory Training and Certification $300,000

The Clandestine Laboratory Model Enforcement Program assists State and local policymakers and practitioners develop policies, procedures and programs related to the hazardous chemicals problems associated with clandestine laboratories. In FY 1995, training and followup technical assistance will be provided in approximately nine locations by The Circle, Inc. BJA funding will also enable the Drug Enforcement Administration (DEA) to continue to provide regional safety certification training to State and local law enforcement officers.

Community-Focused Adjudication

Improve the Effectiveness and Efficiency of All Aspects of the Adjudication Process

BJA is committed to the development of partnerships among the various components of the criminal justice system to focus on problem solving in the adjudication process and in the wider community.

The Community Focused Adjudication programs address a wide variety of issues facing all of the players in the adjudication process: The courts, local prosecutors, and defense attorneys. A number of the programs, such as Tribal Courts, Partnerships for the Improvement of Adjudication, Technical Assistance to State Courts, and the National Judicial College, are designed to enhance the capacity of State and local judges and court systems effectively and efficiently to process the large numbers of cases and to address the complex issues that are presented to the courts.

BJA is also committed to assisting State and local courts expand

sentencing or referral options to better meet the needs of the community, the victim, and the offender. The Drug Court Resource Center and the Denial of Federal Benefits Program, which will be continued in FY 1995, help to make such options available to judges.

BJA is also committed to assisting State and local prosecutors address new and complex issues such as the growing problem of fraud and abuse by health care providers. As with other components of the criminal justice system, BJA will continue to support activities which encourage prosecutors to work more closely with and be more responsive to the needs of the communities they serve.

Competitive

Adjudication Partnership—$250,000

The purpose of this program is to enhance the State and local adjudication process by improving practices and partnerships among the various components of the criminal justice system. Innovative, coordinated adjudication efforts across component systems will be identified, documented, and assessed. A symposium will be held to discuss the barriers to cooperation as well as creative methods of overcoming those impediments. One award will be made. Two jurisdictions will receive subawards of $50,000 each to implement model programs.

Improving the Interaction Among State, Tribal, and Federal Courts—$200,000

In close collaboration with the tribal courts, this program will improve the interrelations of State, tribal and Federal courts. The goals of the program are to identify and develop a long-range research, demonstration, and training agenda to improve tribal, State, and Federal court relations; provide direct technical assistance to tribal courts on issues of court organization, personnel management, facilities, automation, caseflow, evaluation, and criminal justice records; and enhance the tribal administration of justice by helping prosecutors, probation officers, and judges develop long term plans and strategies with the tribal government. One award will be made.

Litigation Project—$100,000

The purpose of this program is to examine the impact of pro se inmate litigation and to document innovative methods to address the growing demands on State Attorneys General, Federal (and to a limited extent, State) courts, and State correctional departments caused by State prisoners' direct access and appeal to the courts. The program will identify and develop strategies to assist civil and criminal justice agencies in dealing with the increase in inmate litigation; develop and initiate stringent screening procedures to determine which cases have sufficient merit to proceed in forma pauperis; and produce more efficient case management systems for managing and disposing of pro se inmate litigation. A single award will be made to an educational institution, not-for profit private organization, prosecution agency or State court.

Health Care Fraud Investigation and Prosecution Demonstration—$600,000

The purpose of this program is to develop a prototype Statewide Health Care Fraud Prosecution Unit capable of investigating and prosecuting all types of health care fraud. It will provide support for the planning, organization and implementation of demonstration health care fraud prosecution units. The program will assess and document State Attorney General's leadership role in directing and coordinating complex health care fraud investigations. Grant awards of up to $200,000 each will be awarded to up to three State Attorneys General offices.

Non-Competitive

Health Care Fraud Investigation and Prosecution Training and Technical Assistance—$250,000

This project will enable the National Association of Attorneys General to work with the demonstration sites described above to develop prototype strategies for conducting health care fraud investigations and prosecutions by State Attorneys General, including health care consumer fraud, Medicaid fraud, and fraud against traditional insurance companies and HMOs.

Community Prosecution—$250,000

BJA and NIJ will conduct a joint effort in FY 1995, to assess the state of the art in community prosecution and develop a program initiative that will move this important community-based effort to its next phase of development and implementation. This effort will build on the American Prosecutors Research Institute's earlier work to define and document community prosecution.

Model State Drug Enforcement and Treatment Statutes—$200,000

This program will continue the education and promotion of comprehensive model State drug laws which significantly reduce, with the goal to eliminate, substance abuse through effective use and coordination of enforcement, treatment, education, prevention, community, and corrections resources.

Technical Assistance to State Courts—$150,000

American University will provide technical assistance to State courts that request help in addressing specific problems related to such issues as case processing and backlog, family violence and protective orders, sentencing, and other emerging problems.

Denial of Federal Benefits—$125,000

This program provides an information system for the courts to use to notify the Federal government about offenders convicted of certain drug-related offenses that disqualify them from receiving various Federal benefits, including contracts and grants.

Drug-Related Legal Education for Judges—$100,000

The National Judicial College will provide approximately 175 scholarships to State and local trial court judges to attend training on subjects identified by the Administration as high priorities, such as Alcohol and Other Drugs and the Courts; Domestic Violence; Equal Justice in the Courts; and Effective Sentencing and Probation Management for Judges and Probation Officers.

DNA Legal Assistance Unit—$150,000

This project will fill the void created when the Federal Bureau of Investigation discontinues DNA testing and related legal and technical services for local prosecutors.

Correctional Options, Boot Camps, and Treatment

Assist States in Freeing Prison Space for Serious and Violent Offenders Through the Design, Development, and Implementation of Effective Correctional Options for Nonviolent Offenders

The purpose of the Correctional Options Program is to help States plan, design, develop, implement, and evaluate innovative alternatives to traditional modes of incarceration for youthful offenders, including offender education, training, work, skill development, substance abuse treatment, and transitional release programs.

The program operates under the authority established by Title XVIII of the Crime Control Act of 1990 and provides grants to both public agencies and private organizations. The goals of the Correctional Options Program are to reduce the costs of incarceration, relieve prison and jail crowding, lower recidivism rates for youthful offenders,

and introduce innovation in correctional practices.

Congress appropriated $12 million for this program in FY 1995, which is allocated by Congress among the three program areas described below. The balance of the allocation for Part I will be awarded under the Comprehensive Communities Program for Community-based Alternatives to Incarceration.

Part I—Demonstration Programs—$8,250,000

The purpose of this program is to demonstrate the development and implementation of correctional options within existing correctional systems. The term ''correctional option'' includes community-based incarceration, weekend incarceration, correctional boot camps, transitional programs and aftercare services, drug courts, day reporting, structured fines, electronic monitoring, intensive probation, and other innovative sanctions designed to have the greatest impact on offenders who can be dealt with more effectively in a nontraditional correctional environment.

Some sites, funded with demonstration grants in FY 1992 and FY 1993, will receive continuation funding. Up to 10 new sites will be selected competitively from among the 24 sites funded with planning grants in FY 1994, to receive Correctional Options Demonstration Grants.

BJA will also provide $1.5 million to support two demonstration sites for the Office of Juvenile Justice and Delinquency's (OJJDP) Accountability Based Community Intervention Program. In addition, $500,000 has been allocated to support OJJDP's Intensive Aftercare Program.

From Part I, $1.35 million has been allocated for the development of community-based alternatives to incarceration under the Comprehensive Communities Program.

Part II—Training and Technical Assistance—$1,200,000

The purpose of this program is to make grants to private, nonprofit organizations to provide training and technical assistance to criminal justice personnel and establish small, innovative demonstration projects. In FY 1995, the Correctional Options Technical Assistance and Support Program will continue to provide services to public agencies that have been awarded Part I grants for demonstration programs and Part III grants for correctional boot camps. The program will also implement a nationwide outreach program to jurisdictions seeking to plan, develop, implement, improve, or expand alternatives to traditional modes of incarceration.

As described below, the nationwide outreach program will include the efforts of a number of other nonprofit organizations with specialized areas of expertise, some of which will not receive new awards in FY 1995.

- Treatment Alternatives for Special Clients (TASC)—The National Consortium of TASC Programs will provide technical assistance and training on developing linkages between treatment and criminal justice.
- American Probation and Parole Association (APPA) will provide technical assistance and training on Intensive Supervision Programs and mobilizing community involvement and support for correctional options programs.
- The Sentencing Project will provide training and technical assistance on defense-based sentencing initiatives.
- The American Correctional Association will convene a National Meeting to Promote Correctional Options, support follow-up regional meetings and training sessions, and provide training and technical assistance to support the Federal Surplus Property Program.
- Productive Work and Employment Preparedness—The Correctional Industries Association (CIA) will provide technical assistance and support to the Prison Industries Enhancement and Certification Program. BJA will also continue to provide technical assistance and program development to support productive work opportunities in local jails, through a continuation grant to the Jail Work and Industries Center.
- Structured Sentencing— The National Council on Crime and Delinquency will complete a study of structured sentencing practices and experiences nationwide and will develop a dissemination and technical assistance initiative.
- Telecommunications to Support Correctional Options—The Community Corrections Improvement Association will develop informational and training videos, a national satellite teleconference on correctional options, and other telecommunications products, such as telephone training conferences, computer bulletin boards, or regional teleconferences.
- Transitional and Aftercare Services—The VERA Institute will provide technical assistance and support to strengthen transitional and aftercare services available to youthful offenders that successfully complete correctional boot camp programs. It will also support the design of community-based intervention services for drug dependent offenders.
- Prosecutor and Public Defender Training—The Institute for Law and Justice will continue to work with prosecutors and public defenders to promote a greater understanding of the issues that influence the development, implementation, and successful operation of correctional options.

Part III—Boot Camps—$1,200,000

The purpose of this program is to develop and test the effectiveness of correctional boot camps as a correctional option. Sites that received boot camp implementation grants in FY 1992 and FY 1993 will be eligible to receive continuation funding in FY 1995. Funds will also be available to support boot camp applications developed by FY 1994 planning grant recipients.

Criminal Aliens Initiatives

Enhance the Ability of State and Local Agencies, in conjunction with the Immigration and Naturalization Service, To Apprehend and Deport Criminal Aliens

The number of criminal aliens being arrested and incarcerated is increasing, adding to the already enormous criminal justice caseload and to the crowding in our jails and prisons. An estimated 100,000 illegal aliens convicted of felonies reside in our Federal, State, and local correctional/detention facilities. The identification and deportation of criminal aliens are high priorities for the Department of Justice. BJA, in conjunction with the Immigration and Naturalization Service (INS), will continue to assist State and local law enforcement and corrections agencies in addressing the problems associated with the investigation of criminal aliens involved in drug trafficking and other serious crime as well as the impact of criminal aliens detained in State correctional systems.

Non-Competitive

Criminal Alien Identification and Intervention—$1,000,000

The Criminal Alien Identification and Intervention Program is designed to enable the earliest possible identification of aliens arrested for felony offenses through INS's Law Enforcement Support Center (LESC). During FY 1995, the six States that have documented the largest alien populations in their correctional systems will continue to serve as demonstration sites. Technical assistance will be provided by the

Institute for Intergovernmental Research.

Training in Anti-Drug Activities and Cultural Differences Involving Illegal Aliens—$125,000

This project will, through a collaborative effort between the International Association of Chiefs of Police and INS, continue to present a series of training seminars to local law enforcement officers that will enable them more effectively to investigate crimes involving criminal aliens.

Evaluation, System Improvement, and Information Dissemination

Evaluate the Effectiveness of Funded Programs, Disseminate Results, and Enhance the Ability of Criminal Justice Agencies To Use New Information Technologies

The primary purpose of the programs in this program area is to determine ''what works'' in crime control/prevention and criminal justice system improvement and to disseminate that information to practitioners throughout the country. BJA will continue to work with the National Institute of Justice to support the evaluation of BJA-funded Discretionary and Formula Grant Programs. BJA will also continue to support the building of an evaluation capacity at the State and local levels to increase the quality and quantity of programs funded with formula grant and local resources.

Dissemination of the evaluation results is accomplished through the BJA Clearinghouse and Response Center, conferences, publications, technical assistance, and training.

The other important purpose of this program area is to enhance the capacity of State and local criminal justice agencies to share intelligence information and to use information system technology.

Non-Competitive

Evaluation—$1,500,000

This program will be implemented by the National Institute of Justice (NIJ) which will evaluate several BJA funded programs and then disseminate information to States and local jurisdictions on ''what works'' against crime and violence. Additionally BJA and NIJ will convene a national conference on ''Evaluating Violent Crime and Drug Abuse Initiatives.''

Operational Systems Support Training and Technical Assistance—$1,000,000

This program will continue to provide training and technical assistance on criminal justice information management, the use of microcomputer technology among criminal justice agencies, and the operational benefits of technology. An award will be made to SEARCH Group, Inc.—the National Consortium for Justice Information and Statistics.

Federal/State/Local Partnership Conference—$200,000

This project will enable BJA to hold a conference with State and local governmental and criminal justice officials to discuss issues related to crime and violence in America.

Technical Assistance and Training to State and Local Criminal Justice Agencies—$1,500,000

This program will provide training and technical assistance to States, local, and Native American Indian jurisdictions in developing and implementing comprehensive strategies. It also encourages States to include the programs and strategies developed through BJA's Discretionary Program in their State violent crime and drug control strategies developed under the Formula Grant Program.

Peer Review Services—$150,000

Applications submitted to BJA in response to a competitive program announcement are reviewed by a panel of independent experts who have experience and expertise in the subject area. A Peer Review Services contract provides administrative support and pays the expenses of the reviewers.

Department of Justice Response Center and BJA Clearinghouse—$1,139,000

This program supports the BJA Clearinghouse which serves as an information and dissemination source for the criminal justice field. BJA is also responsible for the management of the Department of Justice Response Center, which provides timely and accurate information on Department of Justice initiatives.

Report Publication and Dissemination—$200,000

This allocation enables BJA to produce and disseminate information to the criminal justice field about state-of-the-art programs and activities to improve the criminal justice system through publications and other media materials (e.g., brochures, pamphlets, videos, and updating electronic bulletin boards).

Regional Information Sharing Systems—$14,500,000

The Regional Information Sharing Systems (RISS) program is composed of six regional projects that share intelligence and coordinate efforts of State and local law enforcement against criminal networks that operate in many locations across jurisdictional lines. In FY 1995, all RISS projects will enhance gang and firearms intelligence, provide linkages within RISS and outreach linkages to other systems, and assist the U.S. Attorneys antiviolence initiative.

National White Collar Crime Information Center—$1,400,000

The National White Collar Crime Center takes the lead in multi-State investigations of white collar crimes including but not limited to: Investment fraud, telemarketing fraud, securities fraud, boiler room operations, and advanced fee loans.

Immediate Response to Emerging Problems—$1,500,000

This program will provide BJA the resources to respond quickly to emerging problems or target ''hot spot'' areas by providing programs, training, and/or technical assistance to State and local criminal justice agencies.

Automated Speech Recognition—$200,000

BJA will provide an award to Advanced Solutions Group of South Carolina to develop automated speech storage and retrieval software and automated speech recognition for input into database fields, in order to reduce the time that law enforcement officers devote to preparing incident reports and to fulfilling other reporting requirements.

State and Local Evaluation Capacity Building Initiative—$1,000,000

Technical assistance and training will be provided by the Justice Research and Statistics Association to State and local agencies responsible for implementing, monitoring, evaluating, and developing reporting mechanisms for violent crime and drug control programs implemented under the Byrne Formula Grant Program.

Nancy E. Gist,

Director, Bureau of Justice Assistance.

Office of Juvenile Justice and Delinquency Prevention Final Comprehensive Program Plan for Fiscal Year 1995 and Notification of the Availability of the FY 1995 Competitive Discretionary Assistance Program and Application Kit

Introduction

The Nation's juvenile justice system stands at a crossroads. We are faced with a disturbing increase in violent

crimes committed by juveniles and an alarming rise in abuse, neglect, and street violence perpetrated against American youth. In light of this emerging crisis, we can no longer afford a narrow focus by separate disciplines to attack this problem. To effectively address the rising levels of juvenile crime, participants from all community sectors, public and private, and across specializations, must plan collaboratively and comprehensively to reduce violence and build safer and healthier communities. Collectively, we must launch a two-pronged assault on juvenile delinquency and violence, and their causes. Prevention and early intervention programs, coupled with a strong focus on law enforcement and a comprehensive system of graduated sanctions are crucial to this battle.

The public's fear of youth violence is well founded. Assuming that juvenile violent crime arrest rates increase annually at the rate they have in the past decade, juvenile violent crime arrests would more than double by the year 2010. The Federal Bureau of Investigation's Uniform Crime Reports for 1992–1993 show that the greatest increase in arrests of violent offenders involves children under the age of 18. Offenders under the age of 15 show the greatest increase in offenses involving the use of weapons. No place is a haven. Our neighborhoods, our schools and our homes are becoming increasingly violent. In 1992, 1.55 million violent crimes were committed against juveniles age 12 to 17, a 23.4% increase since 1987. The increased use of weapons, particularly firearms, by juveniles has created a climate of fear both for and of our children.

An increased emphasis on law enforcement and corrections has been the most common response to rising levels of juvenile violent crime. Assuredly, our communities have a vital stake in ensuring that serious, violent and chronic offenders are removed from the street. However, providing more detention beds and secure commitment facilities and increasing prosecution of juveniles as adults can only protect our communities in the short term. Such measures alone cannot put an end to youth violence. While we need to take immediate steps to protect our communities today, programs that prevent delinquency and violence tomorrow are the greatest hope for the future.

We must intensify our efforts to prevent delinquency by seeking ways to target services to youth and families at risk and to intervene immediately to hold first time juvenile offenders accountable before they become serious, violent, or chronic delinquents or graduate to become adult criminals. Working with our communities, we must integrate a system of support for families and children that will help them live in a safe and healthy environment. America's children should awaken each morning in homes that are free of child abuse and neglect; they should attend schools that are free of drugs, gangs, and guns; and after school, they should be able to play in parks that are safe and return to homes that provide a nurturing and supportive atmosphere.

Much of the public debate about juvenile delinquency centers on at-risk youth. If we are to provide early and effective intervention to prevent delinquency, we must begin by more precisely targeting at-risk children and families, but we should not exclude any child who needs services.

The road to adulthood has become increasingly hazardous in our society, and many families have broken apart. We must strengthen and preserve families. In particular, we must help families provide their children with the support that young people need to become productive and law abiding citizens.

If we are serious about combating crime, we must start early to ensure the healthy development of our children. We know that the early years of life are highly significant in a child's development. It is during that period that children learn empathy from caring adults with whom they have secure attachments and develop a sense of trust derived from parental responsiveness and loving attention.

Therefore, it is critical to:

■ Offer parents the tools they need to nurture their children effectively, through parent training classes and home visitation programs, including parents of offenders and juvenile offenders who are teen parents.

■ Enable children to enter kindergarten ready for school with a chance to succeed, through programs such as Head Start and HIPPY (Home Instruction Program for Preschool Youngsters).

■ Keep students in school, where they can acquire the tools to become self-sufficient through truancy and dropout prevention and intervention programs.

■ Give youth a positive alternative to being out on the street and the violence this encourages through after-school activities and conflict resolution programs.

■ Provide youth with positive role models through mentoring programs.

There are clear correlations between child abuse and neglect and increased delinquency and violence. A National Institute of Justice study on the cycle of violence reports that childhood abuse and neglect increase the likelihood of arrest as a juvenile and as an adult. The direct connection between violence and child neglect is striking: 12.5 percent of neglected children and 15.8 percent of physically abused children will be arrested for a violent offense by the age of 25. An ongoing OJJDP study on the causes and correlates of delinquency found that adolescents from families in which two or more forms of violence are present (e.g. child and spouse abuse) are almost twice as likely to report committing violent offenses as their peers from nonviolent families.

Thousands of alleged incidents of child abuse and neglect are reported to authorities every day. These reports must be handled within systems that are ill-equipped to properly investigate cases, report adequately to the court, or provide effective protective supervision, appropriate foster care, or timely permanent placement. As a result, children may be harmed by the very systems designed to protect them. The juvenile justice system's inability to properly deal with the deluge of abuse and neglect cases is devastating families.

In addition to manageable caseloads, child protective service workers, investigators, police officers, and others responsible for protecting children need expert training in child development and investigative techniques. This will enable them to gather the information needed to make legal determinations while displaying sensitivity to the child and the family. To effectively manage their cases, court counselors must have sufficient time to get the critical details needed to make appropriate recommendations regarding such matters as placement and future court action. Social workers must have adequate time to work with families, ensure compliance with court orders, and, above all, ensure the safety of children. Monitoring a child's status in foster care and minimizing the trauma of out-of-home placement is a time consuming responsibility. Judges need the time to thoughtfully and thoroughly deliberate in order to render informed decisions that are in the best interests of the child, justice and society. Finally, necessary resources to meet the treatment needs of the child and the family must be available in the community.

The juvenile justice system must also be strengthened if we are to reduce delinquency and juvenile violence.

There must be a full range of graduated sanctions designed to meet the needs of each juvenile in the juvenile justice system. We have learned that immediate intervention programs, based on a proper assessment, are a critical need the first time a juvenile commits an offense. A variety of innovative early intervention programs for first-time, nonviolent offenders have been implemented successfully. They include neighborhood resource teams, informal probation, peer mediation, community service, victim awareness programs, restitution, day treatment, alternative education, and outpatient alcohol and drug abuse treatment. These types of programs need to be replicated across America.

We must ensure that appropriate sanctions are available for more serious offenders and for offenders who have failed to benefit from the early interventions described above. Such sanctions include drug testing, weekend detention, intensive supervision for probationers, inpatient drug and alcohol abuse treatment, electronic monitoring, community-based residential programs and boot camps.

Secure facilities are needed for serious, violent, and chronic offenders who require a structured treatment environment or who threaten community safety. If a review of the nature of the offense, the offender's amenability to treatment, and the offender's record indicate that the juvenile justice system cannot provide appropriate services and adequately protect the community, the prosecution of such offenders in the criminal courts is both appropriate and necessary.

Finally, aftercare, or ''community care,'' must be more than an afterthought. Such services must be an integral aspect of all dispositions involving residential placement and include the active involvement of the child's family. It makes little sense to intervene in a significant way in children's lives only to send those children back into the same environment without a support system for the family and child. OJJDP's intensive aftercare program is developing both the programmatic and policy underpinnings for enhancing our efforts in this vital area.

Existing research points to the efficacy of a community-wide, comprehensive, multi-dimensional approach. This approach should include family support, prevention programs, immediate and intermediate sanctions, small secure facilities for the most serious offenders, and sound re-entry and aftercare services. As a result of research and evaluation, we can now point to a variety of program models proven to reduce delinquency and control youth violence. In these times of limited resources, program development should be predicated on this knowledge and innovative demonstration programs should be evaluated to measure their impact. Information, technical assistance, and training on the most promising programs should be provided as quickly and broadly as possible.

Protecting our communities and protecting our children: this two-part strategy lies at the heart of OJJDP's leadership of the Nation's efforts to prevent and combat delinquency and of the programs proposed in this plan. Community-based, collaborative efforts that involve comprehensive strategies aimed at reducing delinquency and youth violence will be critical to our success. Federal departments whose programs affect youth must work in an interdisciplinary manner, adopting this approach. With the tools now at hand—including enhanced community-oriented policing, delinquency prevention and intervention programs, and new correctional programs and facilities—we have an opportunity to build prevention and intervention strategies that can be implemented to reduce juvenile delinquency and violence across America.

OJJDP's Comprehensive Response

The Justice Department has called for an unprecedented national commitment of public and private resources to reverse the rising trend of juvenile violence and victimization. OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders, which outlines the two principal components of prevention and intervention, is the centerpiece of this call for action.

The prevention component of the Strategy calls for establishing community-based planning teams and collaborative efforts between the juvenile justice system and other service systems, including mental health, health, child welfare, and education. To be effective, delinquency prevention programs should be based on a risk-focused approach in which communities systematically assess their delinquency problem in relation to known risk factors and implement programs to counteract them.

A key strategy to counter risk factors for delinquency in young people's lives is to enhance protective factors that fall into three basic categories: (1) Individual characteristics (having a resilient temperament or a positive orientation), (2) bonding (positive relationships with adult role models), and (3) healthy beliefs and clear standards.

The intervention component of the Comprehensive Strategy is based on a model for the treatment and rehabilitation of delinquent offenders that combines accountability and sanctions with increasingly intensive treatment and rehabilitation. Families must be integrated into treatment and rehabilitative efforts at each stage of this continuum. Aftercare must be a formal component of all residential placements, actively involving the family and the community in supporting and reintegrating the juvenile into the community.

The intervention component also calls for a range of graduated sanctions to provide both immediate interventions and intermediate sanctions, including extensive use of nonresidential community-based programs. Many serious, violent, and chronic offenders will require the use of secure detention to protect the community and provide a structured treatment environment.

To expand implementation of the Comprehensive Strategy, OJJDP will fund several key initiatives in fiscal year 1995 designed to assist both urban and rural communities to address youth violence.

The National Council on Crime and Delinquency and Developmental Research and Programs have identified the most effective, promising programs for use in implementing the Comprehensive Strategy. Reports will be published on:

- Effective prevention strategies from birth to age six.
- Selected prevention strategies for early childhood and adolescence.
- Effective and promising graduated sanctions programs for serious, violent, and chronic juvenile offenders.
- Use of risk assessment and classification instruments.

These reports will be combined with an operations manual, which communities can use as a blueprint to assess their efforts in the areas of prevention and graduated sanctions to design and implement improvements that respond to community-identified needs.

Extensive efforts to coordinate and develop solutions to youth violence are ongoing at the Federal level. For example, a national conference, Solving Youth Violence: Partnerships that Work, was held in 1994. OJJDP is providing extensive technical assistance and training to four pilot jurisdictions in an interdepartmental initiative called Project PACT (Pulling America's Communities Together). The Denver metropolitan area, the District of

Columbia, the Atlanta metropolitan area, and the State of Nebraska are developing coordinated solutions to violence. Key officials and community leaders are being trained and assisted in assessing the local adult and juvenile violence problem and mobilizing their justice system responses and resources to develop system-wide solutions. Staff are being trained in establishing effective delinquency prevention programs using a risk-focused strategy and in intervention efforts employing a range of graduated sanctions for juveniles in the juvenile justice system.

OJJDP is participating in a collaborative effort with the Bureau of Justice Assistance called the Comprehensive Communities Program, in which cities or counties faced with high rates of drug-related crime and violence are developing a comprehensive strategy for crime- and drug-control that requires law enforcement and other government agencies to work in partnership with the community to address these problems by focusing on the environment that fosters them.

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Overview

OJJDP was established by the Juvenile Justice and Delinquency Prevention Act of 1974 (Pub. L. 93–415), as amended, to provide a comprehensive, coordinated approach to prevent and control juvenile crime and improve the juvenile justice system. Under Title II, OJJDP administers the State Formula Grants and State Challenge programs in 56 States and territories, funds more than 100 national, State and local projects through its Special Emphasis Discretionary Grant Program and its National Institute for Juvenile Justice and Delinquency Prevention, and funds projects under both Part D (Gangs) and Part G (Mentoring) programs.

OJJDP serves as the staff agency for the Coordinating Council on Juvenile Justice and Delinquency Prevention, coordinates the Concentration of Federal Efforts Program, and all Federal activities related to juvenile justice and delinquency prevention, and administers the Title IV Missing and Exploited Children's Program, the Title V Prevention Incentive Grants Program, and programs under the Victims of Child Abuse Act of 1990, as amended (42 U.S.C. 13001 *et seq.*).

1992 JJDP Act Amendments

The Juvenile Justice and Delinquency Prevention Amendments of 1992 (Public Law 92–586) expanded the role of OJJDP in Federal efforts to prevent and treat juvenile delinquency and improve the juvenile justice system by including three new priorities: strengthening the families of delinquents; improving State and local administration of justice and services to juveniles; and assisting States and local communities in preventing youth from entering the justice system. The Amendments encourage coordination of services, interagency cooperation, and parental involvement in treatment and services for juveniles. Seven new studies were mandated. The Comptroller General is in the process of completing five of these studies: (1) Juveniles waived, certified, or transferred to adult court, (2) Admissions of juveniles with behavior disorders to private psychiatric hospitals, (3) Gender bias in State juvenile justice systems, (4) Native American pass-through under the Formula Grants Program, and (5) Access to counsel in juvenile court proceedings. OJJDP is conducting the other two studies: one on the incidence, nature, and causes of violence committed by or against juveniles in urban and rural areas, and a second on the extent and characteristics of juvenile hate crimes.

The JJDP Act Amendments of 1992 authorized OJJDP to administer several new grant programs.

■ Part E, State Challenge Activities, authorizes grants to States participating in the Part B Formula Grants Program that provide up to 10 percent of a State's Formula Grants Program allocation for each of 10 challenge activities in which the State participates.

■ Part F, Treatment for Juvenile Offenders Who are Victims of Child Abuse or Neglect, authorizes grants to public and nonprofit private organizations for treatment of juvenile offenders who are victims of child abuse or neglect, transitional services, and related research.

■ Part G, Mentoring, authorizes three-year grants to local education agencies, or to private nonprofit or organizations working in partnership with such agencies, for mentoring programs designed to link at-risk youth with responsible adults to discourage youth involvement in criminal and violent activity.

■ Part H, Boot Camps, authorizes grants to establish up to 10 military-style boot camps for delinquent juveniles.

■ Title V, Incentive Grants for Local Delinquency Prevention Programs, authorizes grants to local governments for a broad range of delinquency prevention activities targeting youth who have had contact with, or are at-risk of contact with, the juvenile justice system.

In fiscal year 1995, funds were appropriated for three of the five programs cited above: Part G, Mentoring ($4 million), Title V, Prevention Grants ($20 million), and Part E, State Challenge Activities ($10 million). These programs are not included in this Plan (except for $1 million of Part G and $1 million of Title V funds committed to the SafeFutures Program), nor are programs authorized and funded under the Title IV Missing Children's Assistance Act and the Victims of Child Abuse Act of 1990, as amended.

Fiscal Year 1995 Program Planning Activities

The OJJDP program planning process for fiscal year 1995 has been coordinated with the Assistant Attorney General, Office of Justice Programs (OJP), and the four other OJP Program Bureaus: The Bureau of Justice Assistance (BJA); the Bureau of Justice Statistics (BJS); the National Institute of Justice (NIJ); and the Office for Victims of Crime (OVC). OJJDP's program planning process involved the following steps:

■ Internal review of existing programs by OJJDP staff.

■ Internal review of proposed programs by OJP bureaus and selected Department of Justice components.

■ Review of information and data from OJJDP grantees and contractors.

■ Review of information contained in State comprehensive plans.

■ Review of comments made by youth services providers, juvenile justice practitioners, and researchers.

■ Consideration of suggestions made by juvenile justice policy makers concerning State and local needs.

■ Consideration of all comments received during the period of public comment on the Proposed Comprehensive Plan.

An example of the intra-agency coordination between OJP Program Bureaus involves OJJDP and Bureau of Justice Assistance (BJA) gang initiatives. Although these programs are being implemented in a similar manner, the two initiatives are different in their theoretical approach and program targets.

BJA's fiscal year 1995 Comprehensive Gang Initiative is based on a prototype developed through a grant to the Police Executive Research Forum in 1992. The prototype emphasizes prevention, intervention, and suppression and encompasses strategies which bring together cooperative and coordinated efforts of the police, other criminal justice agencies, human service providers, and community programs. This initiative is primarily designed to

focus on older teens and adults. In fiscal year 1995, this program is featured in BJA's Comprehensive Communities program.

OJJDP's fiscal year 1995 Gang-Free Schools and Communities Program is based on a prevention-based community mobilization model derived from the research of Dr. Irving Spergel and colleagues. This model specifically focuses on juveniles and young adults under age 22. This fiscal year, the program has a specific focus on gang-free schools and public or federally subsidized housing. Another differentiating factor is that OJJDP's fiscal year 1995 initiative will be concentrated within the overarching SafeFutures demonstration program, as part of the comprehensive continuum of care that the program is designed to establish.

Discretionary Program Activities

Discretionary Grant Continuation Policy

OJJDP has listed on the following pages continuation projects currently funded in whole or in part with Part C and Part D funds and eligible for funding in fiscal year 1995, either within an existing project period or through an extension for an additional project period. A grantee's eligibility for continued funding for an additional budget period within an existing project period depends on the grantee's compliance with funding eligibility requirements and achievement of the prior year's objectives.

Consideration for continuation funding for an additional project period for previously funded discretionary grant programs is based upon several factors, including:

■ The extent to which the project responds to the applicable requirements of the JJDP Act.

■ Responsiveness to OJJDP and Department of Justice fiscal year 1995 program priorities.

■ Compliance with performance requirements of prior grant years.

■ Compliance with fiscal and regulatory requirements.

■ Compliance with any special conditions of the award.

■ Availability of funds (based on program priority determinations).

In accordance with section 262 (d)(1)(B), 42 U.S.C. 5665a, the competitive process for the award of Part C funds shall not be required if the Administrator makes a written determination waiving the competitive process:

1. With respect to programs to be carried out in areas in which the President declares under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*) that a major disaster or emergency exists, or

2. With respect to a particular program described in part C that is uniquely qualified.

In implementing the fiscal year 1995 Program Plan, OJJDP will continue the process of developing, testing, and demonstrating both the prevention efforts and the graduated sanctions concept throughout its programs, such as in SafeFutures: Partnerships to Reduce Youth Violence and Delinquency, while also prioritizing support for applicants that reflect the coordinated, interdisciplinary approaches found in Weed and Seed sites and Empowerment Zones and Enterprise Communities. This support will be provided through:

■ New competitive programs to be funded at the State or local level and new programs that provide funds to national organizations to provide services at the State and local level.

■ Continuation awards, under which OJJDP will negotiate with grantees and task contractors to identify and ensure the provision of site specific technical assistance, training, information, and direct program services to Weed and Seed sites, Empowerment Zones and Enterprise Communities, and jurisdictions adopting a continuum of care program approach.

OJJDP Funding Policy

OJJDP focuses its assistance on the development and implementation of programs with the greatest potential for reducing juvenile delinquency and crime and that create and strengthen partnerships with State and local organizations. To that end, OJJDP has defined four programatic themes that constitute the major elements of a sound policy for juvenile justice and delinquency prevention:

■ Strengthening the Juvenile Justice System.

■ Public Safety and Law Enforcement.

■ Juvenile Delinquency Prevention and Intervention.

■ Missing, Exploited and Abused Children.

OJJDP will also fund a new overarching demonstration program, SafeFutures: Partnerships To Reduce Youth Violence and Delinquency, which builds on the knowledge accumulated over 30 years of juvenile justice research. This overarching program builds upon broad-based community planning and support from all sectors and systems to provide a continuum of programs that focus on ameliorating known community risk factors. It stresses addressing the problems of youth along a continuum of prevention and intervention activities, from those aimed at the at-risk child to the serious and violent juvenile offender. Other overarching programs, both new and continuation, that cross programmatic themes will also receive OJJDP funding under this Plan.

Application and Further Information

Program inquiries are to be addressed to the attention of the OJJDP staff contact person identified in the FY 1995 Competitive Discretionary Program Announcements and Application Kit. For general information, contact Marilyn Silver, Management Analyst, Information Dissemination Unit, (202) 307–0751. This is not a toll-free number. Due dates for all competitive programs are contained in the FY 1995 Competitive Discretionary Program Announcements and Application Kit. Please call the Juvenile Justice Clearinghouse, toll-free, 24 hours a day, (800) 638–8736 to obtain a copy.

Applications are invited from eligible public and private agencies, organizations, institutions, individuals, or combinations thereof. Eligibility differs from program to program. Please consult the FY 1995 Competitive Discretionary Program Announcements and Application Kit for individual competitive program announcements and specific eligibility requirements. Where eligible for an assistance award, private for profit organizations must agree to waive any profit or fee. Joint applications by two or more eligible applicants are welcome, as long as one organization is designated as the primary applicant and the other(s) as co-applicant(s). Applicants must demonstrate that they have experience in the design and implementation of the type of program or program activity for which they are an applicant.

Strengthening of the Juvenile Justice System

All parts of the juvenile justice system are straining under the burden of increasing numbers of juvenile offenders. In 1992, the juvenile arrest rate was the highest in 20 years. Between 1982 and 1992, juvenile courts saw a 26% increase in the number of delinquency cases. In 1990, a congressionally mandated study identified several areas in which problems in secure juvenile facilities are substantial and widespread, most notably living space (crowding), health care, security, and control of suicidal behavior. OJJDP is continuing to fund

several programs that aggressively address these issues.

The limited resources of the juvenile justice system must continue to target the most difficult and intractable problems of juvenile crime. Strengthening the system requires support of all parts of the justice system, including law enforcement, prosecutors and the courts, as well as detention and corrections, including alternative residential placements and aftercare. A sound policy includes the assessment of each offender's needs and risks to the community, and concentrates the more formal, expensive, and restrictive options of the juvenile justice system in two areas:

■ Youth behavior that is most serious and least amenable to preventive measures and community responses.

■ Problems of youth and their families that exceed community resources and require more stringent legal resolution. This approach should promote accountability on the part of individual juvenile offenders to their victims.

Public Safety and Law Enforcement

The epidemic of youth violence is striking fear in communities across the Nation. While violent crime statistics are generally down, violent criminal activity is increasing among the young. Juvenile arrests for violent crime increased 57% between 1983 and 1992. The nearly 54,200 juvenile weapons arrests in 1992 accounted for nearly 1 of 4 weapons arrests. Violent youth gangs, often associated with large urban areas, are emerging in smaller cities.

While ultimately the reduction in youth violence depends on overcoming or changing those societal factors that propel troubled youth toward violent behavior, immediate public safety issues require the justice system to incapacitate the small number of serious, violent and chronic offenders responsible for the majority of juvenile violence. However, a sound policy for combating juvenile crime must not indiscriminately treat children as small versions of adults. Law enforcement training on how to deal with juvenile offenders and victims and how to address the problems of youth gangs and the increasing use of guns by juveniles is an integral part of a comprehensive response to the escalating violence.

Delinquency Prevention and Intervention

By the year 2005, the total population of youths from 15 to 19 years old will grow by an estimated 23 percent. Research has shown that the peak age of arrest for serious violent crime is 18 years. It has also shown that we must focus on addressing the root causes of delinquency as well as the symptoms. OJJDP programs encourage a risk-focused approach based on public health and social development models.

Communities cannot afford to place responsibility for juvenile crime entirely on the juvenile justice system. We must maximize the use of a community's less formal, less expensive, and less alienating responses to youthful misbehavior, while at the same time maintaining the safety of the public. The science of prevention has taught us that a sound policy for juvenile delinquency prevention must strengthen the most powerful contributing factor to good behavior: A productive place for young people in a law-abiding society. This type of preventive measure can operate on a large scale, providing gains in youth development while reducing juvenile delinquency.

Missing, Exploited and Abused Children

The Missing Children's Assistance Act of 1984 (42 U.S.C. 5771–5780, Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended) established OJJDP as the lead federal agency in matters pertaining to missing and exploited children. The fiscal year 1995 Competitive Discretionary Grant Programs for Title IV Missing and Exploited Children's Program and Application Kit Notice was published in the **Federal Register** on January 5, 1995.

Fiscal Year 1995 Programs

Brief summaries of each of OJJDP's new and continuation programs for fiscal year 1995 are provided below. The programs are organized according to the four areas that constitute the major elements of OJJDP's comprehensive approach to preventing juvenile justice and improving public safety.

A number of programs have been identified for funding by Congress with regard to the grantee(s), the amount of funds, or both. Such programs are indicated by an asterisk (*). The 1995 Appropriations Act Conference Report for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Programs identified 13 programs for OJJDP to examine and fund if warranted. Three of the programs are included in this Plan for continuation funding. Nine of the remaining ten have been reviewed and will receive consideration for funding in fiscal year 1995 at the levels indicated in the Final Plan.

OJJDP's new overarching demonstration program, SafeFutures: Partnerships to Reduce Youth Violence and Delinquency Program, is presented first since it addresses the major elements that must be present in an effective strategy to prevent and control delinquency and provide the juvenile justice system with the program resources needed to do its job effectively. This new program focuses on a variety of services and funding resources. Other overarching programs are then presented, followed by programs that seek to strengthen juvenile justice, enhance public safety and law enforcement, prevent delinquency, and address the problem of missing, exploited and abused children.

Fiscal Year 1995 Program Listing

Overarching Programs

New Programs

SafeFutures: Partnerships to Reduce Youth Violence and Delinquency—$7,200,000

Information and Statistics Projects—525,000

OJJDP Management Evaluation Contract—360,000

Technical Assistance For State Legislatures—262,500

Contra Costa County, California: Continuum of Care Program*—247,000

Evaluation of SafeFutures: Partnerships to Reduce Youth Violence and Delinquency Program—150,000

Overarching Programs

Continuation Programs

Juvenile Justice Clearinghouse—$1,031,167

Coalition for Juvenile Justice*—700,000

OJJDP Technical Assistance Support Contract: Juvenile Justice Resource Center—650,000

National Juvenile Court Data Archive*—611,000

Juvenile Justice Statistics and Systems Development—550,000

Insular Area Support*—511,000

Development of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders—500,058

Research Program on Juveniles Taken Into Custody-NCCD—450,000

Children in Custody-Census—450,000

Contract for the Evaluation of OJJDP Programs—290,000

Pulling America's Communities Together (PACT) Program Development—261,000

Juveniles Taken Into Custody (JTIC): Interagency Agreement—200,000

Juvenile Justice Data Resources—25,000

Strengthening Juvenile Justice

New Programs

Mental Health in the Juvenile Justice System—$750,000
Bethesda Day Treatment Center—320,000
Interventions to Reduce Disproportionate Minority Confinement in Secure Detention and Correctional Facilities (The Deborah M. Wysinger Memorial Program)—300,000
The Juvenile Justice Prosecution Center—300,000
Technical Assistance to Juvenile Corrections and Detention (The James E. Gould Memorial Program)—200,000

Strengthening Juvenile Justice

Continuation Programs

Serious, Violent, and Chronic Juvenile Offender Treatment Program—$1,500,000
Juvenile Court Training*—1,074,000
Intensive Community-Based Aftercare Demonstration and Technical Assistance Program—620,000
Native American Alternative Community-Based Program—600,000
Training for Juvenile Corrections and Detention Staff—500,000
Technical Assistance to the Juvenile Courts*—389,943
Due Process Advocacy Program Development—250,000
Improvement in Correctional Education for Juvenile Offenders—250,000
Robeson County, North Carolina*—202,645
P.A.C.E., Center for Girls, Inc.*—150,000
Juvenile Restitution: Balanced Approach—100,000
Evaluation of Intensive Community-Based Aftercare Demonstration and Technical Assistance Program—80,000
Douglas County, Nebraska*—67,055
Professional Development for Youth Workers—50,000
Lackawanna County, Pennsylvania*—50,000

Public Safety and Law Enforcement

New Programs

Gangs and Delinquency Research—$500,000
Field-Initiated Gang Research Program—300,000
Juvenile Transfers to Criminal Court Studies—275,000
Innovative Firearms Program—250,000
Gangs, Groups, Individuals, and Violence Intervention—250,000
Youth Handgun Study/Model Juvenile Handgun Legislation—202,838

Public Safety and Law Enforcement

Continuation Programs

Law Enforcement Training and Technical Assistance Program—$1,504,924
Comprehensive Communities Program—Comprehensive Gang Initiative—799,345
Targeted Outreach with a Gang Prevention and Intervention Component (Boys and Girls Clubs)—600,000
Comprehensive Gang Initiative—600,000
Violence Studies*—500,000
Violence Study—Causes and Correlates—300,000
Child Centered Community-Oriented Policing—300,000
National School Safety Center—250,000
Enhancing Enforcement Strategies for Juvenile Impaired Driving Due to Alcohol and Other Drug Use—150,000
Training in Cultural Differences for Law Enforcement/Juvenile Justice Officials—100,000

Delinquency Prevention

New Programs

Community-Based Gang Intervention—$2,000,000
Family Strengthening and Support—Including Non-English Speaking—1,000,000
Comprehensive Community-Based Services for At-Risk Girls and Adjudicated Juvenile Female Offenders—600,000
Innovative Approaches in Law-Related Education*—600,000
Training in Risk-Focused Prevention Strategies—500,000
Pathways to Success—450,000
Truancy—400,000
North Omaha B.E.A.R.S. (Building Esteem and Responsibility Systematically) Program*—300,000
Training and Technical Assistance for Family-Strengthening Services—250,000
Youth-Centered Conflict Resolution—200,000
ASAP: Athlete Student Achievement Pact*—150,000
Project Mister/Project Sister*—146,500
Facing History and Ourselves*—100,000
La Nueva Vida*—64,000
Henry Ford Health System*—58,000
Anti-Crime Youth Council*—50,000

Delinquency Prevention

Continuation Programs

Law-Related Education (LRE)*—$2,800,000
Teens, Crime, and Community: Teens in Action in the 90s*—1,000,000
Satellite Prep School Program and Early Elementary School for Privatized Public Housing—720,000
Children at Risk—350,000
Nonviolent Dispute Resolution—300,000
The Congress of National Black Churches: National Anti-Drug Abuse Program—250,000
''Just Say No'' International*—250,000
Jackie Robinson Center (JRC)*—250,000
Cities in Schools—Federal Interagency Partnership—200,000
Hate Crimes—200,000
Community Anti-Drug Abuse Technical Assistance Voucher Project—200,000
Race Against Drugs—150,000

Missing, Exploited and Abused Children

New Programs

Lowcountry Children's Center, Inc.*—$250,000
KidsPeace*—140,000
Multipurpose Educational Curriculum for Young Victims—75,000

Missing, Exploited and Abused Children

Continuation Programs

Parents Anonymous, Inc.*—$250,000
Permanent Families for Abused and Neglected Children*—225,000
Children as Witnesses to Community Violence—170,658

Overarching Programs

New Programs

SafeFutures: Partnerships to Reduce Youth Violence and Delinquency—$7,200,000

Background

The SafeFutures: Partnerships to Reduce Youth Violence and Delinquency Program rests on two important premises: The first is that public safety can be improved by providing prevention, intervention and treatment services to all at-risk youth. These three elements constitute a continuum of care that should be directed at youth throughout their development. The second premise is that the strategy for implementing this continuum of care lies with a comprehensive, customer-focused approach in which there is broad collaboration between all service agencies, all levels of government, and the public and private sectors. Availability of services, community responsiveness, and partnerships leading to increased public safety constitute the heart of the SafeFutures Program.

Many communities throughout the country have been engaged in reform efforts to develop a comprehensive, community-based service delivery

system for disadvantaged children. OJJDP's Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders presents a similar approach. Under this strategy, a broad-based community planning board systematically assesses the risk factors present in the environment that are best known to foster delinquent behavior in children. The community then develops a strategy to address identified risk factors for delinquency and increase protective factors that promote healthy and productive behavior. In addition, the board develops a full range of graduated sanctions, beginning with immediate interventions, that are designed to hold juvenile delinquents accountable to the victim and the community, ensure community security and provide a continuum of services that responds appropriately to the needs of each juvenile offender.

SafeFutures builds on and expands the model presented in the Comprehensive Strategy. Five sites will be selected: Three urban, one rural, and one Native American site. Each must have completed risk assessments and developed a comprehensive delinquency prevention, intervention and treatment plan prior to application to the SafeFutures program. At least one of the sites will be an Empowerment Zone or Enterprise community. Each must have established a multi-disciplinary community team to oversee implementation efforts. Finally, each site must have forged partnerships between government, local businesses and civic organizations, and leveraged resources from a variety of sources. The Native American site must have a Tribal Court.

SafeFutures is geared toward communities who have made significant progress in reforming their systems and implementing a strategy to reduce youth violence and juvenile delinquency. It will provide them with additional resources to expand existing efforts and fill in the gaps in service each has identified.

Program Goals

Specifically, SafeFutures will assist communities to:

1. Control and prevent juvenile violence and delinquency by—

a. Reducing risk factors and increasing protective factors
b. Developing a full range of graduated sanctions, beginning with intermediate interventions that are designed to hold delinquents accountable to the victim and ensure community safety
c. Providing a continuum of services for all youth, with appropriate treatment for juvenile offenders

2. Develop a more efficient and effective service delivery system for at-risk youth and their families, capable of meeting their needs at any point of entry into the system.

3. Build the capacity to institutionalize and sustain coordinated efforts through streamlining the service delivery system, and expanding, and diversifying its sources of funding.

4. Determine what outcomes have been achieved and whether a comprehensive strategy involving a concentration of effort and resources is successful at preventing and controlling juvenile delinquency.

Many communities have begun this process on their own, while others throughout the country have received support for these planning and implementation activities through OJJDP's Title V Prevention Program and programs designed to intervene with delinquent juveniles. Failure to previously participate under Title V, however, does not preclude selection as a SafeFutures applicant as long as the requirements described in the next section are met.

OJJDP will provide each site with up to $1.44 million the first year, with subsequent funding anticipated for four additional years. This amount includes not only OJJDP program dollars, but other federal sources of support which OJJDP has leveraged. In addition, OJJDP will offer all sites a comprehensive technical assistance package.

Grant Programs

Units of general local government or combinations thereof are eligible to apply. Successful applicants must demonstrate the capacity to establish and sustain a continuum of care for the jurisdiction's at-risk and delinquent youth and their families. If the size or makeup of the applicant's local unit(s) does not make jurisdictional-wide services practical or desirable, the applicant may request resources for an identified local area(s) or neighborhood.

The applicant must provide evidence of the following:

- The presence of risk factors for delinquency in the target area such as high rates of crime, poverty, teenage pregnancy, child abuse and neglect, dysfunctional or single parent families, school drop-outs, unemployment or other risk factors the community identifies;
- An established planning board in existence, with balanced representation of public and private agencies, community organizations and residents, including youth representation;
- Completion of a needs and resources assessment;
- A comprehensive delinquency prevention, intervention, and graduated sanction plan for their jurisdiction;
- Federal, State, local and private partnerships, and a commitment to leverage additional resources and coordinate the necessary systemic changes to both the juvenile justice and social services system of care.

In addition to providing overall administrative support for the coordination and implementation activities, SafeFutures provides specific support for ten program components. The applicant's proposal must demonstrate how each of the components described below will be implemented, its relationship to others within the continuum of care, and its impact upon at-risk youth and their families. Applicants that can demonstrate that they have adequately addressed, with their own resources, specific program components funded with Part C monies, will have the flexibility to use those designated funds (with the exception of the Day Treatment component) for alternative delinquency prevention activities. Each of the components is grouped below according to major OJJDP goals. Each is described in greater detail under these same goal areas in the Fiscal Year 1995 Program Plan.

Strengthening the Juvenile Justice System and Law Enforcement

- Serious,Violent, and Chronic Juvenile Offender Accountability and Treatment Programs (Part C—$500,000).
- Comprehensive Community-Based Services for At-Risk Girls and Adjudicated Female Juvenile Offenders (Part C—$600,000).
- Day Treatment Services (Part C—$150,000).
- Intensive Community-Based Aftercare Program (Part C—Technical Assistance).
- Community-Based Gang Intervention (Part D—$2,000,000).
- Mental Health Services for At-Risk and Adjudicated Youth, including treatment services for juvenile sex offenders and victims of sexual abuse (Part C—$750,000).

Providing Opportunities and Role Models for High-Risk Youth

- Youth Skills/Pathways to Success (Part C—$200,000).
- Mentoring (Part G—$1,000,000).

Breaking the Cycle of Violence Through Prevention

- Family Strengthening, including services for non-English speaking families (Part C—$1,000,000).
- Delinquency Prevention Program (Title V—$1,000,000).

Sites funded under this initiative will be eligible for program implementation, training, and technical assistance directly from OJJDP grantees and contractors. In addition, sites will receive training and technical assistance from:

Boys and Girls Clubs of America, to develop or enhance a Boys and Girls Club in the target area;

National Association of Service and Conservation Corps, to develop or enhance a Juvenile Youth Corps Program; and the

Home Builders Institute, to develop an apprenticeship program for high-risk youth in sites which have a local association of home builders.

In addition, the Departments of Health and Human Services (HHS), Housing and Urban Development (HUD), Education (DOE), and Labor (DOL), AmeriCorps, and the National Endowment for the Arts have agreed to participate in the SafeFutures Program by making available resources, technical assistance, and linkages to existing grant programs. OJJDP is also seeking other public and private partnerships to support substance abuse prevention, jobs skills development, individual youth assessment and evaluation activities by the SafeFutures sites.

Evaluation

Sites will be expected to demonstrate a strong capacity for data collection and analysis in order to support a requisite and stringent evaluation component addressing both process and outcome measures. Partnerships with academic institutions to enhance evaluation efforts are also encouraged.

Collaboration

Applicants are expected to demonstrate how they have linked their activities with other Federal, State, and local programs; national and community foundations; and private sector programs. Federal programs include: HUD's Empowerment Zones/Enterprise Communities and Hope Six; HHS's Family Preservation and Support Services; DOE's Safe and Drug Free Schools; DOL's Youth Fair Chance; and the Department of Justice's (DOJ) Operation Weed and Seed, PACT, Community Oriented Policing Services, Boot Camps, Drug Courts, Comprehensive Communities programs; and the U.S. Attorneys' anti-violence strategies.

Application Process

OJJDP will utilize a two stage process to select grantees. All applicants will first submit concept papers. Jurisdictions will be required to document existing legislation, executive orders, memoranda of understanding, and other formal commitments of bona fide partnerships. Preference will given to jurisdictions that demonstrate linkages with other Federal, State and local programs as well as the ability to secure additional financial and programmatic resources. Those best demonstrating an ability to qualify for funding will then be invited to submit full applications.

Prospective applicants should obtain a copy of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders and the forthcoming Implementation Guide for the Comprehensive Strategy. The Guide identifies promising programs, suggests effective community assessment tools and in general offers guidance to communities implementing a continuum of care model. Copies of the Guide will be available from OJJDP in May 1995.

OJJDP plans to conduct several workshops to answer questions about SafeFutures requirements prior to the concept paper submission date. To obtain more information regarding these workshops, please contact the Juvenile Justice Clearinghouse.

Information and Statistics Projects—$525,000

OJJDP recently conducted an independent review of its Information and Statistics Program to help the Office develop a 5-year plan for information and data collection. As a result of this review, $525,000 will be allocated to the following new projects: National Juvenile Statistics Analysis Center; National Indicators of Risk and Protective Factors; Juveniles in the Criminal Justice System; National Program Directory; and Integrated Juvenile Justice, Mental Health, and Child Welfare Data Collection.

National Juvenile Statistics Analysis Center—($200,000)

OJJDP is considering the establishment of a center devoted to collecting and analyzing statistics generated by OJJDP programs, State agencies, academic research, and other Federal agencies and programs. This National Juvenile Statistics Analysis Center would focus on two principal activities: (1) Retrieving Federal, State and local research and data, and (2) providing quick analyses to inform Federal, State, and local policy and program decisions. The impetus for the Center comes from the recognition that many States are collecting data and performing statistical analyses of their delinquency and juvenile justice systems and that other jurisdictions can benefit greatly from access to this information. The Center would function as a collection point for this research. With an increased national emphasis on juvenile justice issues, there is more need for specific and quick analyses of particular issues. The Center would provide such analyses on a wide range of subjects.

Other statistical activities identified as important include:

- Analyzing demographic, delinquency, and violence trends, including surveys of delinquency and related youth problems, Uniform Crime Report data, and victimization surveys.
- Analyzing violent behavior trends and patterns, particularly assaults and robberies, to increase our understanding of these phenomena.
- Maintaining national data sets on juvenile justice system handling of juveniles. State studies of disproportionate minority confinement and gender bias being conducted pursuant to the JJDP Act would be of particular interest.
- Retrieving statewide data sets for analysis and cultivating State resources for information and statistics.
- Maintaining data sets produced under major studies of delinquency and related juvenile problems.
- Distributing the results of statistical analyses conducted by others at the State and local level.

Once OJJDP determines the specific nature of this project, a subsequent announcement will be made.

National Indicators of Delinquency, Risk and Protective Factors—($225,000)

Widespread adoption of the public health model has stimulated interest in viewing juvenile delinquency and other problem behaviors in terms of risk and protective factors. At the same time, interest in developing social indicators of delinquency has grown. Because of these two developments, the collection and analysis of national indicators of risk and protective factors will be explored. State and community level baselines would enable measurement of the impact of delinquency prevention programs on risk and protective factors. A national baseline, with annual comparisons, would permit forecasts of changes in delinquency and youth violence levels and trends.

Several projects have laid the foundation for national and state-by-state baselines: Kids Count, the National Youth Survey, OJJDP's Causes and Correlates Research Program, the Six State Communities that Care Pilot Program, and InfoNation. The key issue concerns the feasibility of nationwide establishment, at the State level, of reporting requirements necessary to generate comparable data.

OJJDP will explore the feasibility of establishing comparable measurements of risk and protective factors, and prevalence measures for delinquency and other problem behaviors, at the individual, community, State, and national levels. This effort will involve a wide range of expertise, including researchers, practitioners, and policymakers. OJJDP will examine the most direct and efficient manner of gathering these indicators. In particular, OJJDP will explore cooperation with other Federal agencies. Once the nature of this project has been finalized, OJJDP will make a subsequent announcement.

Juveniles in the Criminal Justice System

Policymakers and legislators seeking data on how juveniles get to criminal court and on rates of conviction and sentencing, treatment, and conditions of confinement have found that existing information is often inadequate to help them make decisions about legislation, policy, and program development.

OJJDP, in cooperation with the National Institute of Justice (NIJ) and the Bureau of Justice Statistics (BJS), seeks to identify and fill these data gaps by working collaboratively with interested State and local officials. Through OJJDP's Juvenile Justice Statistics and Systems Development Program, a series of meetings will be convened involving prosecutors, judges, corrections officials, State Statistical Analysis Centers, researchers, and staff from OJJDP, NIJ, and BJS. The purpose of the meetings will be to plan multi-jurisdictional studies of the transfer process and its outcomes. The project also will identify information needs to recommend for inclusion in the BJS National Survey of State Prosecutors.

A number of multi-agency planning teams will be invited to assist in the collaborative design of the studies by identifying core data elements and definitions for cross-jurisdictional collection and analysis. The design process will be informed by a literature review and the identification of existing studies and data sets for secondary analysis to fill immediate gaps. A detailed review of the Government Accounting Office's pending waiver study will inform the project as to the feasibility of certain options. No funds will be awarded in fiscal year 1995.

National Program Directory—$100,000

To further develop OJJDP's statistical capability, OJJDP will create a National Program Directory. This directory will contain the names and addresses of specific juvenile justice programs along with important identifying information and will include prosecutors, juvenile probation departments, juvenile court judges, mental health agencies, youth welfare agencies, and other executive branch juvenile justice agencies. OJJDP will use the directory as a sampling frame for future surveys.

An important feature of this project is a series of Quick Response Surveys (QRS). Each QRS addresses a specific problem and is directed to a specific group of respondents. The goal of each QRS will be to provide vital information quickly on emerging problems and issues. QRS' will be made possible through Census Bureau development of program and facility directories on juvenile courts, detention centers, and long-term State confinement facilities. These surveys will address such issues as: characteristics of assaultive behaviors, juveniles in police lock-ups, juvenile sex offenders, family issues, and overcrowding.

The initial phase of this project will focus on developing a directory structure, collecting core information, and developing a QRS strategy. These funds will be transferred to the Census Bureau through an interagency agreement.

Integrated Juvenile Justice, Mental Health and Child Welfare Data Collection

Recent research has documented the co-occurrence of delinquency, mental health problems, drug and alcohol abuse, and child abuse and neglect. However, linkage of client data from the juvenile justice system with data from the mental health and child welfare systems is not possible with current data collection mechanisms. Information is needed on how the child welfare and mental health systems function as diversion programs and as providers of alternative incarceration for problem youth not served by the juvenile justice system. Ways of linking these data collection systems would be explored in order to: (1) Understand the interrelationships of the three systems, (2) develop models that coordinate the actions of the three systems, and (3) integrate them into a continuum of care.

OJJDP will support a planning effort to map out steps toward integrated juvenile justice, mental health, and child welfare data collection. OJJDP will carry this work out in collaboration with other Federal agencies that have an interest in the objectives of this program, including the National Institute of Mental Health; the Center for Mental Health Services; the National Institute on Drug Abuse; the National Institute on Alcohol Abuse; the Administration on Children, Youth and Families; and the Social Security Administration. This project will also involve practitioners and researchers from the mental health, juvenile justice, and child welfare fields. OJJDP's Statistics and Systems Development Program will provide staff support for this planning activity, including conducting a literature review, identifying useful data sets for secondary analysis, and convening planning meetings. The results will include recommendations for future implementation steps.

OJJDP's current Statistics and System Development Program grantee, the National Center for Juvenile Justice, will conduct this program activity. No funds will be awarded in fiscal year 1995.

OJJDP Management Evaluation Contract—$360,000

The purpose of this contract is to provide OJJDP with an expert resource capable of performing independent, management-oriented evaluations of selected OJJDP programs. Evaluations will determine the effectiveness and efficiency of either individual projects or groups of projects.

Evaluations could include demonstrations, tests, training, and technical assistance programs. Evaluations will be requested through work orders issued by OJJDP and carried out in accordance with work plans prepared by the contractor and approved by OJJDP. Each evaluation will be defined by OJJDP and costs, method, and timetable determined through negotiation between OJJDP and the contractor. The contract will be funded through a competitive award in fiscal year 1995.

Technical Assistance for State Legislatures—$262,500

State legislatures are being pressed to respond to public fear of juvenile crime, and a loss of confidence in the capability of the juvenile justice system to respond effectively. For the most part, State legislatures have had insufficient information to properly address juvenile justice issues. Consequently, OJJDP will award a grant to the National Conference of State Legislatures to identify, analyze, and disseminate information to help State legislatures

make more informed decisions about legislation affecting the juvenile justice system. A complementary task will involve supporting increased communication between State legislators and State and local leaders who influence decisionmaking regarding juvenile justice issues. A $262,500 grant will be awarded to the NCSL in fiscal year 1995. No additional applications will be solicited in fiscal year 1995.

Contra Costa County, California: Continuum of Care Program*—$247,000

The purpose of this program is to develop and implement a model continuum of care program for youth in the Juvenile Justice System. The model proposes three specific components: (1) Development of risk and needs assessment instruments that reflect law enforcement and juvenile justice consensus; (2) establishment of linkages and coordination among several major planning efforts; and (3) the implementation and coordination of existing programs.

Grant funds will be used to fund several positions charged with building the continuum of care infrastructure, improving coordination, and managing the implementation. This grant will also contribute funding to an Employment Aftercare Program for youth returning to the community from secure institutional confinement and will provide technical support for a community education effort, designed to build public awareness and involvement in the reform of the juvenile justice system and the provision of services.

Evaluation of SafeFutures: Partnerships to Reduce Youth Violence and Delinquency—$150,000

OJJDP will fund five communities (three urban, one rural, and one Native American) under the SafeFutures: Partnerships to Reduce Youth Violence and Delinquency. SafeFutures will provide a range of coordinated services to meet the needs of at-risk youth and families and juveniles in the juvenile justice system. This Program will also serve to strengthen the juvenile justice system and develop the ongoing sustainability of service collaboration within the jurisdiction.

The evaluation of each of the five sites will be supported by this Program and will consist of both process and impact components. The process evaluation, to begin during the first year, will include an examination of planning procedures and the extent to which the sites' implementation is consistent with the principles of a continuum of care/graduated sanctions model. The evaluation process will identify the key factors responsible for successful implementation. It will also be important for the evaluation to identify substantial obstacles to successful implementation of the SafeFutures continuum model.

The selected evaluator will be responsible for developing a cross-site monograph that discusses Program implementation for use by other communities that want to develop and implement a community strategy to address serious, violent, and chronic delinquency.

The evaluator will develop a research design for the impact evaluation within the first year. Data collection for the impact evaluation would begin during the second year of the evaluation and will address the effects of the community's SafeFutures Program on the clients served. Furthermore, it will address the efficacy of the structure and operation of the SafeFutures model.

OJJDP will award a single cooperative agreement for up to $150,000 for first-year funding of this multiyear evaluation program. Significant funding for the evaluation is anticipated in the second and subsequent years of this evaluation.

OVERARCHING PROGRAMS

Continuation Programs

Juvenile Justice Clearinghouse—$1,031,167

As part of the National Criminal Justice Reference Service (NCJRS), the Juvenile Justice Clearinghouse provides support to OJJDP in: (1) Collecting, synthesizing, and disseminating information to the public on all aspects of juvenile delinquency; (2) developing publications; and (3) preparing specialized responses to information requests from the public. The Clearinghouse maintains a toll-free number for information requests. It also reviews reports, data, and standards relating to the juvenile justice system in the United States and develops specialized resource products for the juvenile justice community.

The Clearinghouse serves as a center for acquiring and disseminating information on juvenile delinquency, including State and local juvenile delinquency prevention and treatment programs and plans; availability of resources; training and educational programs; statistics; and other pertinent data and information. It also serves as an information bank for the collection and synthesis of data and knowledge obtained from research and evaluation conducted by public and private agencies, institutions, or individuals concerning all aspects of juvenile delinquency.

Recognizing the critical need to inform juvenile justice practitioners and other policymakers on promising program approaches, the Clearinghouse continually develops and recommends new strategies to communicate the research findings and program activities of OJJDP and the field to the practitioner community.

The entire NCJRS, of which the OJJDP-funded Juvenile Justice Clearinghouse is a part, is administered by the National Institute of Justice under a competitively awarded contract.

Coalition for Juvenile Justice—$700,000

The Coalition for Juvenile Justice supports and facilitates the purposes and functions of each State's Juvenile Justice State Advisory Group (SAG). The Coalition, acting as a Federal advisory committee, reviews Federal policies and practices regarding juvenile justice and delinquency prevention, prepares and submits an annual report and recommendations to the President and Congress, and provides advice to the OJJDP Administrator. The coalition is also authorized to develop an information center for the SAGs and to conduct an annual conference to provide training for SAG members. The program will be implemented by the current grantee, the Coalition for Juvenile Justice. No additional applications will be solicited in fiscal year 1995.

OJJDP Technical Assistance Support Contract: Juvenile Justice Resource Center—$650,000

This contract provides technical assistance and support to OJJDP, its grantees, and the Coordinating Council on Juvenile Justice and Delinquency Prevention in the areas of program development, evaluation, training, and research. Support of this program will be supplemented in fiscal year 1995.

National Juvenile Court Data Archive*—$611,000

The National Juvenile Court Data Archive collects, processes, analyzes, and disseminates automated data and published reports from the Nation's juvenile courts. The Archive's reports examine referrals, offenses, intake, and dispositions in addition to specialized topics such as minorities in juvenile courts and specific offense categories. The Archive also provides assistance to jurisdictions in analyzing their juvenile court data. In fiscal year 1995, the Archive will enhance the collection, reporting, and analysis of more detailed data on detention, dispositions, risk

factors, and treatment data using offender-based data sets from a sample of juvenile courts.

The program will be implemented by the current grantee, the National Center for Juvenile Justice. No additional applications will be solicited in fiscal year 1995.

Juvenile Justice Statistics and Systems Development—$550,000

The purpose of the Juvenile Justice Statistics and Systems Development (SSD) Program is to improve Federal, State, and local juvenile justice statistics on juveniles as victims and offenders. The SSD Program helps OJJDP to formulate a comprehensive program for the collection, analysis and dissemination of national statistics on juveniles as victims and offenders, and to document the juvenile justice system's response. A major product to be completed will be a national report on juvenile offending and victimization. Work on this product will consist mainly of report production followup, including the completion of a detailed technical appendix and preparation of additional products for dissemination. The SSD program will focus on the following areas in fiscal year 1995: (1) Juveniles in the criminal justice system; (2) development and testing of a training curriculum for improving information systems; (3) integration of juvenile justice, mental health, and child welfare data collection; and (4) improving information on juvenile detention.

The program will be implemented by the current grantee, the National Center for Juvenile Justice. No additional applications will be solicited in fiscal year 1995.

Insular Area Support*—$511,000

The purpose of this program is to provide supplemental financial support to the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands (Palau), and the Commonwealth of the Northern Mariana Islands. Funds are available to address the special needs and problems of juvenile delinquency in these insular areas, as specified by section 261(e) of the JJDP Act, 42 U.S.C. 5665(e).

Development of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders—$500,058

The National Council on Crime and Delinquency (NCCD), in collaboration with Developmental Research and Programs, Inc. (DRP), has completed Phase I of a collaborative effort to support development and implementation of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. This effort involved assessing existing and previously researched programs in order to identify effective and promising programs which can be used in implementing the Comprehensive Strategy. A series of reports, which will be combined into a Guide to the Comprehensive Strategy, has been completed on early intervention for ages 0 to 6, prevention from childhood to adolescence, graduated sanctions, risk and needs assessments, and an operations manual. Phase II, to be carried out in fiscal year 1995, will include: (1) convening a national forum on youth violence; (2) information dissemination; (3) program development and implementation activities; (4) providing information to national, State and local organizations; (5) providing training and technical assistance to Title V Prevention, Serious, Violent, and Chronic Juvenile Offender Treatment and SafeFutures sites; and (6) conducting a series of regional training sessions for representative groups of key leaders. The national forum and regional training sessions will contribute to implementation of the National Juvenile Justice Action Plan being formulated by the Coordinating Council on Juvenile Justice and Delinquency Prevention.

The program will be implemented by NCCD ($274,627) and DRP ($225,431) under cooperative agreements. No additional applications will be solicited in fiscal year 1995.

Research Program on Juveniles Taken Into Custody—NCCD—$450,000

The Research Program on Juveniles Taken Into Custody was designed in response to a statutory requirement to produce a detailed annual summary of juvenile custody data. During the next 24-month period, the National Council on Crime and Delinquency (NCCD) will continue to implement and refine the State Juvenile Correctional System Reporting Program. It is anticipated that individual-level data for 1993 will be representative of more than 75 percent of the at-risk juvenile population. In addition, NCCD will prepare two additional reports for OJJDP. These reports will provide a detailed summary and analysis of the most recent data regarding: (1) The number and characteristics of juveniles taken into custody; (2) the rate at which juveniles are taken into custody; and (3) the trends demonstrated by the data.

The 1994 data collection will expand coverage by collecting data from several small, nonautomated State systems. In order to better understand the data collected under the State Juvenile Corrections System Reporting Program, NCCD will conduct a State Juvenile Corrections Organizational Survey to identify critical dimensions of corrections administration that may explain variation in results. NCCD, in cooperation with the National Center for Juvenile Justice, will assess the proportion of all court commitments that are covered by the State Juvenile Corrections Reporting Program as compared with direct commitments by local authorities. NCCD will also conduct a pilot data collection and research effort on a small sample of detention centers to generate data and information on juveniles in detention.

This program will be implemented by the current grantee, NCCD. No additional applications will be solicited in fiscal year 1995.

Children in Custody—Census $450,000

Under this ongoing collaborative program between OJJDP and the U.S. Bureau of the Census, OJJDP proposes to transfer funds to the Census Bureau to conduct the 1995 biennial census of public and private juvenile detention, correctional, and shelter facilities. The census describes juvenile custody facilities in terms of their resident population, programs, and physical characteristics. It provides information on trends in the use of juvenile custody facilities for delinquent juveniles and status offenders. The Census Bureau's Center for Survey Methods Research will also continue to develop and test a roster-based data collection system designed to significantly improve information on juveniles in custody. The Bureau's Governments Division will create a new directory of facilities.

The program will be implemented under an interagency agreement with the U.S. Bureau of the Census. No additional applications will be solicited in fiscal year 1995.

Contract for the Evaluation of OJJDP Programs—$290,000

This contract will be extended and supplemented in the amount of $290,000 to complete evaluation reports on OJJDP's Boot Camp Pilot Program, to continue the evaluation of the Disproportionate Minority Confinement and Title V Prevention Program evaluations, and to provide other evaluation services required by OJJDP prior to the award of a new competitive contract.

The contract supplement will be awarded to Caliber Associates. A new competitive contract will be solicited in fiscal year 1995.

Pulling America's Communities Together (PACT) Program Development—$261,000

Project PACT is an initiative through which Federal agencies work with State and local agencies and communities to develop a strategic plan to help reduce crime and violence by building healthier communities. The role of the Federal government in Project PACT is to support the community's identification of needs, formulation of a coordinated community response, and development of resources to implement a community action plan. OJJDP will continue to provide PACT cities with technical assistance and information on programs and services that offer the best hope for success in the development of antiviolence strategies for juvenile offenders and victims.

The National Council on Crime and Delinquency (NCCD) has provided the Project PACT jurisdictions of Metro Atlanta, Metro Denver, Nebraska, and Washington, D.C., with technical assistance for the past year. NCCD will continue to provide such assistance through fiscal year 1995 by responding to requests for assistance in implementing juvenile justice reform through OJJDP's *Comprehensive* Strategy for Serious, Violent, and Chronic Juvenile Offenders.

This program will be implemented by NCCD. No additional applications would be solicited in fiscal year 1995.

Juveniles Taken Into Custody (JTIC): Interagency Agreement—$200,000

The U.S. Bureau of the Census is working with OJJDP and the National Council on Crime and Delinquency to develop a comprehensive national statistical reporting system that is responsive to the information requirements of the JJDP Act, the needs of the juvenile justice field for data on juvenile custody populations, and the needs of State legislatures and juvenile justice professionals for data to assist in making informed planning and policymaking decisions.

The Census Bureau acts as the data collection agent for the JTIC program under an interagency agreement. No additional applications will be solicited in fiscal year 1995.

Juvenile Justice Data Resources—$25,000

This program enhances the availability of juvenile justice data sets for secondary analysis. The project takes data files from OJJDP research and statistical programs and prepares them for use by other researchers. Data files made available during fiscal year 1994 include the 1993 Children in Custody Census, Juveniles Taken Into Custody, and the Causes and Correlates Research Program.

This program will be implemented under an interagency agreement with the University of Michigan. No additional applications will be solicited in fiscal year 1995.

Strengthening Juvenile Justice

New Programs

Mental Health in the Juvenile Justice System—$750,000

This program addresses the mental health and juvenile justice systems' lack of coordinated and adequate mental health treatment for at-risk and delinquent youth. The program will target juveniles with mental health problems and impairments (including learning disabilities), those who are at risk of becoming status or delinquent offenders, status offenders, and delinquents with undiagnosed or untreated mental health problems, including offenders in secure and non-secure residential care.

Fiscal year 1995 funds will provide up to $150,000 to each of the five jurisdictions participating in the SafeFutures Program. Their planning process would be expected to provide comprehensive, coordinated, and collaborative approaches among juvenile justice, youth service, and mental health agencies to improve mental health services for juveniles in these five communities. A particular focus of the fiscal year 1995 funding will be to target victims of child abuse and juvenile sex offenders.

Bethesda Day Treatment Center—$320,000

Pennsylvania's Bethesda Day Treatment Center is a private nonprofit agency established to provide intensive day treatment and a variety of other services that promote the social adjustment of juvenile offenders in the community.

For four years, OJJDP has provided funds to the Center to develop and document intensive, outpatient, community-based treatment and care centers for juveniles at risk of delinquency and those who have been referred to court and are in the preadjudication or postadjudication stages of the juvenile justice system. Center services were initially designed to help youth in rural areas or small towns who committed offenses related to family supervision and control. More recently, the program has demonstrated its effectiveness in larger cities, including Kalamazoo, Michigan and Philadelphia, Pennsylvania, with juveniles who commit serious delinquent acts.

Bethesda Day Treatment Center's services include intensive supervision, counseling, and coordination of a range of services necessary to develop skills that enable youth to function appropriately in the community. Services are client, group, and family focused. Client-focused services include intake, casework, service and treatment planning, individual counseling, intensive supervision, and study skills. Group-focused services include group counseling; life and jobs skill training, cultural enrichment, and physical education. Family-focused activities include family counseling, home visits, parent counseling, and family intervention services.

Day treatment services cost about 50 percent less than secure placement, pose a minimal risk to community safety, and can be implemented quickly. With management systems and funding in place, it takes only 6 to 9 months from startup to full implementation of a program.

The Bethesda Day Treatment Center will offer to replicate the day treatment model in the five SafeFutures sites. Successful applicants will be eligible to submit applications to the Bethesda Day Treatment Center for up to $30,000, with a $30,000 local contribution, in training and technical assistance services. Other local jurisdictions will also be eligible to receive services from the grantee under the same terms. Interested jurisdictions should contact the Bethesda Day Treatment Center at (717) 568–1131. No additional applications will be solicited in fiscal year 1995.

Interventions to Reduce Disproportionate Minority Confinement in Secure Detention and Correctional Facilities (The Deborah Wysinger Memorial Program)—$300,000

National data and studies have demonstrated that minority juveniles are over-represented in secure facilities across the country. In response to this problem, OJJDP issued regulations in 1989 requiring States participating in the Formula Grants Program to gather and assess data to determine the existence of disproportionate minority confinement and, if it existed, to design strategies to address the problem. To date, 47 States have completed the required data analyses, with all but five determining that minority juveniles are overrepresented in secure facilities. Analysis of the data indicates that in a majority of States minority juveniles are disproportionately represented at

several points of decision-making in the juvenile justice system.

This competitive Special Emphasis program will provide funds to States, local units of government, and nonprofit organizations to demonstrate effective interventions designed to eliminate the disproportionate confinement of minority juveniles in secure detention or correctional facilities, adult jails and lockups, and other secure institutional facilities. Activities appropriate for funding under this initiative include such programs as:

- Training and education programs for law enforcement and juvenile justice practitioners.
- Diversion programs for minority youths who come in contact with the juvenile justice system.
- Prevention programs in communities with high numbers of minority residents.
- Programs to increase the capacity of community-based organizations to provide alternatives to detention and incarceration for minority youths.
- Aftercare programs designed to assist minority youths returning to their communities from secure institutions.

Grants will be available in amounts ranging from $50,000 to $100,000 for the implementation and evaluation of interventions designed to reduce disproportionate minority confinement. In addition to the general selection criteria applied to all OJJDP competitive applications, OJJDP will consider the relationship of the application to the State's development of multiple strategies to address the State's problem based on minority overrepresentation indices as identified in the Phase I data collection analysis. Three to six competitive applications will be funded in fiscal year 1995 at $50,000 to $100,000 each.

The Juvenile Justice Prosecution Center—$300,000

For several years, OJJDP has supported prosecutor training activities through the National District Attorneys' Association (NDAA). This project will establish a Juvenile Justice Prosecution Center to provide prosecutor training and implement workshops on juvenile justice related executive policy, leadership, and management for chief prosecutors and juvenile unit chiefs, and provide background information to prosecutors on juvenile justice issues and programs.

The project will be implemented by the American Prosecutors Research Institute (APRI), based on planning and input by prosecutors familiar with juvenile justice needs. APRI is the research and technical assistance affiliate of NDAA. The project will utilize a working group of chief prosecutors and juvenile unit chiefs to support the project's staff in providing training, technical assistance, and juvenile justice related research and program information to practitioners nationwide. The expectation is that within the next three years a self-supporting Juvenile Justice Prosecution Center will be established through links with State prosecutor training programs.

The award for the Juvenile Justice Prosecution Center will be made to APRI. No additional applicants will be considered in fiscal year 1995.

Technical Assistance to Juvenile Corrections and Detention (The James E. Gould Memorial Program)—$200,000

The purpose of this program is to continue OJJDP's capability to provide technical assistance for juvenile corrections and detention. A major responsibility of the grantee will be to plan and convene the annual Juvenile Corrections and Detention Forum. The forum provides an opportunity for 100 juvenile corrections and detention leaders to meet and discuss issues, problems, and solutions to corrections and detention problems. A second objective is to provide workshops and training conferences on current and emerging national issues in the field of juvenile corrections and detention. The grantee will provide limited technical assistance through document dissemination. OJJDP will award a competitive grant to an organization experienced in this area of expertise to provide these services.

Strengthening Juvenile Justice

Continuation Programs

Serious, Violent, and Chronic Juvenile Offender Treatment Program—$1,500,000

In fiscal year 1993, under a competitive announcement, OJJDP awarded funds to enable two jurisdictions (Allegheny County, Pennsylvania and Washington, DC) to develop a plan for systematic graduated sanctions for juvenile offenders. The plan combines accountability and sanctions with increasingly intensive community-based intervention, treatment, and rehabilitation services as the seriousness of a juvenile's offenses increases or a particular offense warrants. The plan's basic elements are to: (1) Assess the existing continuum of secure and nonsecure intervention, treatment, and rehabilitation services in each jurisdiction; (2) define the juvenile offender population; (3) develop and implement a program strategy; (4) develop and implement an evaluation; (5) integrate private nonprofit, community-based organizations into juvenile offender services; (6) incorporate an aftercare program as a formal component of all residential placements; (7) develop a resource plan to enlist the financial and technical support of other Federal, State, and local agencies, private foundations, or other funding sources; and (8) develop a victim assistance component using local organizations.

In fiscal year 1994, these jurisdictions each qualified for $500,000 implementation grants. Two additional jurisdictions are being selected for combined planning and implementation awards of $500,000 each under a fiscal year 1994 competitive program.

In fiscal year 1995, each of the original jurisdictions will receive continuation awards of $500,000 for second year implementation. Also in fiscal year 1995, up to $100,000 will be available to each of the five SafeFutures sites to refine and implement action plans for graduated sanctions systems in the target areas. The Bureau of Justice Assistance will transfer $1,500,000 to OJJDP to implement this program in fiscal year 1995. No additional applications will be solicited in fiscal year 1995.

Juvenile Court Training*—$1,074,000

The primary purpose of this project is to continue and refine the training and technical assistance program offered by the National Council of Juvenile and Family Court Judges. The training objectives are to supplement law school curricula and provide judges with current information on developments in juvenile and family case law and available options for sentencing and treatment. Emphasis will also be placed on drug testing, gangs and violence, and intermediate sanctions. The project will provide both basic training to new juvenile and family court judges and specialized training to experienced judges.

The program will be implemented by the current grantee, The National Council of Juvenile and Family Court Judges. No additional applications will be solicited in fiscal year 1995.

Intensive Community-Based Aftercare Demonstration and Technical Assistance Program—$620,000

This initiative is designed to support implementation, delivery of training and technical assistance, and evaluation for a statewide intensive community-based aftercare model in four states competitively selected to participate in this demonstration program.

In fiscal year 1994, the Johns Hopkins University was awarded funds to test its intensive community-based aftercare model in four demonstration sites in Denver, Colorado; Clark County (Las Vegas), Nevada; Camden and Newark, New Jersey; and Richmond, Virginia. Each of the four sites will receive up to $100,000 to support program implementation in fiscal year 1995. An independent evaluation contractor is providing an initial evaluation design and documenting the implementation process under a separate grant.

The Johns Hopkins University will receive a supplemental award of $220,000 to provide training and technical assistance to the four selected sites and to OJJDP's Youth Environmental Service Program, Boot Camp Pilot Program, and SafeFutures Program sites. This is the second budget period of a three-year project. BJA will contribute $500,000 to the support of this program in fiscal year 1995.

Native American Alternative Community-Based Program—$600,000

This program is designed as a collaborative effort between OJJDP and other public and private organizations concerned about juvenile delinquency among Native Americans. Its purpose is to develop community-based alternative programs for Native American youth who are adjudicated delinquent and to develop a re-entry program for Native American delinquents returning from institutional placements. A multicomponent design has been developed in the four project sites. Fiscal year 1995 funding will support continued implementation of these projects. Training and technical assistance will also be provided to integrate the critical elements of OJJDP's intensive supervision and community-based aftercare programs with cultural elements traditionally used by Native Americans to control and rehabilitate offending youths.

The Red Lake Band of Chippewa Indians, the Navajo Nation, the Gila River Indian Community, and the Pueblo of Jemez are the project sites initially funded in fiscal year 1992. The National Indian Justice Center provides the sites with training and technical assistance. No additional applications will be solicited in fiscal year 1995.

Training for Juvenile Corrections and Detention Staff—$500,000

OJJDP will continue the development and implementation of a comprehensive training program for juvenile corrections and detention management staff through its interagency agreement with the National Institute of Corrections (NIC). The program is designed to offer a core curriculum for juvenile corrections and detention administrators and mid-level management personnel in such areas as leadership development, management, training of trainers, legal issues, cultural diversity, the role of the victim in juvenile corrections, gang activity, juvenile programming for specialized needs of offenders, and overcrowding. The training is conducted at the NIC Academy and regionally. This program is a continuation activity, implemented in fiscal year 1995 under an interagency agreement with NIC. No additional applications will be solicited in fiscal year 1995.

Technical Assistance to the Juvenile Courts*—$389,943

The National Center for Juvenile Justice (NCJJ), the research division of the National Council of Juvenile and Family Court Judges, provides four types of technical assistance under this grant: (1) Information resources; (2) onsite consultation; (3) off-site consultation; and (4) a cross-site consultation. Emphasis will be placed on intermediate sanctions for handling juveniles involved in drug-related offenses and gang activities and other emerging issues confronting the juvenile court.

The current grantee, the National Center for Juvenile Justice, will implement the program. No additional applications will be solicited in fiscal year 1995.

Due Process Advocacy Program Development—$250,000

In fiscal year 1993, OJJDP funded the American Bar Association (ABA), in partnership with the Juvenile Law Center (JLC) of Philadelphia, Pennsylvania, and the Youth Law Center (YLC) of San Francisco, California to develop due process advocacy program strategies. The goals of the program are: (1) To increase juvenile offenders' access to legal services; (2) to improve the quality of preadjudication, adjudication, and dispositional advocacy for juvenile offenders; and (3) to ensure due process to all juveniles in the juvenile justice system. The strategies will be made available to State and local bar associations and other relevant organizations so that they can develop approaches to increase the availability and quality of counsel for juveniles. The ABA, JLC, and YLC have completed an assessment of the current state of the art with regard to legal services, training, and education. In fiscal year 1995, they will develop strategies to improve access, availability, and the quality of counsel and provide a comprehensive report on these issues. During this second funding cycle, training materials will be developed and tested in selected sites. Training materials will be adjusted based on experience in the test sites and a dissemination strategy developed. The ABA will establish mechanisms for networking with legal service providers such as public defender offices and children's law centers. Fiscal year 1995 funding will support the second six months of the second year budget for this 3-year effort. No new applications will be solicited in fiscal year 1995.

Improvement in Correctional Education for Juvenile Offenders—$250,000

The purpose of this program is to assist juvenile corrections administrators in planning and implementing improved educational services for detained and incarcerated juvenile offenders.

In fiscal year 1992, the National Office for Social Responsibility (NOSR) was awarded a three-year cooperative agreement to conduct a comprehensive assessment of the literature and to produce a report documenting state of the art practices in educational reform. The results of this effort were utilized to develop a training and technical assistance program to improve educational services for incarcerated juveniles.

In fiscal year 1995, NOSR will be awarded up to $250,000 to provide training and technical assistance to three sites to be competitively selected. No additional applications would be solicited for this training and technical assistance program during fiscal year 1995.

Robeson County, North Carolina*—$202,645

This grant to the State of North Carolina will continue implementing a pilot program for African-American males, ages 12 to 15, who, in lieu of confinement, will be supervised in the community and assigned to a weekend academy where they will receive intensive services including counseling, tutoring, conflict resolution, and job training. In the first year, 100 juveniles were expected to be served. Second-year funds will be used to continue and expand the program.

P.A.C.E. Center for Girls, Inc.*—$150,000

The P.A.C.E. Center for Girls, Inc., headquartered in Orlando, Florida, will expand its program to several new sites and provide technical assistance to jurisdictions that wish to adopt the P.A.C.E. program model. P.A.C.E.

provides juvenile court judges with an alternative program for at-risk teenage girls arrested for status and minor delinquent offenses. Fiscal year 1995 funds will support the second year of implementation.

Juvenile Restitution: Balanced Approach—$100,000

OJJDP will continue to support the juvenile restitution training and technical assistance program in fiscal year 1995. The project design is based on practitioner recommendations for current needs in the field. OJJDP initiated a survey on how best to integrate and institutionalize restitution as a key component of juvenile justice dispositions. In addition to the survey, a working group was convened to help map out the course of OJJDP's support for optimum development of the components of restitution. These components include community service, victim reparation, victim-offender mediation, offender employment and supervision, employment development, and potential program elements designed to establish restitution as an important alternative in improving the juvenile justice system. This project is guided by the need to provide a balance of community protection and offender competency development and accountability in the provision of community-based sanctions.

The Division of Applied Research of Florida Atlantic University was competitively selected in fiscal year 1992 to implement this project. The grant will be extended into fiscal year 1995 to enable the grantee to provide technical assistance and support to States and localities seeking to implement the balanced approach. No additional applications will be solicited in fiscal year 1995.

Evaluation of Intensive Community-Based Aftercare Demonstration and Technical Assistance Program—$80,000

This supplement will allow the evaluation grantee, the National Council on Crime and Delinquency (NCCD), to provide additional assistance in data collection in fiscal year 1995 to the four States implementing the Intensive Community-Based Aftercare Demonstration and Technical Assistance Program.

The initial stage of this evaluation will assess the process used by the four demonstration states to implement an intensive community-based aftercare program, evaluate technical assistance provided to these States, and develop a preliminary impact evaluation research design. This supplemental award will provide for the initiation of data collection efforts as soon as the research design for the impact evaluation is completed.

This program will be implemented by NCDD. No additional applications will be solicited in fiscal year 1995.

Douglas County, Nebraska*—$67,055

This grant for a youth pre-trial diversion program in Douglas County, Nebraska was initially funded in fiscal year 1994 for a two-year project period. Fiscal year 1995 funding will support second-year implementation.

Professional Development for Youth Workers—$50,000

The primary purpose of this program is to promote professional development of youth service and juvenile justice system providers through formal training. The program will include an inventory of existing training programs and their effectiveness, a needs assessment training survey, development of curricula for several program settings, design of a dissemination strategy, and an implementation plan for the third year of a three-year program.

Initially funded in fiscal year 1992, the Academy for Educational Development, Inc., located in Washington, D.C., will continue the project for six months to train trainers in the new curricula. No additional applications will be solicited in fiscal year 1995.

Lackawanna County, Pennsylvania*—$50,000

With fiscal year 1994 funds, the District Attorney's Office in Lackawanna County created a Comprehensive Juvenile Crime Unit to investigate, prosecute, and prevent juvenile crime and to coordinate with other county agencies that are helping youth avoid delinquent behavior and become productive citizens. The primary activity will be to establish a Juvenile Justice Task Force to work with the Juvenile Probation Office to assess the needs and services of Lackawanna County. The Task Force will also review the last five years of the Juvenile Probation Office files to determine demographics, numbers of juvenile crimes committed, recidivism, and school district disciplinary and rehabilitation programs. Fiscal year 1995 funds will complete implementation of this program.

Public Safety and Law Enforcement

New Programs

Gangs and Delinquency Research—$500,000

In fiscal year 1994, OJJDP channeled its gang-related activities into the Comprehensive Gang Program, made possible by an increased Part D appropriation. The National Gang Assessment and Resource Center, funded under the fiscal year 1994 Program Plan, will provide a national baseline study of the presence and characteristics of violent gangs. This year, OJJDP proposes to supplement this baseline study with two studies designed to develop detailed information on various aspects of gangs in gang-plagued cities identified in the baseline studies. The main purpose of these supplemental studies is to examine gang behavior as a subset of overall delinquency. This program will fund the addition of gang studies to ongoing studies of juvenile delinquency, including serious, violent, and chronic delinquency. Specific issues to be examined include assessing the relationship of gang participation to other forms of delinquency and violence associated with gang membership and determining the proportion of violent youth crime accounted for by youth gangs. Proposals are encouraged that incorporate gang studies into ongoing studies of large samples of juveniles.

OJJDP will provide up to four assistance awards in amounts ranging from $100,000 to $150,000 each under this program.

Field-Initiated Gang Research Program—$300,000

OJJDP's Field-Initiated Research Program offers support for research ideas generated in the field rather than by OJJDP. Fiscal year 1995 Field-Initiated Research Program funding will be directed to the support of research on gangs, reflecting the growth in violence among youth gangs. Priority research topics include evaluation of prevention and intervention approaches aimed at diverting at-risk youth from becoming gang members, factors related to joining and leaving gangs, ethnographic studies on the dynamics of gang creation or joining, or other topics identified by applicants.

OJJDP will provide up to three assistance awards ranging from $75,000 to $125,000 each under this program.

Juvenile Transfers to Criminal Court Studies—$275,000

States are increasingly enacting new legislation mandating transfer of

juveniles to criminal courts. This trend includes the development of innovative procedures such as blending traditional features of juvenile and criminal justice procedures and sanctions and statutes that categorize juvenile offenders into different classes according to the seriousness of the offense, designating juvenile or criminal court for each class. Research in this area has been limited. Few studies have evaluated juvenile and criminal court handling of serious or violent juvenile offenders.

OJJDP proposes to support two studies in fiscal year 1995. The first will compare juvenile and criminal court handling of juveniles. This comparison would be made between a State(s) that allows for judicial waiver of serious or violent juvenile offenders and a State(s) that mandates criminal court handling for specified categories of offenders. The second study will evaluate an innovative system of blending criminal and juvenile justice systems to handle serious or violent juvenile offenders.

Funding for the initial phase of each of these studies will be competitively awarded and will be up to $150,000 each for up to two grant awards.

Innovative Firearms Program—$250,000

The purpose of the Innovative Firearms Program is to assist State and local jurisdictions to develop and implement new or enhanced projects to prevent the possession and use of firearms by juveniles and control illicit firearm trafficking. Law enforcement, prosecutorial agencies, schools, community groups, and juvenile justice system representatives may participate in the program. The grantee(s), in cooperation with the Bureau of Justice Assistance (BJA), OJJDP, and the Bureau of Alcohol, Tobacco and Firearms, will also work with U.S. Attorneys to develop and implement State and local projects related to the new Youth Handgun Safety Act that prohibits the possession of a handgun or ammunition by, or the private transfer of a handgun or ammunition to, a juvenile. BJA and OJJDP will also work with local jurisdictions to develop a program to reduce firearms crimes by juvenile gangs through improved enforcement of firearms laws and other laws and regulations, such as tax and business laws, that are used to control firearm sales. OJJDP and BJA will jointly fund this program at $500,000. BJA will administer the program.

Gangs, Groups, Individuals, and Violence Intervention—$250,000

Little is known about the interrelationships among gang participation, group delinquency, and individual violence. The dynamics of a juvenile's movement in and out of these relationships is not well understood. How these patterns of delinquency contribute to the careers of serious and violent offenders is also unknown. Nor do we have a clear understanding of the prevention and intervention program implications of these patterns of delinquency.

This project will involve a systematic review, assessment, and synthesis of existing research results on gangs, other types of group involvement, and individual serious and violent delinquency to determine the implications for prevention and juvenile/criminal justice system interventions. The framework to be used in conducting this review of existing knowledge is a criminal career model, including onset, acceleration, maintenance, and desistance elements.

Implications for OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders project will be drawn. Recommendations will be made for prevention programs and interventions in the juvenile and criminal justice systems that take into account meta-analyses of prevention and intervention programs. One cooperative agreement will be competitively awarded to implement this project in fiscal year 1995.

The results of this program will be of interest to other OJP agencies addressing serious, violent and chronic offender careers. The results also will be shared with OJP agencies through the Gangs Working Group and with other Federal agencies through the National Gang Consortium.

Youth Handgun Study/Model Juvenile Handgun Legislation—$202,838

Reducing and preventing gun violence is a primary concern of Federal, State, and local governments. This violence affects youth not only as perpetrators but also as victims and witnesses. There is a need to know about the various State laws concerning youth and handguns. This project will collect, analyze, and compare selected provisions of State firearms codes, particularly as they pertain to juveniles. The purpose is to develop a body of information about key provisions of State firearms codes. The results of this study will assist in formulating laws, policies, and programs to reduce firearms-related violence.

The product to be developed is a guide to selected State firearm provisions. This study, and the development of a model juvenile handgun law, are mandated by the Violent Crime Control and Law Enforcement Act of 1994. In order to immediately begin collecting study data to assist in developing the model law, a total of $75,290 was transferred to the Bureau of Justice Assistance for a joint award to the National Criminal Justice Association for the purpose of collecting, examining, and analyzing existing and proposed State firearms codes. The Crime Act requires the Attorney General, through the Administrator and the National Institute for Juvenile Justice and Delinquency Prevention, to develop a Constitutional and enforceable model juvenile handgun law. This model law will guide the States in their development of laws concerning juvenile handgun possession. The model law will be stated in a format designed to enable States to determine which provisions are best suited to their individual needs. This effort is being assisted by the National Criminal Justice Association under a grant in the amount of $127,548. No additional applications will be solicited in fiscal year 1995.

Public Safety and Law Enforcement

Continuation Programs

Law Enforcement Training and Technical Assistance Program—§ 1,504,924

This continuation award will supplement the contract between OJJDP and Fox Valley Technical College in Appleton, Wisconsin. Fiscal year 1995 funds will be used to conduct a nationwide training and technical assistance program designed to improve law enforcement's capability to respond to serious juvenile crime, to contribute to delinquency prevention, and to address issues of missing and exploited children and child abuse and neglect. Technical assistance under this contract is provided in response to a wide variety of requests from Federal, State, local, and county agencies with responsibility for the prevention and control of juvenile delinquency and juvenile victimization. The contract supports continuation of the Police Operations Leading to Improved Children and Youth Services (POLICY) series of training programs and other law enforcement training programs offered by OJJDP. No additional applications will be solicited in fiscal year 1995.

Comprehensive Communities Program—Comprehensive Gang Initiative—$799,345

Under the Comprehensive Communities Program, the Bureau of Justice Assistance (BJA) provides funds

to communities to implement a Comprehensive Gang Initiative. Funding for fiscal year 1995 would be a joint BJA and OJJDP effort, with OJJDP transferring $799,345 to BJA to support continued implementation of the Comprehensive Gang Initiative. The program includes a training curriculum and the provision of technical assistance to model demonstration sites by the Police Executive Research Forum (PERF). Four competitively selected demonstration sites were funded during fiscal year 1993 with technical assistance provided by PERF. Four additional sites will be funded in fiscal year 1995 through a competitive process. Applications will be solicited by BJA.

Targeted Outreach With a Gang Prevention and Intervention Component (Boys and Girls Clubs)—$600,000

This program is designed to enable local Boys and Girls Clubs to prevent youth from entering gangs and to intervene with gang members in the early stages of gang involvement to divert them from gang activities and into more constructive programs. The National Office of Boys and Girls Clubs will provide training and technical assistance to existing Gang Prevention and Intervention sites and expand the gang prevention and intervention program to other Boys and Girls Clubs, including those in the SafeFutures sites. The program will be implemented by the current grantee, the Boys and Girls Clubs of America. No additional applications will be solicited in fiscal year 1995.

Comprehensive Gang Initiative—$600,000

Under the Comprehensive Gang Initiative, BJA has developed a model comprehensive approach to gang issues that carefully balances prevention, intervention, and suppression approaches. The model incorporates strategies that bring together cooperative and coordinated efforts of the police, other criminal justice agencies, human services providers, and community programs. Funds in the amount of $600,000 will be transferred to the Bureau of Justice Assistance (BJA). In fiscal year 1995, BJA will provide continuation funding for the four currently funded project sites.

Violence Studies*—$500,000

The 1992 Amendments to the JJDP Act required OJJDP to conduct studies on violence. Sites were selected and grants awarded in Columbia, South Carolina; Los Angeles, California; Milwaukee, Wisconsin; and Washington, DC. Building on the results of OJJDP's Program of Research on Causes and Correlates, these studies address the incidence of violence committed by or against juveniles in urban and rural areas of the United States. In fiscal year 1993, OJJDP initiated these studies by supporting a planning phase and providing funding to each of four programs with fiscal year 1994 funds. Awards will be required to continue studies in two of the four designated sites in fiscal year 1995. No additional applications would be solicited in fiscal year 1995.

Violence Study—Causes and Correlates—$300,000

OJJDP proposes to support additional analyses of data collected under its Program of Research on the Causes and Correlates of Delinquency, conducted at the State University of New York at Albany, the University of Pittsburgh, and the University of Colorado. Because of the richness and scope of the data base, many issues have yet to be addressed. The main purpose of additional analyses to be conducted under this program is to inform the further development of OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders. In addition to conducting analyses specifically related to the Comprehensive Strategy, the grantees will produce an updated summary of their research results.

This program will be implemented by the grantees noted above. No additional applications will be solicited in fiscal year 1995.

Child Centered Community-Oriented Policing—$300,000

In fiscal year 1993, OJJDP provided support to the New Haven, Connecticut, Police Department and the Yale University Child Development Center to document a child-centered community-oriented policing model, which is being implemented in New Haven. The basic elements of the model are a 10-week training course in child development for all new police officers, and child development fellowships for all community-based district commanders who direct neighborhood police teams. The fellowships provide 4 to 6 hours of training each week over a 3-month period at the Child Study Center. The program also includes: (1) 24-hour consultation from a clinical professional and a police supervisor to patrol officers who assist children in violent situations; (2) weekly case conferences with police officers, educators, and child study center staff; and (3) open police stations, located in neighborhoods and accessible to residents for police and related services, community liaison, and neighborhood foot patrols.

In fiscal year 1994, Community Policing funds transferred from the Bureau of Justice Assistance supported a technical assistance and training grant to allow the Yale/New Haven project to serve as a host site for jurisdictions interested in replicating the essential elements of the model. In fiscal year 1995, OJJDP funds will support the continuation of this project in two to four replication sites. No additional applications will be solicited in fiscal year 1995.

National School Safety Center—$250,000

The purposes of this collaborative program between OJJDP and the Department of Education are: (1) To provide training and technical assistance regarding school safety for elementary and secondary schools and, (2) to identify methods for diminishing crime, violence, and illegal drug use in schools and on campuses, with special emphasis on gang-related crime. The National School Safety Center maintains a library and clearinghouse with specialized information, does research on school safety issues, and develops publications and training programs. The program focuses on preventing drug abuse and violence in schools and providing State personnel trained in school safety to give technical assistance to localities.

The Department of Education contributed $1 million to the program in fiscal year 1994. The program will be implemented by the current grantee, the National School Safety Center at Pepperdine University. No additional applications will be solicited in fiscal year 1995.

Enhancing Enforcement Strategies for Juvenile Impaired Driving Due to Alcohol and Other Drug Use—$150,000

Through a $75,000 interagency agreement with the National Highway Traffic Safety Administration of the Department of Transportation, OJJDP ($75,000) is supporting an initiative on Enhancing Enforcement Strategies for Juvenile Impaired Driving Due to Alcohol and Other Drug Use. The goals of this program are: (1) To increase the use of the arrest sanction among law enforcement agencies in cases where juvenile drivers are impaired by alcohol and other drugs, by developing and testing a model comprehensive program in selected demonstration sites and by disseminating training and technical assistance materials for police,

prosecutors, judges, and probation officers on effective procedures and law enforcement strategies, and (2) to increase community reliance on a unified systemwide response to juvenile impaired driving by involving the criminal justice system and other elements of the community in encouraging enforcement efforts that use the arrest sanction.

This three-phase program is entering its third and final phase. To date, the grantee, the Police Executive Research Forum (PERF), has developed a draft comprehensive Juvenile Driving Under the Influence Enforcement Working Model, training curricula, and technical assistance materials. Five sites have been selected and are testing the model and receiving training and technical assistance from PERF. The demonstration sites are Albany County, New York; Astoria, Oregon; Hampton, Virginia; Phoenix, Arizona; and Tulsa, Oklahoma.

In the third phase of the program, the observations and lessons learned from the demonstration sites will be categorized, analyzed, consolidated, and organized into a replicable model. The model will be presented to law enforcement and other interested public and private organizations through a variety of ''how-to'' materials. Program work products will be developed as a series of discrete, stand-alone publications to be published and distributed with the notation that the materials, like the various model components, must be coordinated in order to produce the desired result—a cooperating local criminal justice system that supports its police in the use of the arrest sanction as a principle deterrent to juvenile impaired driving. No additional applications will be solicited in fiscal year 1995.

Training in Cultural Differences for Law Enforcement/Juvenile Justice Officials—$100,000

Under a previous OJJDP award, The American Correctional Association (ACA), in collaboration with the Police Executive Research Forum (PERF), developed and tested a 2½ day cultural diversity training curriculum that is applicable to all juvenile justice system components. The curriculum has been presented by ACA and PERF trainers, and has been well received by training attendees, particularly juvenile justice/law enforcement trainers. In addition, the ACA has received numerous requests from juvenile justice agencies to provide the training to their personnel.

In recognition of the need for and benefits of cultural diversity training, OJJDP will continue support for the above project in fiscal year 1995. The purpose of the additional funding is to enable the grantee to implement additional State and regional training-of-trainers programs across the country in response to requests from the field.

The competitively awarded grant to the ACA for this project will be supplemented in fiscal year 1995 in the amount of $100,000.

Delinquency Prevention

New Programs

Community-Based Gang Intervention—$2,000,000

This program is designed to help communities build coalitions to reduce gangs and violence in public housing developments in partnership with public and federally subsidized housing residents. Fiscal year 1995 funding will establish the program in public and federally subsidized housing developments in the five SafeFutures sites. Under this program, community-based groups that can demonstrate a successful record of providing services to public housing youth and residents will be eligible to receive funds for a community coalition to address the needs of youth at risk for gang involvement. Program components will include: (1) Prevention and intervention activities directed at elementary school through high school gang violence; and (2) on-site technical assistance to community-based groups, including members of the local public housing resident association, and residents who are parents of youth to be served.

Each grantee must conduct a community assessment of current conditions and programs directed at youth and at preventing violence that uses a planning committee composed of residents and representatives from those sectors of the community which the residents believe can help reduce youth violence. Based on this assessment, the committee will develop and initiate its local program. Under an interagency agreement between OJJDP and the Department of Housing and Urban Development, $250,000 will be provided for the technical assistance and training component of this program.

Family Strengthening and Support—Including Non-English Speaking—$1,000,000

Strengthening and supporting families, including non-English speaking families, is a priority area in the JJDP Act and a key component of the comprehensive approach to delinquency prevention and control envisioned in OJJDP's Comprehensive Strategy to Address Serious, Violent, and Chronic Delinquency and the proposed SafeFutures: Partnerships to Reduce Youth Violence and Delinquency. OJJDP will provide funding to each of the five communities selected to implement a SafeFutures Program. Funds will be used to initiate or expand family-strengthening intervention and treatment programs, including programs for English and non-English-speaking families, that involve juveniles who are parents and are in the juvenile justice system, and that enlist schools and other local entities in family programming.

A major family-strengthening research project funded by OJJDP was recently completed. The grantees, the University of Utah and the Pacific Institute for Research and Evaluation, produced a user's guide, Strengthening America's Families: Promising Parenting and Family Strategies for Delinquency Prevention, and an executive summary that reviews both the current impact of family characteristics on risk for delinquency and the most promising family change interventions. Given the multiple variations of intervention strategies, the project recommends the organization of family-strengthening programs and services according to the family's level of functioning and the child's age. A representative group of 25 particularly promising programs were identified.

Under this program area, OJJDP will support implementation of new or expanded family-strengthening efforts designed to improve parental functioning as part of an overall plan to prevent delinquency or intervene with juveniles and their families who are in the juvenile justice system. Communities that compete and are selected as SafeFutures sites will be eligible to receive funding under this program. Family Strengthening and Support Program funds will be available to the five selected SafeFutures communities at $200,000 per site.

Comprehensive Community-Based Services for At-Risk Girls and Adjudicated Juvenile Female Offenders—$600,000

This program will focus on providing comprehensive, gender-specific prevention, intervention, treatment, and alternative services that include an intensive aftercare component for juvenile female offenders and girls who are at high-risk of entering the juvenile justice system. The program will be part of the SafeFutures program. Applicants must assess existing community services for at-risk and adjudicated female juvenile offenders and document

the need for a new or improved comprehensive prevention, intervention, treatment, or alternative service project in their target area. An aftercare component will be required to assist juvenile female offenders who are returning to the community from an out-of-home placement.

While intervention services should be provided in the least restrictive environment, the increase in arrests of female juvenile offenders indicates that community-based intervention is not always possible. In order to offer needed prevention and intervention services to as many juveniles as possible, this program will focus on girls in nonresidential and nonsecure residential programs such as day treatment and group homes. One hundred and twenty thousand dollars will be available to each of the five SafeFutures grantees to coordinate community service providers, assess existing services, identify local resources to supplement funded services, and provide training for project staff.

Innovative Approaches in Law-Related Education*—$600,000

The purpose of this competitive program is to support and advance the practices of law-related education (LRE) for the prevention of delinquency within and outside the classroom. Funds will be available for assistance awards to support up to six projects, at up to $150,000 each, that promote innovative methods, techniques, approaches, or delivery related to LRE. The promising approaches or ideas submitted will be judged on their applicability to delinquency prevention, on whether the proposed approach differs from previously funded efforts of OJJDP, and on the extent to which they provide an innovative approach consistent with accepted LRE program principles.

Training in Risk-Focused Prevention Strategies—$500,000

OJJDP will provide additional training in fiscal year 1995 for communities interested in developing a risk-focused delinquency prevention strategy. This training is designed to support OJJDP's Title V Delinquency Prevention Program and similar federally funded programs by providing the knowledge and skills necessary for local, State, and private agency officials and citizens to identify and address risk factors that are known to lead to violent and delinquent behavior in children and youth. In fiscal year 1994, this training was offered in all 50 States and the District of Columbia, and to State and local officials engaged in planning associated with Department of Health and Human Services prevention programs.

OJJDP will award a contract to provide the training, including the following: (1) Orientation training on risk and resiliency-focused prevention theories and strategies for State, local and private community leaders; (2) identifying, assessing, and addressing risk factors; (3) training for trainers in selected States to provide statewide capacity to train communities on risk-focused prevention; and (4) development of training curricula, materials, and media to increase the capacity of States and localities to conduct risk-focused prevention training. This training will be provided through a competitive contract award.

Pathways to Success—$450,000

This project will support a collaborative effort among OJJDP, the Bureau of Justice Assistance (BJA), and the National Endowment for the Arts (NEA). The project will promote vocational skills, entrepreneurial initiatives, recreation, and arts education for after-school, weekend hours, and summer that make a variety of opportunities available to at-risk youth outside the regular school curriculum. Hours considered to be outside the regular school curriculum include after-school, weekend hours, and summer; however, the project would not need to, but may, cover the full year.

This program will be jointly funded by OJJDP ($200,000), BJA ($200,000), and NEA ($50,000). Through a competitive concept paper and application process, it will fund five sites, at up to $50,000 each, for the first year of a two-year project period. Prospective applicants will be asked to submit a pre-application concept paper. Based on OJJDP's review of these papers, those best demonstrating an ability to qualify for funding will be invited to submit full applications. Applicants interested in applying for this program must demonstrate that collaboration has taken place with existing education, business, arts, and community groups, and youth-serving agencies in the development of its program including, where appropriate, collaboration with existing after-school, weekend, and summer youth programs. The applicant should develop and submit written documentation of existing and proposed collaboration as part of the application process, such as memoranda of understanding, legislation, executive orders, and/or other formal commitments of bona fide partnership (e.g., collapsed funding streams, wrap-around services, multi-service centers, and procedures for service coordination). Prospective applicants must serve at-risk youth who are 6 to 18 years of age, but a project would not need to cover the full age range.

Truancy—$400,000

The Truancy Project will be part of a joint effort with the Bureau of Justice Assistance and the under the Youth Out of the Education Mainstream Initiative (Initiative). The Initiative will address the needs of truants, dropouts, children who are afraid to go to school, children who have been suspended or expelled, and children in the juvenile justice system who need to maintain or enhance their educational status and be reintegrated into the school system upon their release from residential placement. The Initiative proposes a series of activities that includes regional hearings, training and technical assistance, and related support services for communities that wish to comprehensively address the needs of these youth. The training and technical assistance services will help jurisdictions direct their efforts at model prevention and intervention programs that address the needs of the students through a wide range of collaborative services. These models will make collaborative multi-disciplinary services available to students from agencies within the school, law enforcement, social services, and community organizations. These services would include student and parent attendance policy review, attendance review boards, parental notification of absences, individual education programs for students with special needs, mental health counseling, drug and alcohol abuse treatment, career and vocational courses, tutorial assistance, in-school suspension, parenting training, law enforcement partnerships, and transitional programs assisting students reentering the mainstream school.

The National School Safety Center (NSSC) will work with jurisdictions to develop and implement model programs to address the problems of youth out of the education mainstream. Those jurisdictions that have current programs working with these students, but would like to expand and improve support services to better address the needs of these youth, may also request training and technical assistance services through NSSC. Funds for implementing the truancy component of the Initiative will be awarded to the NSSC as a supplement to its current grant. The Office of Juvenile Justice and

Delinquency Prevention and the Bureau of Justice Assistance are each contributing $200,000 to this effort. No additional applications will be solicited in fiscal year 1995.

North Omaha B.E.A.R.S. (Building Esteem and Responsibility Systematically) Program*—$300,000

The North Omaha B.E.A.R.S. Program will enhance and expand its delinquency prevention program over a three-year period. This program focuses on at-risk youth ages 7–14 from the city of Omaha, Nebraska, using athletic participation as a means of providing tutoring, social enhancement and other services to Omaha youth. Funds will be used to enhance the linkages between the B.E.A.R.S. Program and the community. These funds will also be utilized to expand the number of at-risk juveniles and juveniles in the juvenile justice system being served by this program.

Training and Technical Assistance for Family-Strengthening Services—$250,000

Prevention, early intervention, and effective crisis intervention are critical elements in a community's family support system. In many communities, support services are geared toward intervention following a traumatic event, or toward the point when a child comes into contact with the justice system as a result of repeated behavioral problems. Over the years, OJJDP's program support and technical assistance has focused primarily on youth in the juvenile justice system. Technical assistance and training have not generally been available to community organizations and agencies focused upon family-oriented prevention services or early intervention initiatives. Currently, training is being provided to communities interested in implementing risk focused prevention. Following this training, communities will be better able to apply for and use Title V funds to support prevention programs.

Title V funds, along with funds available through the State Challenge Activities Grant Program, provide resources through State agency recipients of formula grant funds for jurisdictions and communities wanting to strengthen family support services, develop services where gaps exist, or augment and retool existing services to respond to new populations. In fiscal year 1995, OJJDP will support a program to provide technical assistance and training to public and private nonprofit agencies and organizations interested in structuring or enhancing family strengthening program models in communities where such services are designed as part of community-wide efforts to prevent delinquency and reduce violence. Such assistance will be offered for a selected number of family support models that have been demonstrated to be effective in diverse communities. OJJDP will award a competitive grant to an organization experienced in this area of expertise to provide these services.

Youth-Centered Conflict Resolution—$200,000

Violence in and around school campuses, conflict among students within schools, and conflicts between schools related to intramural activities have become increasingly problematic for school administrators, teachers, parents, and community leaders. While experts may debate the merits and impact of the varied contributing factors, most would agree that public school curricula, for the most part, do not provide for the systematic development of problem- and conflict-resolving skills. Inclusion of problem-solving skills in school curricula and community activities can be expected to provide a continuum in problem-solving skills and approaches that will enhance school discipline and lead to improved functioning in a democratic society.

OJJDP will award a grant to a qualified organization to develop, in concert with other established organizations currently providing conflict resolution services, a national strategy for broad-based education, training, and utilization of conflict resolution skills. In support of this task, the grantee would conduct four regional technical assistance workshops on the use of the joint publication being developed by the Departments of Justice and Education, Conflict Resolution Programs in Schools: A Guide to Program Selection and Implementation. This guide will be available late summer 1995. A complementary task may include the compilation of a compendium of model programs for this publication.

ASAP: Athlete Student Achievement Pact*—$150,000

The Sports Museum of New England will refine and continue developing the Athlete Student Achievement Pact (ASAP) mentoring program. ASAP focuses on at-risk school aged youth demonstrating poor academic achievement or participation. Through a signed agreement between a mentor and the student, tutoring is provided to assist these youth in their academic progress, and by acting as role models, to help students understand how to become successful in society. This program also utilizes high profile sports figures as role models for these youth. The overall purpose of this program is to reduce gang involvement, drug use, delinquency and drop-out rates within the target population.

Project Mister/Project Sister*—$146,500

This school-based delinquency prevention program will provide at-risk youth in three alternative high schools in Seattle and Tacoma, Washington with expanded counseling and case management services, pre-employment training, job search and placement, and parenting education. Many youth in these schools are teen parents and gang members. Most have been out of school at least once. Funds will support a full time case manager and job developer, and part-time parenting lab instructors. The goals of the program are to reduce the dropout rate, provide employment opportunities within two weeks of school completion, and prevent teen pregnancy.

Facing History and Ourselves*—$100,000

Facing History and Ourselves (FHO) is a national program aimed at promoting citizenship through increased awareness of racism and examples of positive actions for participating in democracy. This awareness-training is conducted through in-depth examination of the Holocaust as a historical case study in which youth study the roles and actions of various persons such as bystanders, victims, rescuers, and resisters. FHO, headquartered in Boston, Massachusetts, serves approximately 600,000 youth beginning in the eighth grade in 39 states. This grant will enable FHO to expand to reach more approximately 40,000 more youth through 350 newly trained teachers.

La Nueva Vida*—$64,000

La Nueva Vida is a residential treatment program that has recently expanded to create a school-based prevention program. It has been active in four schools where special classes on prevention-related subjects are presented twice a week. With the funds provided through this grant, La Nueva Vida proposes to establish a youth leadership development program in the public housing areas of Santa Fe, New Mexico. Youth aged 16 to 21 will receive leadership training and supervision as they engage in cross-age teaching and mentoring type relationships with younger children in the public housing areas in Santa Fe.

Henry Ford Health System*—$58,000

The Henry Ford Health System (HFHS) will implement a two-year Program called Reducing Youth Violence through School-Based initiatives in the Northern High School area of Detroit. The Program will develop and test a health care based violence prevention program through school-based health centers being established by HFHS at seven elementary schools, two middle schools, and the high school in this area. Participants will include teachers, family members, community programs and agencies, as well as student and health center staff. The initial program activities will involve an assessment of the problem in these school areas, and a coordinated planning process. The Program will then test approaches to violence prevention, evaluate the effort, and if it is successful, seek implementation funding from State, local and private funding sources.

Anti-Crime Youth Council*—$50,000

The Anti-Crime Youth Council program was developed as a forum in New Haven, Connecticut in which students could get together to discuss crime and be empowered to develop and implement solutions. The Council holds monthly public forums either in the evening on a weeknight or during the school day. The youth have developed several committees, focusing on areas such as law enforcement and community service. One hundred and fifty students are currently involved in the Council. This grant will facilitate the operation and expansion of the Council program in Connecticut.

Delinquency Prevention

Continuation Programs

Law-Related Education (LRE)*—$2,800,000

The national Law-Related Education (LRE) Program, titled ''Youth for Justice'', includes five coordinated LRE projects and programs operating in 48 States and four non-State jurisdictions.

The Program's purpose is to provide training and technical assistance to State and local school jurisdictions that will result in the institutionalization of quality LRE programs for at-risk youth. The focus of the program during fiscal year 1995 will be on linking LRE, violence reduction and youth action. The major components of the program are coordination and management, training and technical assistance, preliminary assistance to future sites, public information, program development, and assessment.

This program will be implemented by the current grantees, the American Bar Association, the Center for Civic Education, the Constitutional Rights Foundation, the National Institute for Citizen Education in the Law, and the Phi Alpha Delta Legal Fraternity. No additional applications will be solicited in fiscal year 1995.

Teens, Crime, and Community: Teens in Action in the 90s*—$1,000,000

This continuation program is conducted by the National Crime Prevention Council (NCPC) in partnership with and the National Institute for Citizen Education in the Law (NICEL). Teens in Action in the 90s is a special application of the Teens, Crime, and Community program, which operates on the premise that teens are disproportionately victims of crimes, and they can contribute to improving their schools and communities through a broad array of activities.

Under the fiscal year 1995 award, NCPC and NICEL will work through the National Teens, Crime, and Community Program Center to harness the energies of young people toward constructive activities designed to reduce crime and violence. The Program Center will be enlarged to serve as a formal clearinghouse for information and materials dissemination and to provide technical assistance and training. With fiscal year 1995 funds, NCPC and NICEL will significantly expand the number of communities participating in this program.

This program will be implemented by the current grantee. No additional applications will be solicited in fiscal year 1995.

Satellite Prep School Program and Early Elementary School for Privatized Public Housing—$720,000

This is a continuation of a demonstration program under which OJJDP supports the operation of an early elementary school program on the premises of the Ida B. Wells Public Housing Development in Chicago, Illinois. The program is a collaborative effort among OJJDP, the Chicago Housing Authority, and the Westside Preparatory School and Training Institute to establish a prep school for children in kindergarten through 4th-grade who live in the Development.

On October 1, 1991, the Wells prep school opened with kindergarten and 1st-grade students. In September 1993, a 2nd grade was added and in September 1994, a 3rd grade was added. The prep school operates as an early intervention educational model based on the Marva Collins Westside Preparatory School educational philosophy, curriculum, and teaching techniques. The Westside Preparatory School, a private institution located in Chicago's inner-city Weed and Seed neighborhood, has had dramatic success in raising the academic achievement level of low-income minority children. Fiscal year 1995 funds will be used to continue the operation and management of the Wells prep school and to add a 4th grade. No additional applications will be solicited in fiscal year 1995.

Children at Risk—$350,000

OJJDP, the Bureau of Justice Assistance (BJA), and the Center on Addiction and Substance Abuse of Columbia University have undertaken a joint program to help communities rescue high-risk pre-adolescents from the interrelated threats of crime and drugs. The program tests a specific intervention strategy for reducing and controlling illegal drugs and related crime in target neighborhoods and fosters healthy development among youth from drug- and crime-ridden neighborhoods. Multi-service, multi-disciplinary, neighborhood-based programs are established to provide a range of opportunities and services for pre-adolescents and their families who are at high risk of involvement in illegal drugs and crime. Simultaneously, the criminal and juvenile justice systems are targeting resources to reduce illegal drug use and crime in the neighborhoods where these young people reside. OJJDP funds are used for the delinquency prevention component of the program.

The Center has received funding from a number of foundations that has been matched by OJJDP and BJA. Based on the proposals submitted, six communities were selected to receive funds beginning in fiscal year 1992 to implement programs over a three-year period: Austin, Texas; Bridgeport, Connecticut; Memphis, Tennessee; Newark, New Jersey; Savannah, Georgia; and Seattle, Washington. Foundation and government funding ranging from $500,000 to $1 million was allocated to each community. The program will be implemented by the current grantee in each of the six communities. OJJDP funds will be transferred to BJA to implement the program. No additional applications will be solicited in fiscal year 1995.

Nonviolent Dispute Resolution—$300,000

This program is a joint effort of OJJDP and the Bureau of Justice Assistance (BJA) to test a variety of strategies to train teenage students to constructively

manage anger, resolve conflicts, learn the importance of mutual respect, and be responsible for their actions. Organizations or agencies in jurisdictions participating in the Comprehensive Communities Program will be selected to implement program models. To qualify, applicants must have demonstrated successful work in programs that include collaborative efforts among educators, counselors, criminal justice representatives, and parents or caretakers. Applications will be solicited and awarded by BJA on a competitive basis under the Comprehensive Communities Program.

The Congress of National Black Churches: National Anti-Drug Abuse Program—$250,000

OJJDP will continue to fund The Congress of National Black Churches' (CNBC) national public awareness and mobilization strategy to address the problem of drug abuse and enhance drug abuse prevention efforts in targeted communities. The goal of the CNBC's national mobilization strategy is to summon, focus, and coordinate the leadership of the black religious community, in cooperation with the Department of Justice and other Federal agencies and organizations, to mobilize groups of community residents to combat drug abuse and drug-related crime activities among adults and juveniles. CNBC operates this program in 31 cities.

The program will be expanded in fiscal year 1995 to address family violence intervention issues and target up to six additional cities for a total of 37 cities. Consideration will be given to expanding to SafeFuture sites when selecting the six new CNBC locations. No additional applications will be solicited in fiscal year 1995.

''Just Say No'' International*—$250,000

This two-year program is designed to assist ''Just Say No'' International to expand its Youth Power anti-drug program to public housing projects in Oakland, California, and Baltimore, Maryland. In fiscal year 1994, Just Say No expanded the program to Oakland, California and, in fiscal year 1995, will expand into Baltimore, Maryland.

Jackie Robinson Center (JRC)*—$250,000

The Jackie Robinson Center (JRC) provides a comprehensive program of cultural education, sports, and counseling services for at-risk youth. This is the second year of the three year program designed to support expansion of the program to new sites in New York City.

Cities in Schools—Federal Interagency Partnership—$200,000

This program is a continuation of a national school dropout prevention model developed and implemented by Cities in Schools, Inc. (CIS). CIS provides training and technical assistance to States and local communities, enabling them to adapt and implement the CIS model. The model brings social, employment, mental health, drug prevention, entrepreneurship, and other resources to high-risk youth and their families at the school level. Where CIS State organizations are established, they will assume primary responsibility for local program replication during the Federal interagency partnership.

This program is jointly funded by OJJDP and the Departments of the Army, Health and Human Services, and Commerce under an OJJDP grant. The project will be implemented by the current grantee. No additional applications will be solicited in fiscal year 1995.

Hate Crimes—$200,000

The Education Development Center, Inc. (EDC) is developing a multipurpose curriculum for hate crime prevention in the schools and sanctions for juveniles who commit hate crimes. This curriculum is being pilot tested in the 8th grade of the Collins Middle School in Salem, Massachusetts. Once the pilot is evaluated and the curriculum redesigned, EDC will test the revised curriculum in two additional sites to ensure that it is geographically and demographically representative.

In consultation with the Office of Victims of Crime, EDC will develop a dissemination strategy for the curriculum and other products, including a judges' guide for dealing with hate crimes.

No additional applications will be solicited in fiscal year 1995.

Community Anti-Drug-Abuse Technical Assistance Voucher Project—$200,000

In July 1991, OJJDP entered into a cooperative agreement with the National Center for Neighborhood Enterprise (NCNE) to extend its outreach to community-based grassroots organizations around the country that are working effectively to solve the problems of youth drug abuse. This project has three goals: (1) To allow various neighborhood groups to inexpensively purchase needed services through the use of technical assistance vouchers disbursed by NCNE; (2) to demonstrate the cost-effective use of vouchers to help neighborhood groups secure technical assistance for anti-drug-abuse projects to serve high-risk youth; and (3) to extend OJJDP technical assistance to groups that are traditionally excluded because they lack the administrative sophistication, technical and grantsmanship skills, and resources to participate in traditional competitive grant programs.

In order to accomplish these goals, NCNE : (1) Provides support to community groups in developing and implementing a strategy under the ''Weed and Seed'' program; (2) functions as a clearinghouse for information on community anti-drug-prevention initiatives; and (3) reviews all technical assistance applications and select 15–25 eligible community-based anti-drug programs for award of vouchers.

This continuation award is designed to provide more than $90,000 in vouchers to 20–30 organizations and to provide clearinghouse services to an additional 300 community groups.

Vouchers, which range in value from $1,000 to $10,000, can be used for planning, proposal writing, program promotion, legal assistance, financial management, and other activities. Selection of awardees and amounts is determined by the degree to which applicants meet the following criteria:

- Not previously funded by OJJDP or NCNE.
- Lack of access to traditional funding sources.
- Need for technical assistance and training.
- Small budget.
- Comprehensiveness of youth anti-drug programs.
- Clarity and feasibility of strategies presented on application.

No additional applications will be solicited in fiscal year 1995.

Race Against Drugs—$150,000

Race Against Drugs (RAD) is a unique drug awareness, education and prevention campaign designed to help young people understand the dangers of drugs and live a non-impaired lifestyle. With the help and assistance from 21 motorsports organizations, and the cooperation of the Federal Bureau of Investigation and the National Child Safety Council, it has become a fun and exciting addition to drug abuse prevention programs. RAD now includes national drug awareness and prevention activities at schools, malls and motorsports events; television public service announcements, posters, and signage on T-shirts, hats, decals, etc.; and specialized programs like the ''Adopt-A-School Essay and Scholarship'' and ''Winner's Circle''

programs. Curriculum materials include the Be A Winner Action Book for 6–8 graders, a RAD Adult Guide and a RAD Coloring Book for K–4 graders. This program will be supplemented and expanded to provide additional and updated curriculum materials, reach additional program sites, and demonstrate the Winner's Circle Program in Seattle, Washington. It will be funded by the Bureau of Justice Assistance (BJA) ($25,000), OJJDP ($25,000), and the Center for Substance Abuse Prevention (C-SAP) ($100,000). It will be implemented by the current grantee, the National Child Safety Council. No additional applications will be solicited in fiscal year 1995.

Missing, Exploited and Abused Children

New Programs

Lowcountry Children's Center, Inc.*—$250,000

The Lowcountry Children's Center, Inc., is a community-based program that offers services to children who are victims of violence. The Center is a nonprofit organization located in Charleston, South Carolina. Its mission is to coordinate a full range of services for abused and victimized children and their families. A major goal of the program is to restore child victims and their families to a healthy level of functioning. One Center currently provides an initial assessment, psychological testing, and individual, group, and family therapy. In addition, lay and expert testimony in court hearings, investigative/law enforcement services, on-going multidisciplinary case coordination and case tracking, professional training, and case and program consultation services are provided by the center. OJJDP funds will enable the Center to provide the array of services necessary to create a model comprehensive program of intervention for these children and their families. The Center will also focus on program evaluation and research to determine effective interventions in particular types of case-enabling the model created by this funding to be fully evaluated and, if successful, replicated. No additional applications will be solicited in fiscal year 1995.

KidsPeace*—$140,000

This program provides therapeutic foster care to children in crisis. Eighty percent of the children who are referred to the project are victims of child abuse. However, these children may be referred for delinquency, substance abuse, teenage pregnancy or other problems. The program now serves children in Pennsylvania, Georgia, New York, and Indiana. The grant will enable the program to expand into one additional state in fiscal year 1995.

Multipurpose Educational Curriculum for Young Victims—$75,000

Funds for this program will be transferred to the Office for Victims of Crime. The project will develop curriculum and training materials for use by school personnel, youth groups, and victim services providers to teach adolescents about the impact of crime on victims, about available victim assistance resources, and about strategies for providing effective peer support for young victims of crime. The program is expected to enhance victim service provider outreach activities targeting youth at risk and promote violence prevention.

Missing, Exploited and Abused Children

Continuation Programs

Parents Anonymous, Inc.*—$250,000

Parents Anonymous, Inc., (PA) will continue the program started in fiscal year 1994 and expand services in communities that have existing PA chapters to families and youth at highest risk of delinquency. The main focus of this program is to prevent child abuse and neglect through the creation of parent support groups.

Permanent Families for Abused and Neglected Children*—$225,000

This is a national project to prevent unnecessary foster care placement of abused and neglected children, to reunify the families of children in care, and to ensure permanent adoptive homes when reunification is impossible. The purpose is to ensure that foster care is used only as a last resort and as a temporary solution. Accordingly, the project is designed to ensure that government's responsibility to children in foster care is acknowledged by the appropriate disciplines. Project activities include national training programs for judges, social service personnel, citizen volunteers, and others under the Reasonable Efforts Provision of 42 U.S.C. 671(a)(15), training in selected lead States; and development of a model guide for risk assessment. The program will be implemented by the current grantee, the National Council of Family and Juvenile Court Judges. No additional applications will be solicited in fiscal year 1995.

Children as Witnesses to Community Violence—$170,658

This project develops, implements, and evaluates after-school interventions to protect elementary-school-age children in Washington, DC from the aftereffects of exposure to violence. The intervention program is expected to prevent or reduce the occurrence of certain negative psychological symptoms among children exposed to community violence. It should also help children develop coping skills that can reduce the likelihood of their future involvement in violence. The program is administered by Howard University and managed by the National Institute of Justice (NIJ). OJJDP funds will be transferred to NIJ to complete this program in fiscal year 1995.

Discussion of Comments

OJJDP published its proposed Comprehensive Plan for fiscal year 1995 in the **Federal Register** on December 30, 1994, 59 FR 68080, for a 45-day period of public comment. The Office received 58 letters commenting on the proposed plan. All comments have been considered in the development of the Final Comprehensive Plan for Fiscal Year 1994.

The majority of the letters OJJDP received provided positive comments about the overall plan and its programs. The following is a summary of the substantive comments and the responses by OJJDP. Unless otherwise indicated, each comment was made by a single respondent.

Comment: A respondent noted agreement with an emphasis on prevention and early intervention and the establishment and utilization of a system of graduated sanctions for juvenile offenders. The respondent further noted that this is a prudent and logical approach that covers the entire spectrum of responses to youth involved with the juvenile justice system and addresses community concerns about the escalation of youth violence.

Response: OJJDP's Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders incorporates the two principal components of delinquency prevention and improving the juvenile justice system's response to delinquent offenders through a system of graduated sanctions and a continuum of treatment alternatives. The delivery of services must be provided with a balance of: (1) Community protection and public safety; (2) juvenile offender accountability; (3) competency development; (4) individualization; and (5) representation of the interests of the community, victim and juvenile. By

taking these factors into account in each program component, a new direction in the administration of juvenile treatment services is fostered.

Comment: A respondent encouraged the ''renewed'' focus on aftercare. In addition, the respondent suggested that special attention be given to the coordination of mental health, medical, substance abuse, educational, independent living, and crisis intervention services well in advance of discharge. It was further suggested that these services should be an automatic extension of care given while in placement.

Response: OJJDP's Intensive Community-Based Aftercare for High Risk Juvenile Offenders Project (IAP) incorporates this approach. The IAP model is currently being implemented in four competitively selected jurisdictions, following a multi-year research and development initiative conducted by Johns Hopkins University and California State University (Sacramento). Each Serious, Violent, and Chronic Juvenile Offender Treatment Program site and the SafeFutures jurisdictions are expected to incorporate aftercare services as a key component of the graduated sanctions continuum. OJJDP will provide technical assistance on implementing the IAP model, as necessary, in these and other jurisdictions.

Comment: A respondent recommended the use of ''teen mentors'' or peers as role models, presenters and speakers in programs for youth, based on the writer's success in using such youth in delivering various positive messages.

Response: OJJDP agrees that involving peers as role models in delinquency prevention and intervention can be effective and that ''peer-related prevention must be an essential part of comprehensive prevention programming.'' (Pransky, 1991) As reflected in the ''Ensure Education'' issue area of the SafeFutures program, peer mediation is addressed through ''encouraging the development of positive values and teaching critical social skills, including conflict resolution and peer mediation.''

Comment: Two respondents recommended that input on prevention and intervention programs be sought and utilized from youth involved in the program. It was suggested that by making these involved youth part of the process, they will stay involved and programs will be improved.

Response: OJJDP agrees with the respondents. Research has demonstrated that ''Young people are more likely to be active program participants if they themselves are involved in creating and running (the program)'' (Pransky, 1991).

Comment: A respondent recommended that OJJDP support the development and/or acquisition of videos and provide information and training on promising and effective programs to assist in replication.

Response: Through OJJDP's Juvenile Justice Clearinghouse (JJC), the Office makes available a variety of program materials developed through OJJDP funded grants and contracts. This material includes videos, manuals, surveys, program summaries and directories of promising programs. In addition, JJC collects and disseminates similar materials on other programs of various types not funded by OJJDP. JJC can be reached by calling 1–800–638–8736 or sending an Internet message to ''askncjrs@ncjrs.aspensys.com''. OJJDP routinely provides training and technical assistance on promising programs such as Law-Related Education and the Intensive Community-Based Aftercare for Juveniles Program.

Comment: A respondent recommended that OJJDP identify and promote existing and new programs. It was suggested that these programs be identified by soliciting responses from police, court, school, and media personnel.

Response: Since 1992, OJJDP has annually awarded the Gould-Wysinger Award to State and local programs in order to recognize exceptional achievements in juvenile justice programming. This program is designed to both recognize and acknowledge outstanding local programs and to encourage replication in communities facing similar challenges. Each year, projects are nominated by each State's Formula Grants program agency, in consultation with the State Advisory Group. Winners of the award are published in OJJDP's Juvenile Justice Magazine and in an OJJDP Bulletin with a short description of each program along with a contact name and phone number for more information on the program. Since 1992, a total of 72 programs have received the Gould-Wysinger Award.

It has also been recognized that identifying promising programs for delinquent and at-risk youth in the juvenile justice system is a key concern of juvenile justice practitioners and others. In 1992, OJJDP awarded a grant to the National Center for Juvenile Justice to identify programs that effectively address the needs of juvenile offenders. During the data collection process, 3,000 juvenile court judges, probation administrators, and line staff nominated more than 1,100 programs in 49 States. The result is What Works: Promising Interventions in Juvenile Justice, a directory of 425 intervention programs deemed effective by the practitioners who use them. This directory and descriptions of those programs having received the Gould-Wysinger Award are available from the Juvenile Justice Clearinghouse by calling 1–800–638–8736, or sending an Internet message to askncjrs@ncjrs.aspensys.com''.

Comment: A respondent recommended that ''vocational education'' be provided to youth in various parts of the juvenile justice system, including ''community service, probation and to suspended students in an atmosphere conducive to youth involvement.'' It was further recommended that a ''recreational hook'' be used to ''get kids involved and build upon that 'activity' in order to allow youth to learn 'practical trades' and skills that can later be used in industry.''

Response: OJJDP agrees in principle with the respondent and recognizes the need for comprehensive service delivery, including supplementing traditional academic education with vocational training. OJJDP also intends to address a number of these issues in the SafeFutures Program, including ensuring education, increasing the effectiveness of juvenile justice by providing youth vocational training and meaningful job opportunities, addressing truancy and school dropouts through alternative education, and providing a continuum of services to respond appropriately to the needs of each juvenile offender.

OJJDP also agrees that ''recreation'', including cycling, baseball, football, and basketball, can be an effective ''hook'' to get youth involved in prevention services. However, it should be made clear that recreation *alone* is not an effective intervention. Wrap-around services that address the needs and risk factors of the youth involved are a necessity. For example, the Boys and Girls Clubs of America have successfully and consistently used recreation and other activities to reach out to at-risk youth in order to make available prevention and intervention services available once inside the clubs.

Comment: A respondent recommended that ''job training skills'' be incorporated with the education process so as to allow youth ''to stay involved in a program by keeping them interested.'' Students who have been suspended should be allowed to ''prove'' themselves in a program that offers a variety of job opportunities. An

''apprenticeship'' period should be created so they can be educated in the ''field'' by subsidizing their employment and allowing them to earn credits toward their High School Diploma. After graduation, this job opportunity should be available on a full time basis.

Response: OJJDP is entering into a collaborative effort with the Bureau of Justice Assistance and the National Endowment for the Arts to promote business vocational skills, entrepreneurship, recreation, and arts programs for afterschool, weekend hours, and summer. Apprenticeships and other job skills programs would be developed with the involvement of the business sector. The Pathways to Success Program will be implemented as part of the SafeFutures Program to provide vocational, job, and other skills training as part of a comprehensive service delivery system. Five additional Pathways to Success grants will be competed and awarded independent of the SafeFutures Program.

It is also possible that various components of the SafeFutures Program can be effectively linked with school-to-work opportunities in the applicant's State, if available. Created through the School-to-Work Opportunities Act, this collaborative initiative between the U.S. Departments of Education and Labor prepares youth for first jobs in high-skill, high-wage careers, to achieve high academic and occupational standards, and for further postsecondary education and training. The initiative has three core elements, including: (1) School-based learning consisting of classroom instruction based on high academic and occupational skill standards that integrates work-based learning and school-based learning; (2) work-based learning which includes work experience, structured training and mentoring at job sites; and (3) connecting activities, which include a variety of activities that build and maintain bridges between school and work. Examples of connecting activities include courses that integrate classroom and on-the-job instruction, matching students with participating employers and training job-site members.

For more information on School-to-Work Opportunities, contact the School-to-Work Opportunities Information Center at (202) 260–7278.

Comment: A respondent recommended that the prevention component of the Program Plan include youth suicide and teenage grief as well as provide a holistic approach to preventing delinquent behavior.

Response: Teenage grief and suicidal patterns are common signs of psychological disturbances in juveniles at high risk of getting involved in delinquent behavior or social acting out. To address psychological needs, OJJDP is looking to mental health services to provide evaluation (diagnosis), prevention, and treatment of mental disorders for high-risk juveniles and juveniles in the juvenile justice system. Under the SafeFutures program, funds will be available to establish or enhance mental health services in the juvenile justice system and to promote, develop, and implement mental health services for at-risk children, including victims of child abuse.

Comment: After studying OJJDP's proposed Comprehensive Program Plan for fiscal year 1995, one respondent commented that the Plan is still addressing symptoms rather than the core problem of family dysfunction.

Response: OJJDP recognizes the critical importance of strong families and their essential role in nurturing strong, healthy children. The Office also recognizes the link between dysfunctional families and juvenile delinquency. OJJDP has long supported family-related studies and programs designed to strengthen families and family strengthening remains a program priority. In 1988, OJJDP launched a major parenting initiative entitled Effective Parenting Strategies for Families of High-Risk Youth. An interdisciplinary team comprised of family researchers at the University of Utah and policy scientists at the Pacific Institute for Research and Evaluation conducted an extensive literature review focused on the causes and correlates of delinquency, and the effectiveness of prevention, intervention, and treatment strategies for high-risk families. The results of the study are summarized in a publication entitled Strengthening America's Families: Promising Parenting Strategies for Delinquency Prevention, User's Guide. The fiscal year 1995 OJJDP Comprehensive Program Plan provides funding support for family strengthening activities that build on the findings and recommendations of this study.

Comment: A respondent noted that various segments of OJJDP's Proposed Comprehensive Program Plan touched on the lack of employment skills as a major contributor to juvenile crime, but did not thoroughly address this problem area and the need for early career and/or employment preparation. The suggested strategy for addressing this area is to teach employment skills and career preparation to all school children by incorporating instruction into the curriculum of every grade level, beginning in kindergarten.

Response: OJJDP has long recognized the importance of providing juveniles with the skills they need to increase their employment potential and pursue the career of their choice. For this reason, many of the OJJDP supported programs have components that address this area. For example, the national Cities in Schools (CIS) dropout prevention program teaches job skills at the elementary, middle and high school levels. CIS has also established a number of alternative schools. A key component of their program is not only to provide young people with job skills, but to provide them with career exploration through job shadowing. Youth are also encouraged to pursue entrepreneurial activities. Several other fiscal year 1995 programs have components that address this issue. OJJDP also partners with other agencies such as the Departments of Commerce, Health and Human Services, Education, Labor and others and hopes to expand those partnerships in the future.

Comment: One respondent was concerned that the Family Strengthening Program did not place greater emphasis to prevention or acknowledge a role for community-based organizations.

Response: OJJDP remains committed to addressing the wide range of family strengthening needs that encompass prevention, intervention and treatment. The OJJDP publication, Strengthening America's Families: Promising Parenting and Family Strategies for Delinquency Prevention, User's Guide, stresses that there is no ''one-size-fits-all'' family strategy for preventing delinquency. Several types of parenting programs are needed. There are programs designed for parents of infants, children and adolescents. Some programs are best suited for well-functioning families, while others address the needs of dysfunctional families. OJJDP also remains committed to encouraging the involvement of community-based organizations. The Family Strengthening Program calls for the creation or expansion of programs ''that enlist schools and other local entities in family programming.'' ''Other local entities'' includes community-based organizations. Many of the representative 25 programs that the researchers identified as particularly promising classified themselves as ''prevention'' programs and most included relevant community- based organizations in aspects of their program strategy. OJJDP will continue to emphasize family strengthening through prevention, intervention and treatment utilizing a range of available resources that are community-based.

Comment: One respondent felt that the Proposed Comprehensive Program Plan outline was unclear as to which programs allow a community-based organization to compete for funding and that many of the eligibility requirements seem to exclude community organizations with experience, providing only limited opportunities for these qualified organizations to receive OJJDP funding.

Response: OJJDP recognizes the importance of community-based organizations, particularly in the planning phase of any collaborative project. The SafeFutures Program specifically calls for community-based collaboratives. Community-based organizations have the experience to operate a broad range of programs. In cases where only local units of government are eligible for awards, community-based organizations should pursue the option of partnering with them as a service provider or administering agency.

Comment: A community-based organization commented that despite its varied experiences in a number of areas, including mentoring, it would be unable to compete for Part G Mentoring Funds, Title V Incentive Grants, and Part E State Challenge Activities. The respondent organization felt that these activities should require that funds go to community-based organizations that have significant experience providing culturally appropriate programs to at-risk ethnic minorities. Without this requirement, a real partnership will not be achieved.

Response: For the activities mentioned above, community organizations can still qualify for support but they must do so through a local unit of government. For example, $1 million in fiscal year 1995 Part G Mentoring Program funding is being awarded through the SafeFutures program. Mentoring is a logical component of a continuum of care for youth-at-risk. Under Part G and the SafeFutures Program, mentoring programs are required to be conducted either by LEA's (local education agencies) or by non-profit private organizations (including community-based organizations) or public agencies in partnership with LEA's.

Comment: One respondent questioned whether the Native American Alternative Community-Based Program will receive additional funding in fiscal year 1995.

Response: Continuation funding of $600,000 will be available for this program in fiscal year 1995.

Comment: One respondent commented that the description of the Juvenile Justice Prosecutor Training Project is vague and that training should include cultural awareness and how poverty-related and misunderstood cultural behaviors affect decisions.

Response: The Juvenile Justice Prosecution Training Center will support prosecutor training in areas of need identified by a working group of chief prosecutors. OJJDP expects that cultural differences and poverty-related problems among juvenile offenders will be covered in the training. In addition, OJJDP continues to support training in cultural differences for juvenile justice officials under a grant to the American Correctional Association for the Training in Cultural Differences for Law Enforcement/Juvenile Justice Officials Program.

Comment: A respondent noted that the description of Interventions to Reduce Disproportionate Minority Confinement in Secure Detention and Correctional Facilities Program indicates that the application process is open to new applicants. However, the program is listed under Continuation Programs. It is unclear if additional organizations can apply.

Response: This project was inadvertently listed under the Continuation Programs section. New applicants will be eligible to apply for OJJDP funding in fiscal year 1995.

Comment: A respondent noted that the Nonviolent Dispute Resolution Program is listed under Continuation Programs, indicating that only prior recipients can apply. The description, however, seems to contradict this by indicating a competitive application process.

Response: This is a competitive program being administered by the Bureau of Justice Assistance for cities which have been selected to receive funds under the Comprehensive Communities Program. OJJDP is contributing funds to the program.

Comment: One State official commented that OJJDP should notify the State Formula Grants Program Agency when a project is selected for funding within a given State.

Response: OJJDP agrees that in the interest of comprehensive planning and interagency coordination, cognizant State agencies should be notified when OJJDP awards funds directly to projects operating with the State. A formal notification process will be initiated to provide information on all discretionary grant awards to State agencies.

Comment: One respondent proposed that OJJDP adopt a policy to provide periodic updates to State agencies on projects selected for funding under the SafeFutures Program.

Response: The SafeFutures Program is based on a continuum of care model that calls for maximum coordination and cooperations among agencies serving juveniles. OJJDP encourages States having SafeFutures sites to include SafeFutures in the comprehensive planning undertaken for the Formula Grants Program and make maximum use of Formula Grant, Title V, and Challenge Grant funds to enhance juvenile justice and delinquency prevention activities in SafeFutures sites. While the level of State agency participation expected in SafeFutures should obviate the need for ''periodic updates'' by OJJDP, funded sites will be required to provide the cognizant State agency with a copy of their quarterly progress report.

Comment: A national organization expressed concern about the level of support in the fiscal year 1995 Program Plan for programs to address disproportionate minority confinement.

Response: OJJDP is strongly committed to supporting State efforts to address the disproportionate confinement (DMC) of minority juveniles in secure custody in States where such condition exists. The Office has supported demonstration efforts under the Special Emphasis discretionary grant program, as well as research, program evaluation, and training and technical assistance in this area. Many States are allocating significant amounts of their Formula Grants Program funds to address section 223(a)(23) of the JJDP Act.

OJJDP is working with the Coalition for Juvenile Justice's Committee on Ethnic and Cultural Diversity to find other ways to improve our DMC programming. OJJDP looks forward to cooperative efforts with the Coalition and others committed to improving juvenile justice by addressing the DMC issue.

Comment: One respondent suggested that OJJDP add language to the section which describes organizations with whom OJJDP would coordinate the SafeFutures Program to include Youth Corps that are certified by the National Association of Service and Conservation Corps and provide participants with a six to twelve month, full-time, crew-based, highly structured, and adult supervised work and learning experience, and that promote the development of citizenship, life and employment skills.

Response: OJJDP concurs with the importance of coordinating the SafeFutures program with Youth Corps programs that have a component serving a juvenile population. The Office has incorporated appropriate language into

the fiscal year 1995 Final Comprehensive Program Plan.

Comment: A number of respondents representing juvenile justice agencies across the country wrote in support of continued and/or increased funding for the Balanced and Restorative Justice Project (BARJ), a key component of OJJDP's Juvenile Restitution Program. They noted that the BARJ Project has advanced the implementation of the ''Balanced Approach'' and the use of restitution and community service in a number of juvenile justice systems and that additional jurisdictions are interested in implementing this major shift in system philosophy and practice through BARJ Project training and technical assistance.

Response: The BARJ Project will receive continuation funding of $100,000 in fiscal year 1995 and a similar amount is anticipated as a supplement from fiscal year 1996 funds. This will give the Project a twelve-month budget of $200,000 to complete its activities under this multi-year funded Program. State and local jurisdictions interested in adopting the balanced and restorative justice approach should also request technical assistance through OJJDP's technical assistance support contract under the Formula Grants program or seek local support for implementation funding.

Comment: A respondent recommended giving youth access to their police chief and officers through programs funded under the Final Comprehensive Program Plan.

Response: In fiscal year 1993, OJJDP provided support to the New Haven, Connecticut Police Department and the Yale University Child Development Center to document a child-centered community-oriented policing model. This is a continuation program of OJJDP and the Bureau of Justice Assistance and will serve as a model for other sites to replicate.

Comment: A respondent stated that OJJDP has omitted a key group of professionals who have been trained in diversion and have demonstrated success in working to divert juveniles from the juvenile justice system, recommending that OJJDP include parks and recreation professionals in the SafeFutures Program.

Response: OJJDP agrees that those within the ''justice system'' cannot make a difference alone. This is a key premise of the SafeFutures Program. OJJDP encourages local jurisdictions to develop a continuum of care that includes professionals representing all aspects of youth development, especially those who are in a position to promote positive youth development. OJJDP agrees with the National Parks and Recreation Association that the perception of public recreation should move beyond ''fun and games'' to the status of an essential service (National Parks and Recreation Association, 1994). OJJDP will work with the Association and other parks and recreation organizations during fiscal year 1995 to highlight the many outstanding delinquency prevention and intervention programs that are being implemented by local parks and recreation departments across the country and to further the evaluation of these programs.

Due to the fact that OJJDP is not requiring the involvement of specific types of professionals, it is ultimately up to the jurisdictions chosen to implement the SafeFutures program to identify key resources to support a continuum of care. It is expected that parks and recreation professionals will be an integral part of this group. One possibility for parks and recreation professionals is involvement in the development and implementation of the ''Pathways to Success'' program within the SafeFutures program. This program emphasizes, in part, recreational alternatives during after-school and weekend hours.

Comment: One respondent felt that the budget for Training for Family-Strengthening Services ($250,000) should be increased to support trained individuals who provide technical assistance for family strengthening.

Response: One million dollars in Family Strengthening and Support funds will be available to the five SafeFutures program sites. These funds can be used for both training/technical assistance and direct service programs in the five sites. An additional $250,000 will be available for training/technical assistance in other communities interested in improving their Family Strengthening Service programs. Further support can be drawn from other OJJDP training/technical assistance projects, including the newly established National Juvenile Justice and Delinquency Prevention Training and Technical Assistance Center.

Comment: One respondent questioned why virtually all funds for law-related education were being awarded on a non-competitive basis to the Law-Related Education National Training and Dissemination Program, with only $200,000 in competitive funding being made available for ''Innovative Approaches in Law-Related Education,'' thereby limiting opportunities for other organizations to seek funding for new law-related education programs.

Response: Eighty percent of the funds set aside for Law-Related Education are earmarked for the Law-Related Education National Training and Dissemination Program (Youth for Justice). OJJDP proposed to set aside $500,000 of the remaining $700,000 for a competitively awarded impact evaluation. However, because Department of Education funds were not available for a joint evaluation project, $600,000 of the $700,000 is being made available to support the ''Innovative Approaches in Law-Related Education'' program. One hundred thousand dollars will be awarded to fund the Facing History and Ourselves Program.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

National Institute of Justice—Research Plan 1995–1996

For general information regarding NIJ's 1995–96 Research Plan, please contact Edwin Zedlewski, at (202) 307–2953, or Winifred Reed, at (202) 307–2952. For other general NIJ information, contact Carrie Smith, at (202) 616–3233. For document publication information, contact Mary Graham, at (202) 514–6207.

For information about the Violent Crime Control and Law Enforcement Act of 1994 (Crime Law), contact the Department of Justice Response Center, at (202) 307–1743 or (800) 421–6770.

For substantive questions regarding specific Goals, please contact the appropriate Program Manager. Names and telephone numbers of all Program Managers are listed at the end of each Goal. To inquire about NIJ receipt of applications, contact Louise Loften, at (202) 307–2965.

For general information about NIJ programs and funding opportunities, and application procedures; for requests for reprints, literature, final reports, funded grants on related topics, etc.; for names of researchers or practitioners working on related topics, contact the National Criminal Justice Reference Service (NCJRS), at (800) 851–3420.

The NIJ 1995–96 Research Plan is also available electronically via the National Criminal Justice Reference Service Bulletin Board System. You can access the Bulletin Board through the Internet (telnet to ncjrsbbs.aspensys.com or gopher to ncjrs.aspensys.com 71) or through a modem (set at 9600 baud and 8–N–1; dial 301–738–8895). The NIJ Research Plan is listed under the ''National Institute of Justice Information'' menu.

For Internet access information, e-mail lively@justice.usdoj.gov.

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Introduction

The National Institute of Justice (NIJ) is the research and development agency of the U.S. Department of Justice. Created in 1968 by Congress pursuant to the Omnibus Crime Control and Safe Streets Act, the Institute is authorized to:

Sponsor research and development to improve and strengthen the Nation's system of justice with a balanced program of basic and applied research.

Evaluate the effectiveness of criminal justice and law enforcement programs and identify those that merit application elsewhere.

Support technological advances applicable to criminal justice.

Test and demonstrate new and improved approaches to strengthen the justice system.

Disseminate information from research, development, demonstrations, and evaluations.

This Plan signals the new administrative direction that NIJ will follow to achieve its research and evaluation goals. Conceptually, the Plan is the basis of NIJ's pyramid of research. It will be supplemented over the coming months by a series of solicitations on topics that speak to current or persistent policy concerns that warrant research investments. By their nature, those solicitations will represent a somewhat more focused part of this pyramid. Intramural studies are at the apex of the research pyramid. Questions with strong policy orientation or immediate concern may best be addressed by NIJ staff who can interact directly with the policymakers asking the questions.

Readers of prior NIJ Plans will find that this Plan has been substantially shortened. Much of the traditional background text has been discarded; suggested research topics have been reduced from paragraphs to phrases. This change in style, however, implies no change in the kinds of research being sought. NIJ believes that this abbreviated format is more consistent with the spirit and intent of the Plan as a vehicle to encourage the field to submit original ideas on a wide range of research issues.

Focused solicitations will appear intermittently over the next year. These will address more specific topics for which special funding is available. Certain activities funded under the Violent Crime Control and Law Enforcement Act of 1994 (Crime Law) will be focal points—specifically, community policing, violence against women, boot camps, and drug courts—as will evaluations of selected Bureau of Justice Assistance programs. NIJ will also initiate solicitations in collaborative arrangements with other Federal agencies, as well as for topics that NIJ believes merit special attention for the development of knowledge. These solicitations will be announced through the **Federal Register** and other NIJ communications channels including the Internet (the Department of Justice and NCJRS Online) and special mailings. Interested applicants should telephone the National Criminal Justice Reference Service (NCJRS) at 800–851–3420 or e-mail askncjrs@ncjrs.aspensys.com for pending releases and dates of announcement.

Partnerships are another new priority for the Institute. NIJ believes that many of today's crime problems require solutions that extend beyond criminal justice boundaries. The Institute has been active in discussions with other Federal agencies and private foundations and has established a variety of collaborative relationships. Some of these will manifest themselves in the form of special solicitations on specific topics or programs. Others will simply encourage collaborative or interdisciplinary research and offer the prospect of joint funding. Still others will result in the development of shared research agendas. NIJ encourages researchers from all disciplines to explore the opportunities for collaborative efforts presented in this Plan and subsequent announcements, and to propose arrangements that they are able to construct beyond those mentioned. NIJ particularly encourages coordination of research applications with submissions in other OJP agency Plans.

An organizational change has also occurred. The factors that distinguish ''research'' from ''evaluation'' are subtle and secondary to the substance of the issues. Therefore, the Institute has merged these functions into a single Office of Research and Evaluation that will review submissions for both areas. The Plan invites proposals for a range of funding amounts. It includes a category of small grants (less than $50,000) across all goals and subjects. Readers should consult the administrative sections of the Research Plan for additional information on the differences in application requirements.

Six Strategic Long-Range Goals

In FY 1993, the Institute set forth six long-range goals as the focus of NIJ research, evaluation, and development in the coming years. The creation of this long-range agenda was well received; a large number of research and evaluation proposals were submitted, providing an interdisciplinary framework for 1994.

In this 1995–96 Research Plan, the Institute specifies the research, evaluation, and technology projects that NIJ anticipates supporting under each goal. The numeric order of the goals does not indicate levels of priority for the Institute.

Many of the special grant programs for individuals—such as the Data Resources Program, various Fellowship programs, the NIJ Internship Program—are now described in a separate publication, which will be announced in the **Federal Register**.

NIJ solicits research and evaluations to develop knowledge that will further these long-range goals:

I. Reduce violent crime.
II. Reduce drug- and alcohol-related crime.
III. Reduce the consequences of crime.
IV. Improve the effectiveness of crime prevention programs.
V. Improve law enforcement and the criminal justice system.
VI. Develop new technology for law enforcement and the criminal justice system.

Studies that involve the use of randomized experimental designs are encouraged, as are multiple strategies for data collection, and well-controlled, quasi-experimental designs and equivalent comparison group designs. Qualitative studies, including ethnographic data collection, are also encouraged.

Research Collaborations

NIJ encourages joint research and evaluation projects with other Federal agencies and private foundations interested in crime and criminal justice issues. Applicants may wish to consider whether their proposed project might lend itself to joint funding with another agency or foundation. Applicants interested in exploring possible partnerships should contact the potential partner agency directly, or the relevant NIJ program manager, to discuss specific topics for possible collaborative projects. NIJ has entered into memorandums of agreement or is in other ways collaborating with the Departments of Defense, Education, Energy, Health and Human Services, Housing and Urban Development, and Treasury. Agencies and foundations that have indicated a desire to collaborate with NIJ on projects of mutual interest, or are currently involved in joint research efforts with NIJ, include:

Agencies

Advanced Research Projects Agency (DOD)
Bureau of Alcohol, Tobacco, and Firearms
Bureau of Justice Assistance
Centers for Disease Control and Prevention
Center for Mental Health Services
Center for Substance Abuse Treatment
Corrections Program Office (OJP)
Drug Courts Program Office (OJP)
National Aeronautics and Space Administration
National Institute of Mental Health
National Institute on Alcohol Abuse and Alcoholism
National Institute of Corrections
National Institute on Drug Abuse
National Science Foundation
Office of Community-Oriented Policing Services (DOJ)
Office of Juvenile Justice and Delinquency Prevention
Office of Assistant Secretary for Planning and Evaluation (HUD)
Office of National Drug Control Policy
Office for Victims of Crime
State Justice Institute
Violence Against Women Program Office (OJP)

Foundations

The Annie E. Casey Foundation
The Carnegie Corporation of New York
The Ford Foundation
The Daniel and Florence Guggenheim Foundation
The J.C. Kellogg Foundation
John D. and Catherine T. MacArthur Foundation
The Pew Charitable Trusts
The Prudential Foundation
The Ronald McDonald Foundation
The Rockefeller Foundation

The Institute cannot guarantee that joint funding for research and evaluation projects will be forthcoming from these sources. Applicants should consider whether their proposals are in accord with the goals of these agencies and private foundations.

Specific information about applying for Institute grants is contained in the section ''Administrative Guidelines'' See p. 23 of this Plan.

Goal I: Reduce Violent Crime

Purpose

The purpose of this solicitation is to encourage research and evaluation projects spanning six broad areas: family violence, violence against women, homicide, firearms and violence, gangs, and juvenile violence. Through this solicitation the National Institute of Justice (NIJ) expects to support research that will improve the criminal justice knowledge base on crimes and criminal behavior that increasingly concern the public.

Background

Violent crime is a leading concern among the American public today. According to the National Crime Victimization Survey (NCVS), in 1992 there were 6.6 million violent victimizations in the United States—including 141,000 rapes, 1.2 million robberies, and 5.3 million assaults. The violent crime rate is steadily increasing, especially among juveniles, and in 1992 was the highest ever recorded for blacks; homicide is now the leading cause of death for young black males.

Handguns are a major factor in the increasing violence, especially in the commission of homicide. Of the 23,760 murders reported to the FBI in 1992, handguns were used in 55 percent. One of the most critical issues in any consideration of ways to reduce violence and its consequences is the role firearms play in contributing to violent crime, serious injury, and death. The NCVS estimates the rate of nonfatal handgun victimizations in 1992 at 4.5 crimes per 1,000 persons aged 12 or older—the highest such figure on record. Findings from an NIJ and Office of Juvenile Justice and Delinquency Prevention (OJJDP) study of incarcerated juveniles and inner-city high school students showed that 83 percent of inmates and 22 percent of students had possessed guns, with 55 percent and 12 percent respectively having carried guns all or most of the time. Between 1988 and 1992, arrests of juveniles for violent crimes increased by 47 percent—more than double the increase for persons 18 years of age or older. Over the same period, juvenile arrests for homicide increased by 51 percent and statistics on weapons law violations indicate that juvenile use of guns has increased dramatically.

Spousal abuse commonly comes to mind when violence against women is discussed, but violence against women is much broader. According to the NCVS, more than 2.5 million women experience violence each year; nearly two in three female victims of violence were related to or knew their attacker; about a third were injured as a result of the crime; nearly half the victims of rape believed the offender to have been under the influence of drugs or alcohol at the time of the attack. The issue has emerged as a topic of national interest and led to the inclusion of the Violence Against Women Act (VAWA) in the 1994 Crime Law.

The Crime Law contains many other provisions directed toward the prevention, control, and reduction of violent crimes—enhancements for law enforcement, correctional facilities, and drug treatment options; restrictions on firearms; provisions to deal with juvenile crime and gangs; and increases in the programs and research about

family violence as well as violence against women. Through this general solicitation NIJ encourages studies that will address these areas of broad general concern and that examine the specific priorities identified in the 1994 Crime Law, particularly with regard to violence among juveniles and the illegal possession and use of firearms. The Institute is especially interested in filling critical gaps in current knowledge and identifying and evaluating existing programs of crime prevention and control.

Research Areas of Interest

Listed below are examples of research areas that could advance criminal justice knowledge and practice under Goal I of the NIJ Research Plan. Individuals are encouraged to suggest their own topics of interest. Research is encouraged in, but not limited to, the following areas:

Studies of Offenders and Offenses. Criminal careers of offenders who engage in violent crime, including risk and protective factors, and initiation, frequency, and termination patterns. Studies of specific offenses and offenders, including robbery, sexual assault, child sexual assault, stalking, and homicide. Offender perceptions of criminal justice response to violent offenders. Juvenile violence, including escalation patterns, racial conflicts, and influence of peers and gangs. Family violence involving intimate partners, spouses, children, and elders.

Violent Situations. Role of gangs and group offending in criminal violence. Studies of patterns in violent events, including triggering events, situational elements, and predisposing influences. Protective factors in neighborhoods and communities at high risk of violence. Violence in specific situations and locations including schools, families, recreational settings, and the workplace.

Firearms Violence. Adult and juvenile patterns of gun availability, sources of guns, and use in violent crime. Role of illegal markets in weapons on patterns of firearms violence, especially among juveniles. Impact of firearms laws on gun crimes, substitution of other weapons, and offense patterns. Feasibility studies of innovative firearms regulations.

Responses to Violent Offenders. Differentiating system responses to violence from responses to other crimes. Violence prevention. Evaluation of innovative programs and practices. Evidentiary concerns, including uncooperative witnesses. Management of violent offenders on probation and parole including risk assessment, treatment programs, and community supervision.

Violence Against Women. Note: NIJ is not receiving applications for research on violence against women under the June and December 1995 deadlines. Instead, researchers should await the special solicitation to be issued in 1995, as noted in the Introduction to this Plan.

Contact

Applicants are encouraged to contact NIJ Program Managers to discuss topic viability, data availability, or proposal content before submitting proposals. To obtain specific information on the programs described under this goal, potential applicants may contact:

Bernard Auchter, (202) 307–0154, for family violence and violence against women.

Lois Mock, (202) 307–0693, for firearms violence.

Winifred Reed, (202) 307–2952, for gangs.

James Trudeau, (202) 307–1355, for studies of offenders and offenses, violent situations, and responses to violent offenders.

Goal II: Reduce Drug- and Alcohol-Related Crime

Purpose

The purpose of this solicitation is to encourage research and evaluation projects that will improve the criminal justice knowledge base about crimes and criminal behavior involving the use of drugs and alcohol. Through this solicitation the National Institute of Justice (NIJ) seeks to clarify further the relationship between substance abuse and crime and to reduce drug- and alcohol-related crime.

Background

Substance abuse and drug-related crimes continue to affect the lives of countless Americans residing in both urban and rural neighborhoods across the Nation. NIJ's Drug Use Forecasting (DUF) data show an increase in marijuana use and relatively stable but high levels of major addictive substance use among booked arrestees in the 23 urban areas monitored by DUF. Recent data from the Drug Abuse Warning Network (DAWN) indicate that the use of heroin and cocaine is on the rise. Efforts to prevent and reduce drug-related crime, and thereby improve the quality of life in these areas, continue to occupy the criminal justice community.

Alcohol is used by both offenders and victims in a significant proportion of violent events, with documented connections between both situational and chronic drinking and aggressive or violent behavior. The National Academy of Sciences Panel on the Understanding and Control of Violent Behavior has called for more research into the role of alcohol in promoting violent events, particularly since little is known about how alcohol and violence may reinforce one another or how the alcohol-violence relationship may vary depending on type of violence.

The criminal justice system is the largest single source of external pressure influencing abusers who otherwise would not enter substance abuse treatment programs. Half or more of the admissions to community-based residential and outpatient substance abuse treatment programs are offenders on probation or parole. Criminal justice referral to treatment relieves courts and prisons of overcrowding and reduces the high cost of continued incarceration, while providing an added degree of supervision beyond what probation or parole offices may be able to afford. When successful, treatment further reduces criminal justice costs by breaking the pattern of recidivism that brings typical substance abusers back into the criminal justice system again and again.

Research on criminal justice-involved populations suggests that substance abuse treatment can be effective in reducing substance abuse and criminal activity while the client is in treatment and for some time thereafter. As substance abuse programs are implemented, it is important to provide critical feedback on how they are working and for whom they are most effective. It is also important to determine how best to provide treatment—through public criminal justice agencies or through private treatment agencies under contract.

Substance abuse prevention programs continue to proliferate in response to public concerns. Comprehensive substance abuse programs for youths can promote antidrug social norms and thereby reduce or prevent the use of cigarettes, alcohol, marijuana, heroin, and cocaine. NIJ seeks to evaluate comprehensive community-based substance abuse programs that develop partnerships among criminal justice and schools, health centers, families, peers, and media.

NIJ's Drug Use Forecasting (DUF) program gathers offense and drug use information from samples of adult and juvenile arrestees at 23 sites nationwide, providing access to a national sample of arrestees within hours of arrest. Along with a brief, voluntary interview, urine specimens are obtained to test for evidence of recent use of drugs. For 7 years, data from NIJ's DUF program

have traced the trends in drug use among persons arrested for a wide range of offenses. Beginning in 1995, NIJ solicits proposals that capitalize and expand upon the research potential provided through the DUF program's quarterly collection of interviews and urine specimens from samples of adult and juvenile arrestees brought to jails in 23 cities nationwide.

Researchers are encouraged to develop proposals that present innovative ways of utilizing the DUF program as a research ''platform'' for pursuing a wide range of hypotheses related to drug use and criminal activity. For instance, in collaboration with existing DUF sites, the basic data collection protocol could be supplemented with additional interview assessments or bio-assays. NIJ is also interested in proposals that examine specific research questions by applying the DUF protocol to targeted samples of arrestees such as those in suburban or rural jails, or those arrested for specific offenses.

Research Areas of Interest

Listed below are examples of research areas that could advance criminal justice knowledge and practices under Goal II of the NIJ Research Plan. Individuals are encouraged to suggest their own topics of interest. Research is encouraged in, but not limited to, the following areas:

Substance Abuse and Criminal Behavior. Relationships between drugs, alcohol, and violence, including the individual and environmental circumstances. Relationship between substance abuse and related criminal behavior of all types, including family violence. Understanding substance abuse careers and how they track with criminal careers over time. Inventory of the validity, scope, and gaps in current substance abuse data sets.

Substance Abusing Offenders and the Criminal Justice System. Impact of pretrial services, adjudication, sentencing, and corrections (including community corrections) programs. Effect of strategies implemented in one segment of the system on the rest of the system. Offender attitudes, perceptions, and experiences as they move through particular components/programs. Effective use of a series of graduated sanctions for noncompliance behaviors. (For research on treatment drug courts, see page 16.)

Substance Abuse Prevention. Cost benefit analyses. Impact of criminal justice-based strategies on later substance abuse and other related criminal behavior. Development and identification of demand-reduction strategies and programs for high-risk populations.

Treatment and Aftercare Evaluations. Assessment of treatment drop-outs. Determination of the optimal mix of various treatment and after-care components for various criminal justice populations.

Drug Use Forecasting (DUF) Research Platform Initiatives. Expansion of adult and juvenile research protocols to address additional research questions such as drug market analysis, drug treatment history of arrestees, the onset of drug use among arrestees, the relationship between drug acquisition and other criminal activities, and the role of alcohol and drug consumption in the commission of crimes.

Drug Enforcement. Research on the effectiveness of interdiction efforts and control strategies such as increased penalties for drug trafficking in prisons and drug dealing in drug-free school zones.

Contact

Applicants are encouraged to contact NIJ Program Managers to discuss topic viability, data availability, or proposal content before submitting proposals. To obtain specific information on the programs described under this goal, potential applicants may contact:

Laurie Bright, (202) 616–3624, for substance abuse research and evaluations related to the criminal justice system. Thomas E. Feucht, (202) 307–2949, for substance abuse research related to DUF research platform initiatives. James Trudeau, (202) 307–1355, for substance abuse research related to criminal behavior.

Goal III: Reduce The Consequences of Crime

Purpose

The purpose of this solicitation is to encourage research and evaluation projects that explore the causes of victimizations, their consequences in injury, fear, property damage, and other forms of cost; and the institutional responses of criminal justice agencies to victims. In addition to individual victims, the Institute is interested in the ways that households, organizations, and communities become victims, and how victimizations harm and otherwise alter daily functioning. NIJ is also interested in how victim service institutions can best serve victims to reduce the harm done. The goals of the research solicited are to understand how natural circumstances can lead to victimizations, as well as the nature and extent of harm caused by crime, and to use these findings to reduce both victimization risk and severity.

Background

The extent of criminal victimization within the United States is disturbing: In 1992, approximately 1 in every 4 households was victimized by 1 or more crimes, and 1 in 20 had at least one member age 12 or older who was the victim of a violent crime. Violent crime victimization rates, after declining through most of the 1980's, have again begun to increase, most notably among blacks and persons ages 12–24.

National public opinion surveys consistently indicate that crime has displaced other issues as the Nation's most serious concern. In a 1994 New York Times/CBS News nationwide telephone poll, 23 percent of respondents listed crime as ''the most important problem facing this country today,'' and 40 percent said they live within a mile of an area where they would be afraid to walk alone at night. The harm of victimization includes injury, dollar loss, and a pervasive sense of insecurity that disrupts and truncates the victim's daily activities and satisfactions. This harm also touches those close to or acquainted with the victim.

The victim's needs are imperfectly understood by researchers and practitioners and are inadequately responded to by available programs of assistance. The victim's dealings with the criminal justice system often compound the damage rather than serving to restore the victim and create a sense of justice.

We are limited in our understanding of the antecedents and causes of victimization. ''Routine activities'' research—that includes the victim along with the offender, environment, and ''guardians''—has the potential to improve the validity and effectiveness of crime prevention programs. Such research might examine specific types of victims, specific activity domains, or specific locations. A special emphasis might be topics suggested by the Violence Against Women Act, which is discussed in Goal I.

The effects of crime reach far beyond their impact on individuals and households, extending into businesses, public housing areas, neighborhoods, and ultimately into entire communities. Within the community, violent crime, gangs and the threat they pose, vandalism, drugs, and disorder may cause businesses to close or relocate, reduce employment and shopping opportunities, and decrease property values. Where this grim process is not interrupted, urban neighborhoods and communities decay, investments dwindle or disappear, and law-abiding

residents and their organizations move out.

Crimes against business range from the armed robbery of a neighborhood grocery to the electronic swindle of an international corporation and include such offenses as the theft of cash or property (by customers, employees, and suppliers), burglary, vandalism, billing scams, embezzlement, extortion, computer hacking, hijacking of shipments, kidnaping, arson, and theft of intellectual property. The cost of crime to business is, of course, ultimately borne by consumers, employees, and residents of areas that experience a decline because of crime's effect on local business.

Through this general solicitation NIJ encourages studies that will address these critical areas of citizen concern. The Institute is particularly interested in research that advances our knowledge of the extent and consequences of criminal victimization in the following areas: Assessing the harm caused by victimization, improving the delivery of services to victims and their treatment by the criminal justice system, increasing our understanding of the causes and means of prevention of victimization, improving data about the victimization of businesses, and the effects of crime and victimization on the delivery of services in affected areas.

Research Areas of Interest

Listed below are examples of research topics that will advance criminal justice knowledge of the extent, causes, and consequences of criminal victimization under Goal III of the NIJ Research Plan. Individuals are encouraged to suggest their own topics of interest. Research is encouraged in, but not limited to, the following areas:

Assessing Victim Needs. Diagnostic instruments for use by victim services providers that would assist staff intake assessment of victim harm and required services. Victim-based evaluations of services.

Program Evaluations. Evaluations of victim services programs in such areas as restorative justice, use of computers by victim services, incorporation of victim services in community policing, programs tailored to victims with special needs, including child victims, and local program compliance with victim services mandated by State legislation.

Criminal Justice System Response to Victims. How treatment of victims and witnesses by the criminal justice system affects the public's willingness to cooperate with the system at all stages of its processes.

Victimization Patterns. How routine activities, behavior, perceptions, and knowledge interact with situational variables and offender behavior to increase or lower the risk of victimization. Knowledge that can contribute to reducing the level of victimization.

Impact of Crime on Business. The quality of data on the costs of victimization of business, its customers, suppliers, and employees, and the community. Priorities for new data collection and the utility of the data for combating crimes against business.

Impact of Crime on Service Delivery. Effects of fear of crime and victimization on the ability of communities, public agencies, and nonprofit organizations to provide services and meet the needs of residents of affected neighborhoods.

Contact

Applicants are encouraged to contact NIJ Program Managers to discuss topic viability, data availability, or proposal content before submitting proposals. To obtain specific information on the programs described under this goal, potential applicants may contact Richard Titus, at (202) 307–0695.

Goal IV: Improve the Effectiveness of Crime Prevention Programs

Purpose

The purpose of this solicitation is to encourage research and evaluation projects that will increase the safety of individuals within families, and in schools, businesses, workplaces, and community environments; that will advance the knowledge of criminal justice practitioners and help prevent crime and criminal behavior, and develop and improve crime prevention programs. NIJ seeks research and evaluations aimed at preventing involvement in crime, and individual, community, and workplace efforts to improve safety and security.

Background

Crime prevention takes many forms. NIJ research in crime prevention continues to focus on potential offenders, potential victims, and particular locations and emphasizes both individual and community responses to crimes that occur in various settings. There is a need to examine how certain characteristics of neighborhoods, households, schools, businesses, public housing developments, parks and other public areas promote or constrain criminal activity. It is equally important to study populations that may be especially vulnerable, or invulnerable, to crime in those locations. It is also important to examine crime prevention programs and strategies in the context of the communities and jurisdictions in which they are found.

Crime prevention can and should focus on deterring potential offenders by formulating strategies directed at high-risk groups that are likely to become involved with the criminal justice system. NIJ research emphasizes prevention strategies that may influence the attitudes and behaviors of persons living in high-risk environments by addressing their needs in a comprehensive manner and by promoting positive and constructive forms of behavior. This approach to crime prevention requires the coordination of mutually reinforcing efforts that involve the family, school, and community as crime prevention agents. Research has shown that efforts to assist youths at risk are more likely to be effective when they start early and provide forms of intervention based on an understanding of the developmental processes that influence the attitudes and behavior of youths over time.

Crime prevention programs can also focus on potential victims of crime and ways to prevent their victimization. A major issue in prevention research is how to influence the behavior of individuals, households, organizations, and community groups. Lessons learned in studies of citizen patrols, changes in physical design, the relationship between fear and physical signs of disorder, and the redeployment of police officers, have all been incorporated in national crime prevention campaigns and in the development of programs and strategies designed to reduce crime victimization. Citizens and community groups can accept and respond to the challenge of shared responsibility for community security. Diverse crime prevention efforts undertaken include means of preventing victimization as well as ways of addressing the personal and social needs of victims resulting from crime and drug abuse. In addition, citizen and community anti-crime efforts are more likely to be effective when they are part of a comprehensive approach to neighborhood problem solving that involves citizens in a partnership with police and other municipal agencies.

We have learned that crime can be reduced through the proper design and effective use of environmental crime prevention methods in commercial sites, public and private housing, recreational areas, and transportation systems. Research has underscored the importance of incorporating environmental strategies as key

components of community crime prevention programs.

One possible way to protect people from crime is to develop a more thorough understanding of such factors about offenders as how they select their victims and targets; their modus operandi during the commission of an offense, including any involvement with co-offenders; their methods of disposing of noncash proceeds from crime; their perceptions of the opportunity structure of different locations, environments, and situations; and their perceptions of the criminal justice system's effectiveness in apprehending and prosecuting them.

Research Areas of Interest

Listed below are examples of research areas that could advance crime prevention knowledge and practice under Goal IV of the NIJ Research Plan. Individuals are encouraged to suggest their own topics of interest. Research is encouraged in, but not limited to, the following areas:

Crime Prevention Programs for High-Risk Youths. (In coordination with the Office of Juvenile Justice and Delinquency Prevention.) Development of methods that foster positive and constructive forms of behavior. Focus on resilient youth and families. Interaction between community, family and individual factors in promoting positive behavior.

Developing Community-Based Crime Prevention Partnerships. Identification of factors that enhance or diminish partnerships. Development and testing of strategies to revitalize and reclaim high-crime areas. Ways to organize community resources in an integrated manner. How to develop useful problem-solving strategies.

Location-Specific Crime Prevention Programs. Schools and routes to and from school. Public housing. Commercial settings. Parks and recreation facilities. Parking lots. Use of traffic barriers for crime and drug prevention. Understanding the actions and responses of potential victims and offenders in these and other settings. (See Goal III: ''Routine Activities and Victimization'' for a description of victim-related research using the routine activities approach). Focus on environmental and design features. Focus on a comprehensive approach.

Crimes and Offender Behavior. Offender daily activity patterns. Offense selection and planning. Target and victim selection. Modus operandi during the commission of an offense including co-offending. Disposition of noncash proceeds from crime. Offender perception of criminal justice system effectiveness. Disruption of stolen property markets.

Crime By and Related to Illegal Aliens. Recruitment, transportation, and smuggling of illegal aliens into the United States. Provision of false documentation to illegals. Employers' role in committing crimes related to hiring illegals and fostering crime among illegal aliens.

Contact

Applicants are encouraged to contact NIJ Program Managers to discuss topic viability, data availability, or proposal content before submitting proposals. For specific information on the programs described under this goal, potential applicants may contact:

Rosemary Murphy, (202) 307–2959, for school-based prevention programs, crime prevention in public housing, crime prevention partnerships and prevention for high-risk youths.

Richard Titus, (202) 307–0695 for location specific prevention (except schools and public housing), crimes and offender behavior, and crime by and related to illegal aliens.

Goal V: Improve Law Enforcement and the Criminal Justice System

Purpose

The purpose of this solicitation is to encourage efforts in research and evaluation that will advance criminal justice knowledge in the areas of policing, prosecution, defense, adjudication, and corrections. The primary focus of research and evaluation under this goal is improvement of the efficiency, effectiveness, and fairness of the system. Certain types of cases, however, take priority. These involve violent juvenile and adult offenders, drug and alcohol abusers, and family violence offenders. Also of interest are the consequences of decisions and practices in one part of the system on other criminal justice agencies and on related social service agencies. Through this solicitation, NIJ also seeks a greater understanding of the relationship among the offender, victim, and the criminal justice system. All issues surrounding the case are of interest, but projects that focus on an issue from the perspective of the various participants—prosecutor, defender, judge, legislator—are encouraged.

Background

Each part of the criminal justice system faces new challenges. Juvenile arrests for violent crimes increased by 47 percent between 1988 and 1992; juvenile arrests for homicide increased by 51 percent during the same period. FBI data indicate that juvenile use of guns has risen dramatically. Prosecutors nationwide note that youthful offenders are being brought to their offices in increasing numbers.

The Nation's prison and jail population reached 1 million in the past year, with more than 5 million persons under some form of correctional supervision. Data from jails and prisons show a high incidence of substance abuse disorders among inmates. Approximately 70 percent of jail detainees have a history of substance abuse; 56 percent were under the influence of drugs or alcohol at the time of arrest.

A significant proportion of inmates with drug abuse problems have a high prevalence of other disorders. About 75 percent of inmates with mental disorders, for example, are also substance abusers. Other inmates abuse both drugs and alcohol. Few programs exist for such inmates who have special needs. In most State prison systems, for example, inmates may receive services from either mental health or substance abuse programs but not from programs designed to treat those with both conditions.

The 1994 crime law encourages innovations to improve criminal justice effectiveness in many of these areas, including community policing; prison construction and construction of alternative facilities such as boot camps for nonviolent offenders; and drug courts that combine court-supervised abstinence with outpatient treatment and sanctions for those who fail to comply. NIJ expects to issue separate solicitations for research in these areas by mid-1995.

White collar and organized crime pose a serious threat to the stable and orderly functioning of society. These complex and sophisticated crimes threaten our economic stability, corrupt legitimate institutions, and undermine the public respect for government and law.

Research is also needed on the consequences of the decisionmaking process within the criminal justice system. Much criminal justice research has been specific to a single criminal justice agency, such as the decisions of police in using deadly force, charging decisions and plea bargaining practices of prosecutors and use by judges of intermediate sanctions. However, such studies rarely focus on the relationship among police, defense attorneys, public prosecutors, and judges in plea or sentence bargaining.

Moreover, much research on criminal justice evaluates effectiveness in terms of standards internal to a particular agency rather than the consequences

that decisions and practices in one part of the system have for other components in the system or on system processes. There are studies of jail and prison overcrowding and of early release as a result of judicially mandated standards for maintaining correctional facilities, but little is known about their consequences for the criminal careers of offenders who have been released early. Likewise, there is little research on the effect of sentence length or a given type of sentence for any given offense.

Relatively little is known about how different kinds of crime are detected and selected by social service and other agents and the processes by which they are referred to law enforcement. NIJ seeks research addressing these broader issues.

Research Areas of Interest

Listed below are examples of research topics that could advance criminal justice knowledge under Goal V of the NIJ Research Plan. Individuals are encouraged to suggest their own topics of interest. Research is encouraged in, but not limited to, the following areas:

Law Enforcement

Note: NIJ is not receiving applications for policing research against the June and December 1995 deadlines. Instead, researchers should await the special solicitation to be issued in 1995, as noted above.

Prosecution, Defense, and Adjudication

Issues at the Pretrial Stage. Effective release and detention decisions, charging decisions, and diversion decisions. Effective responses to witness intimidation. Impact of variations in discovery policy.

New Approaches. Specialized courts, e.g., domestic violence, firearms offenses. Community courts. Restorative justice. Community-based prosecution and defense services.

Drug Courts. Note: NIJ is not receiving applications for research on drug courts under the June and December 1995 deadlines. Instead, researchers should await the special solicitation to be issued in 1995, as noted above.

Juvenile Justice. (In coordination with the Office of Juvenile Justice and Delinquency Prevention) Juvenile case processing, emphasizing waiver to adult courts. Diversion to noncriminal justice programs. Postarrest preconviction programs for chronic, serious juvenile offenders.

Community and Institutional Corrections

Boot Camps. Note: NIJ is not receiving applications for research on boot camps under the June and December 1995 deadlines. Instead, researchers should await the special solicitation to be issued in 1995, as noted above.

Sanctions and Punishments. Operating community-based sanctions as a system. Prosecutors' role in intermediate sanctions. Innovative programs in domestic violence, child abuse, firearms.

Meeting Offender Needs. Offenders with mental health and drug addiction conditions. Creating parity in services for incarcerated women. Coordinating transitional care and community reintegration.

Preserving Safety. Planning and managing ''super'' maximum security prisons. Managing juvenile offenders in adult facilities. Correctional officer health and safety risks.

Managing Change. Understanding the impacts of prison expansion. Correctional management of changing inmate populations. Inmate and correctional officers' safety. Managing offenders in the community.

Systemwide Issues

Consequences of Decisions on System Responses. The impact that reforms or major resources changes in one part of the system may have on another. Perceived fairness of the criminal justice system, particularly in minority communities, and appropriate responses by criminal justice professionals.

Sentencing. Costs and benefits of various State sentencing reforms. Impact of sentencing policy changes on prosecution, defense, and the courts, e.g.,''truth in sentencing'' and ''three strikes'' legislation, abolition of parole, mandatory minimums, enhanced sentencing schemes for juvenile offenders.

Illegal Aliens. U.S. policy toward arrested illegal aliens. Impact on local criminal justice system. Links with immigration. Management of foreign language populations in correctional settings.

White Collar and Organized Crime. For White Collar Crime, research on the prevention and control of health care fraud, insider insurance fraud, and environmental crime, including regulatory issues, detention, investigation, and prosecution. For organized crime, research on the criminal justice response to international organized crime networks and enterprise, and organized crime corruption of legitimate industries and markets.

Contact

Applicants are encouraged to contact NIJ program managers to discuss topic viability, data availability, or proposal content before submitting proposals. To obtain specific information on the programs described under this goal, potential applicants may contact:

Lois Mock, (202) 307–0693, and Winifred Reed, (202) 307–2952, for policing
Bernard Auchter, (202) 307–0154, for adjudication
Laurie Bright, (202) 616–3624, for prosecution and defense
Voncile Gowdy, (202) 307–2951, for corrections and sanctions
Richard Titus, (202) 307–0695, for illegal aliens and the criminal justice system
Lois Mock, (202) 307–0693, for white collar and organized crime

Goal VI: Develop New Technology for Law Enforcement and the Criminal Justice System

Purpose

The purpose of this solicitation is to encourage technological development projects that will improve the operational efficiency of the criminal justice system. Through this solicitation the National Institute of Justice (NIJ) expects to support research that will enhance the safety and effectiveness of law enforcement and correctional officers and other officers of the court.

Background

Science and technology programs cut across the entire range of criminal justice issues and goals at NIJ; programs already in progress or in the early stages of planning and development promise to provide significant benefits in the 21st century. The Institute's science and technology mission is accomplished through three major program areas: The collection and dissemination of technical information, the development of standards and operation of an equipment testing program, and a research and development grants program.

To strengthen the collection and dissemination of technology information, NIJ is developing the capabilities of the National Law Enforcement Technology Center (NLETC) (the former Technology Assessment Program Information Center) and establishing regional law enforcement technology centers. The purpose of these centers is to provide criminal justice professionals with information on available technology, guidelines and standards for these technologies, and technical assistance in implementing them. These centers will be linked through a Technology Information Network (TIN) to provide Federal, State and local agencies with

objective, reliable, and timely information on technologies and equipment, such as who are the producers and users; where high-cost, seldom-used equipment can be borrowed for temporary or emergency situations; what the current equipment standards are; tests and evaluations; and what safety, health, or procedure bulletins have been issued. The TIN will also link the centers with the current Regional Information Sharing Service (RISS) that will then create an overall law enforcement technology exchange network. NIJ is also in the process of establishing an Office of Law Enforcement Technology Commercialization (OLETC) to help bring technology to the market place for criminal justice procurement.

One of the most significant developments of NIJ's criminal justice technology and standards program was the development of soft body armor for police officers and standards governing its manufacture and sale. NIJ has also developed standards for vehicle tracking devices, security systems for doors and windows, breath alcohol testing, autoloading pistols, mobile antennas, and other equipment. The Institute is currently completing the development of performance standards for two DNA testing procedures: Restriction Fragment Length Polymorphism (RFLP) and Polymerase Chain Reaction (PCR). The standards program is funded by NIJ through the Office of Law Enforcement Standards (OLES) at the National Institute of Standards and Technology (NIST).

NIJ's research and development efforts have also been significant and broad in scope in other areas. In the area of forensic science, NIJ has supported a wide range of research on fingerprints, blood and semen, DNA, trace evidence, bite marks, and forged or altered documents. Further research is needed, particularly in DNA testing, weapons identification, fingerprinting, and trace evidence. Progress is also being made to develop alternatives to lethal force. When confronted with the need to use force, officers are limited to the use of firearms, batons, physical ''hands-on'' restraint, or, more recently, chemical agents such as pepper spray. To provide alternatives, NIJ initiated a Less-Than-Lethal technology program to develop innovative, nonlethal measures suitable for use in situations involving fleeing suspects, domestic disturbances, barricades, issuing search warrants, drug raids, prison or jail disturbances, etc.

This announcement also supports research recommendations of the Department of Justice (DOJ) and the Department of Defense (DOD) under a Memorandum of Understanding (MOU) for interagency collaboration in developing and sharing dual-use technologies for law enforcement agencies and military operations other than war. Congress has appropriated fiscal year 1995 funds for this program through the Defense Authorization Bill. The day-to-day management of the program is carried out at the DOD Advanced Research Projects Agency (ARPA) under a Joint Program Steering Group (JPSG) with equal numbers of program managers from the Defense and Justice Departments.

In soliciting research and development topics, NIJ principally focuses on technologies and studies that will support the needs of State and local criminal justice agencies. The Institute's science and technology research also addresses the legal and social issues related to the employment of new technologies in order to ensure that they will be acceptable to the agency and the community.

Research Areas of Interest

Listed below are examples of research areas under Goal VI of the NIJ Research Plan where new or improved technologies could enhance the efficacy of the criminal justice system and reduce the level of injuries and death during policing and correctional operations. Individuals are encouraged to suggest their own topics of interest. Projects should be directed toward the production of affordable and practical equipment or systems that will have reasonably wide application to Federal, State, and local agencies. Research is encouraged in, but not limited to, the following areas:

Forensic Sciences. Identification and development of evidence in DNA/serology, finger-prints, trace evidence, pathology, entomology, odontology, toxicology, questioned documents, and weapons identification.

Less-Than-Lethal Technology. Reduction in the incidence of injuries and death to officers and the public during confrontations, especially those requiring the use of force, arrest of suspects, transport of suspects or prisoners, pursuit of fleeing suspects on foot or in vehicles, and control of violent individuals or crowds in the streets or in prisons and jails. Enhancement of officer safety. Field evaluations of new less-than-lethal technology.

Science and Technology. Virtual reality technology for officer training; command and control operations; providing improved courtroom security; improving the efficiency of probation and parole operations; identifying concealed weapons; monitoring the status, health, and location of officers or prisoners; and detecting and disabling explosives. Technology useful in the detection and apprehension of persons engaged in computer crime.

Drug Testing. Developing or adapting analytic techniques for extracting drug-related material from hair and urine and other body fluids. Comparative efficiencies and relative costs as well as the utility of the testing techniques in various criminal justice settings.

Contact

Grant Proposals

Applicants are encouraged to contact NIJ Program Managers to discuss topic viability, data availability, or proposal content before submitting proposals. To obtain specific information on the programs described under this goal, potential applicants may contact:

Richard M. Rau, (202) 307–0648, for the Forensic Sciences Program and the Drug Testing Program

Raymond Downs, (202) 307–0646, for the Less-Than-Lethal Program and the Science and Technology Program

Kevin Jackson, (202) 307–2956, for the Standards Development and Testing Program and the Law Enforcement Technology Centers. DOD/DOJ Memorandum of Understanding

Peter Nacci, (703) 351–8608, for information on the law enforcement aspects of the DOJ/DOD MOU

John Pennella, (703) 696–2372, for information on the Military Operations Other Than War aspects of the DOJ/DOD MOU

General Law Enforcement Technology Information

Marc Caplan, National Law Enforcement Technology Center, (800) 248–2742, for information on specific law enforcement technologies that are under development or in production, technologies in use by law enforcement agencies, soft-body armor and other equipment standards, equipment testing and results, and other such nongrant-related questions.

Administrative Guidelines

In this section applicants will find recommendations to grant writers, requirements for grant recipients, general application information, and a reiteration of the 1995–1996 grant application deadlines.

Application Information

Please see ''Requirements for Award Recipients'' below for general application and eligibility requirements

and selection criteria. Proposals not conforming to these application procedures will not be considered.

Award Period. NIJ limits its grants and cooperative agreements to a maximum period of 24 months.

Due Date. Ten (10) copies of fully executed proposals should be sent to: (Name and Number of Specific Goal), National Institute of Justice, 633 Indiana Avenue N.W., Washington, DC 20531.

Completed proposals must be received at the National Institute of Justice by the close of business on June 15 and December 15, 1995, and June 17 and December 16, 1996. Extensions of these deadlines will not be permitted.

Contact. Applicants are encouraged to contact NIJ Program Managers in the appropriate goal areas to discuss topic viability, data availability, or proposal content before submitting proposals.

Recommendations to Grant Writers

Over the past 4 years, Institute staff have reviewed approximately 1,500 grant applications. On the basis of those reviews and inquiries from applicants, the Institute offers the following recommendations to help potential applicants present workable, understandable proposals. Many of these recommendations were adopted from materials provided to NIJ by the State Justice Institute, especially for applicants new to NIJ. Others reflect standard NIJ requirements.

The author(s) of the proposal should be clearly identified. Proposals that are incorrectly collated, incomplete, or handwritten will be judged as submitted or, at NIJ's discretion, will be returned without a deadline extension. No additions to the original submission are allowed. The Institute suggests that applicants make certain that they address the questions, issues, and requirements set forth below when preparing an application.

1. What is the subject or problem you wish to address? Describe the subject or problem and how it affects the criminal justice system and the public. Discuss how your approach will improve the situation or advance the state of the art of knowledge or state of the science and explain why it is the most appropriate approach to take. Give appropriate citations to the scientific literature. The source of statistics or research findings cited to support a statement or position should be included in a reference list.

2. What do you want to do? Explain the goal(s) of the project in simple, straightforward terms. The goals should describe the intended consequences or expected overall effect of the proposed project, rather than the tasks or activities to be conducted. To the greatest extent possible, applicants should avoid a specialized vocabulary that is not readily understood by the general public. Technical jargon does not enhance an application.

3. How will you do it? Describe the methodology carefully so that what you propose to do and how you would do it is clear. All proposed tasks should be set forth so that a reviewer can see a logical progression of tasks and relate those tasks directly to the accomplishment of the project's goal(s). When in doubt about whether to provide a more detailed explanation or to assume a particular level of knowledge or expertise on the part of the reviewers, err on the side of caution and provide the additional information. A description of project tasks also will help identify necessary budget items. All staff positions and project costs should relate directly to the tasks described. The Institute encourages applicants to attach letters of cooperation and support from agencies that will be involved in or directly affected by the proposed project.

4. What should you include in a grant application for a program evaluation? An evaluation should determine whether the proposed program, training, procedure, service, or technology accomplished the objectives it was designed to meet. Applicants seeking support for a proposed evaluation should describe the criteria that will be used to evaluate the project's effectiveness and identify program elements that will require further modification. The description in the application should include how the evaluation will be conducted, when it will occur during the project period, who will conduct it, and what specific measures will be used. In most instances, the evaluation should be conducted by persons not connected with the implementation of the procedure, training, service, or technique, or the administration of the project.

5. How will others learn about your findings? Include a plan to disseminate the results of the research, evaluation, technology, or demonstration beyond the jurisdictions and individuals directly affected by the project. The plan should identify the specific methods that will be used to inform the field about the project such as the publication of journal articles or the distribution of key materials. Expectations regarding products are discussed more fully in the following section, ''Requirements for Award Recipients.'' A statement that a report or research findings ''will be made available to'' the field is not sufficient. The specific means of distribution or dissemination as well as the types of recipients should be identified. Reproduction and dissemination costs are allowable budget items. Applicants must concisely describe the interim and final products and address each product's purpose, audience, and usefulness to the field. This discussion should identify the principal criminal justice constituency or type of agency for which each product is intended and describe how the constituent group or agency would be expected to use the product or report. Successful proposals will clearly identify the nature of the grant products that can reasonably be expected if the project is funded. In addition, a schedule of delivery dates of all products should be delineated.

6. What are the specific costs involved? The budget application should be presented clearly. Major budget categories such as personnel, benefits, travel, supplies, equipment, and indirect costs should be identified separately. The components of ''Other'' or ''Miscellaneous'' items should be specified in the application budget narrative and should not include set-asides for undefined contingencies.

7. How much detail should be included in the budget narrative? The budget narrative should list all planned expenditures and detail the salaries, materials, and cost assumptions used to estimate project costs. The narrative and cost estimates should be presented under the following standard budget categories: Personnel, fringe benefits, travel, equipment, supplies, contracts, other, and indirect costs. For multiyear projects, applicants must include the full amount of NIJ funding for the entire life of the project. This amount should be reflected in item 15g on Form 424 and line 6k on 424A. When appropriate, grant applications should include justification of consultants and a full explanation of daily rates for any consultants proposed. To avoid common shortcomings of application budget narratives, include the following information:

Personnel estimates that accurately provide the amount of time to be spent by personnel involved with the project and the total associated costs, including current salaries for the designated personnel (e.g., Project Director, 50 percent of 1 year's annual salary of $50,000=$25,000). If salary costs are computed using an hourly or daily rate, the annual salary and number of hours or days in a work year should be shown.

Estimates for supplies and expenses supported by a complete description of the supplies to be used, nature and extent of printing to be done,

anticipated telephone charges, and other common expenditures, with the basis for computing the estimates included (e.g., 100 reports × 75 pages each × $0.05/page = $375.00). Supply and expense estimates offered simply as ''based on experience'' are not sufficient.

8. What travel regulations apply to the budget estimates? Transportation costs and per diem rates must comply with the policies of the applicant organization, and a copy of the applicant's travel policy should be submitted as an appendix to the application. If the applicant does not have a travel policy established in writing, then travel rates must be consistent with those established by the Federal Government. The budget narrative should state which regulations are in force for the project and should include the estimated fare, the number of persons traveling, the number of trips to be taken, and the length of stay. The estimated costs of travel, lodging, ground transportation, and other subsistence should be listed separately. When combined, the subtotals for these categories should equal the estimate listed on the budget form.

9. Which forms should be used? A copy of Standard Form (SF) 424, Application for Federal Assistance, plus instructions, appears in the back of this book. Please follow the instructions carefully and include all parts and pages. In addition to SF 424, recent requirements involve certification regarding (1) lobbying; (2) debarment, suspension, and other responsibility matters; and (3) drug-free workplace requirements. The certification form that is attached to SF 424 should be signed by the appropriate official and included in the grant application.

10. What technical materials are required to be included in the application? A one-page abstract of the full proposal, highlighting the project's purpose, methods, activities, and when known, the location(s) of field research.

A program narrative, which is the technical portion of the proposal. It should include a clear, concise statement of the problem, goals, and objectives of the project and related questions to be explored. A discussion of the relationship of the proposed work to the existing literature is expected.

A statement of the project's anticipated contribution to criminal justice policy and practice. It is important that applicants briefly cite those particular issues and concerns of present-day criminal justice policy that stimulate the proposed line of inquiry and suggest what their own investigation would contribute to current knowledge.

A detailed statement of the proposed research or study design and analytical methodologies. The proposed data sources, data collection strategies, variables and issues to be examined, and procedures of analysis to be employed should be delineated carefully and completely. When appropriate, experimental designs are encouraged because of their potential relevance to policymaking and the strength of the evidence they can produce.

The organization and management plan to conduct the study. A list of major milestones of events, activities, and products and a timetable for completion that indicates the time commitments to individual project tasks should be included. All grant activities, including writing of the final report, should be completed within the duration of the award period.

The applicant's curriculum vitae should summarize education, research experience, and bibliographic information related to the proposed work.

11. Use of grant funds. Grant funds may be used to purchase or lease equipment essential to accomplishing the objectives of the project. The budget narrative must list such equipment and explain why the equipment is necessary. Funds may not be used for operating programs, writing texts or handbooks, training, etc.

12. To what extent may indirect costs be included in the budget estimates? It is the policy of the Institute that all costs should be budgeted directly; however, if an applicant has an indirect cost rate that has been approved by a Federal agency within the past 2 years, an indirect cost recovery estimate may be included in the budget. A copy of the approved rate agreement should be submitted as an appendix to the application. If an applicant does not have an approved rate agreement, the applicant should contact the Office of the Comptroller, Office of Justice Programs, (202) 307–0604, to obtain information about preparing an indirect cost rate proposal.

13. What, if any, matching funds are required? Units of State and local governments (not including publicly supported institutions of higher education) are encouraged to contribute a match (cash, noncash, or both) of requested funds. Other applicants also are encouraged to seek matching contributions from other Federal agencies or private foundations to assist in meeting the costs of the project.

14. Should other funding sources be listed? Applicants are expected to identify all other Federal, local, or private sources of support, including other NIJ programs, to which this or a closely related proposal has been or will be submitted. This information permits NIJ to consider the joint funding potential and limits the possibility of inadvertent duplicate funding. Applicants may submit more than one proposal to NIJ, but the same proposal cannot be submitted in more than one program area.

15. What are the deadlines? June 15 and December 15, 1995, and June 17 and December 16, 1996.

16. Is there a page limit? The Institute has established a limit of 30 double-spaced pages for all normal grant applications. This page limit does not include references, budget narrative, curriculum vitae, or necessary appendices. Applications for small grants ($1,000–$50,000) are limited to 15 double-spaced pages. NIJ does not wish to create elaborate regulations regarding type fonts, margins, and spacing. Applicants are cautioned, however, that obvious attempts to stretch interpretations of the Institute's limits have, in the past, caused proposal reviewers to regard such efforts unfavorably.

17. What is the page order? The following order is mandatory. Omission can result in rejection of the application:

1. SF 424.
2. Names and affiliations of all key persons from applicant and subcontractor(s), advisors, consultants, and Advisory Board members. Include the name of the Principal Investigator, title, organizational affiliation (if any), department (if institution of higher education), address, phone, and fax.
3. Abstract.
4. Table of Contents.
5. Budget narrative.
6. Assurances and Certifications, etc.
7. Negotiated rate agreement.
8. Program narrative.
9. References.
10. Résumés of key personnel.

18. What does the review process entail? After all applications for a competition are received, NIJ will convene a series of peer review panels of criminal justice professionals and researchers. NIJ will assign proposals to peer panels that it deems most appropriate. Panel members read each proposal and meet to assess the technical merits and policy relevance of the proposed research. Panel assessments of the proposals, together with assessments by NIJ staff, are submitted to the Director, who has sole and final authority over approval and

awards. The review normally takes 60 to 90 days, depending on the number of applications received. Each applicant receives written comments from the peer review panel concerning the strengths and weaknesses of the proposal. These comments may include suggestions for how a revised or subsequent application to NIJ might be improved.

19. What are the criteria for an award? The essential question asked of each applicant is, ''If this study were successful, how would criminal justice policies or operations be improved?'' Four criteria are applied in the evaluation process:

Impact of the proposed project.

Feasibility of the approach to the issue, including technical merit and practical considerations.

Originality of the approach, including creativity of the proposal and capability of the research staff.

Economy of the approach. Applicants bear the responsibility of demonstrating to the panel that the proposed study addresses the critical issues of the topic area and that the study findings could ultimately contribute to a practical application in law enforcement or criminal justice. Reviewers will assess applicants' awareness of related research or studies and their ability to direct the research or study toward answering questions of policy or improving the state of criminal justice operations.

Technical merit is judged by the likelihood that the study design will produce convincing findings. Reviewers take into account the logic and timing of the research or study plan, the validity and reliability of measures proposed, the appropriateness of statistical methods to be used, and each applicant's awareness of factors that might dilute the credibility of the findings. Impact is judged by the scope of the proposed approach and by the utility of the proposed products. Reviewers consider each applicant's understanding of the process of innovation in the targeted criminal justice agency or setting and knowledge of prior uses of criminal justice research by the proposed criminal justice constituency. Appropriateness of products in terms of proposed content and format is also considered.

Applicants' qualifications are evaluated both in terms of the depth of experience and the relevance of that experience to the proposed research or study. Costs are evaluated in terms of the reasonableness of each item and the utility of the project to the Institute's program.

20. Are there any other considerations in selecting applications for an award? Projects should have a national impact or have potential relevance to a number of jurisdictions. Because of the broad national mandate of the National Institute of Justice, projects that address the unique concerns of a single jurisdiction should be fully justified. Projects that intend to provide services in addition to performing research are eligible for support, but only for the resources necessary to conduct the research tasks outlined in the proposal. The applicant's performance on previous or current NIJ grants will also be taken into consideration in making funding decisions.

21. Who is eligible to apply? NIJ awards grants to, or enters into cooperative agreements with, educational institutions, nonprofit organizations, public agencies, individuals, and profitmaking organizations that are willing to waive their fees. Where appropriate, special eligibility criteria are indicated in the separate solicitations.

22. Does NIJ accept resubmission of proposals? The Institute will accept resubmission of a previously submitted proposal. The applicant should indicate for Question 8, Form 424, that the application is a revision. The applicant should include this information in the abstract. Finally, the applicant should prepare a one-page response to the earlier panel review (to follow the abstract) including (1) the title, submission date, and NIJ-assigned application number of the previous proposal and (2) a brief summary of responses to the review and/or revisions to the proposal.

NIJ Policy Regarding Unsolicited Proposals

It is NIJ's policy to submit all unsolicited proposals to peer review. NIJ's peer review process takes place in periodic cycles; unsolicited proposals received will be included in the next available review cycle. NIJ will offer the applicant the option of revising the proposal in accordance with the program goals established in the Plan or, alternatively, submitting the original proposal to the peer panel it deems most appropriate.

Requirements for Award Recipients

Required Products

Each project is expected to generate tangible products of maximum benefit to criminal justice professionals, researchers, and policymakers. In particular, NIJ strongly encourages documents that provide information of practical utility to law enforcement officials; prosecutors; judges; corrections officers; victims services providers; and Federal, State, county, and local elected officials. Products should include:

A summary of approximately 2,500 words highlighting the findings of the research and the policy issues those findings will inform. The material should be written in a style that will be accessible to policy officials and practitioners and suitable for possible publication as an NIJ Research in Brief. An NIJ editorial style guide is sent to each project director at the time of the award.

A full technical report, including a discussion of the research question, review of the literature, description of project methodology, detailed review of project findings, and conclusions and policy recommendations.

Clean copies of all automated data sets developed during the research and full documentation prepared in accordance with the instructions in the NIJ Data Resources Manual.

Brief project summaries for NIJ use in preparing annual reports to the President and the Congress. As appropriate, additional products such as case studies and interim and final reports (e.g., articles, manuals, or training materials) may be specified in the proposal or negotiated at the time of the award.

Public Release of Automated Data Sets

NIJ is committed to ensuring the public availability of research data and to this end established its Data Resources Program in 1984. All NIJ award recipients who collect data are required to submit a machine-readable copy of the data and appropriate documentation to NIJ prior to the conclusion of the project. The data and materials are reviewed for completeness. NIJ staff then create machine-readable data sets, prepare users'' guides, and distribute data and documentation to other researchers in the field. A variety of formats are acceptable; however, the data and materials must conform with requirements detailed in Depositing Data With the Data Resources Program of the National Institute of Justice: A Handbook. A copy of this handbook is sent to each project director at the time of the award. For further information about NIJ's Data Resources Program, contact Dr. Pamela Lattimore, (202) 307–2961.

Standards of Performance by Recipients

NIJ expects individuals and institutions receiving its support to work diligently and professionally toward completing a high-quality research or study product. Besides this general expectation, the Institute imposes specific requirements to ensure that proper financial and administrative controls are applied to the project. Financial and general reporting requirements are detailed in Financial and Administrative Guide for Grants, a publication of the Office of Justice Programs. This guideline manual is sent to recipient institutions with the award documents. Project directors and recipient financial administrators should pay particular attention to the regulations in this document.

Program Monitoring

Award recipients and Principal Investigators assume certain responsibilities as part of their participation in government-sponsored research and evaluation. NIJ's monitoring activities are intended to help grantees meet these responsibilities. They are based on good communication and open dialogue, with collegiality and mutual respect. Some of the elements of this dialogue are:

Communication with NIJ in the early stages of the grant, as the elements of the proposal's design and methodology are developed and operationalized.

Timely communication with NIJ regarding any developments that might affect the project's compliance with the schedules, milestones, and products set forth in the proposal. (See statement on Timeliness, below.)

Communication with other NIJ grantees conducting related research projects. An annual ''cluster conference'' should be anticipated and should be budgeted for by applicants at a cost of $1,000 for each year of the grant.

Providing NIJ on request with brief descriptions of the project in interim stages at such time as the Institute may need this information to meet its reporting requirements to the Congress. NIJ will give as much advance notification of these requests as possible, but will expect a timely response from grantees when requests are made. NIJ is prepared to receive such communication through electronic media.

Providing NIJ with copies of presentations made at conferences, meetings, and elsewhere based in whole or in part on the work of the project.

Providing NIJ with prepublication copies of articles based on the project appearing in professional journals or the media, either during the life of the grant or after.

Other reporting requirements (Progress Reports, Final Reports, and other grant products) are spelled out elsewhere in this section of the Research Plan. Financial reporting requirements will be described in the grant award documents received by successful applicants.

Communications

NIJ Program Managers should be kept informed of research progress. Written progress reports are required on a quarterly basis. All awards use standard quarterly reporting periods (January 1 through March 31, April 1 through June 30, and so forth) regardless of the project's start date. Progress reports will inform the monitor which tasks have been completed and whether significant delays or departures from the original workplan are expected.

Timeliness

Grantees are expected to complete award products within the timeframes that have been agreed upon by NIJ and the grantee. The Institute recognizes that there are legitimate reasons for project extensions. However, NIJ does not consider the assumption of additional research projects that impinge upon previous time commitments as legitimate reasons for delay. Projects with unreasonable delays can be terminated administratively. In this situation, any funds remaining are withdrawn. Future applications from either the project director or the recipient institution are subject to strict scrutiny and may be denied support based on past failure to meet minimum standards.

Publications

The Institute encourages grantees to prepare their work for NIJ publication. In cases where grantees disseminate their findings through a variety of media, such as professional journals, books, and conferences, copies of such publications should be sent to the Program Manager as they become available, even if they appear well after a project's expiration. NIJ imposes no restriction on such publications other than the following acknowledgment and disclaimer: This research was supported by grant number _____ from the National Institute of Justice. Points of view are those of the author(s) and do not necessarily represent the position of the U.S. Department of Justice.

Data Confidentiality and Human Subjects Protection

Research that examines individual traits and experiences plays a vital part in expanding our knowledge about criminal behavior. It is essential, however, that researchers protect subjects from needless risk of harm or embarrassment and proceed with their willing and informed cooperation. NIJ requires that investigators protect information identifiable to research participants. When information is safeguarded, it is protected by statute from being used in legal proceedings: ''[S]uch information and copies thereof shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial, legislative, or administrative proceedings'' (42 U.S.C. 3789g).

Applicants should file their plans to protect sensitive information as part of their proposal. Necessary safeguards are detailed in 28 Code of Federal Regulations (CFR), ¶ 22. A short ''how-to'' guideline for developing a privacy and confidentiality plan can be obtained from NIJ program managers.

In addition, the U.S. Department of Justice has adopted Human Subjects policies similar to those established by the U.S. Department of Health and Human Services. In general, these policies exempt most NIJ-supported research from Institutional Review Board (IRB) review. However, the Institute may find in certain instances that subjects or subject matters may require IRB review. These exceptions will be decided on an individual basis during application review. Researchers are encouraged to review 28 CFR part 46, ¶ 46.101 to determine their individual project requirements.

Jeremy Travis,

Director, National Institute of Justice.

Office for Victims of Crime Notice of FY 1995 Discretionary Program Plan

This Program Announcement is outlined as follows:

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A. Promising Strategies and Practices to Improve Services to Crime Victims
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a. Nurse Examiners
b. Specialized Settings
3. Prosecutors
4. Probation and Parole Agencies
5. Corrections Agencies
6. Judiciary
7. Rural Areas
8. Professional Education
9. Technology
10. White Collar Crime Victims

11. Healing Through Community Service
12. Guidelines for Victim/Offender Mediation and Dialogue
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3. National Symposium on Victims of Federal Crime
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C. Information Dissemination
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2. Resources for National Crime Victims Rights Week, 1996
D. Native American Programs
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4. Training-Related Travel for Federal Personnel
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2. Dual Track Training
3. District-Specific Training
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D. Training and Technical Assistance for Victim Assistance Providers and Allied Professionals
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2. Resources for Children's Advocacy Centers
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4. Conference and Meeting Support
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XII. Catalog of Federal Domestic Assistance Numbers

I. Introduction

Violent crime is a shattering experience. It can destroy a person's sense of safety and security in the world. Of paramount importance to victims and survivors of crime is an assurance that their government cares about their suffering, offers support to help them heal, and holds the criminal accountable for the harm caused.

The Office for Victims of Crime (OVC) was created by the Victims of Crime Act of 1984 (VOCA) to help ensure justice and healing for our nation's crime victims. In carrying out this mission, OVC provides funding for crucial victim services, supports training for the diverse professionals who work with crime victims, and develops projects to enhance victims' rights and services. OVC administers two formula and many discretionary grant programs designed to benefit victims. These programs are funded by the Crime Victims Fund (Fund), which is derived from the fines, penalty assessments, and bail forfeitures of Federal criminal offenders—not from tax dollars. In Fiscal Year (FY) 1995, OVC has about $150 million to support critical services to crime victims and national-scope training and technical assistance.

Approximately 90 percent of the money in the Fund each year is allocated to states for funding of victim assistance and compensation programs. These programs provide the lifeline services that help victims to heal. Victim assistance funds support nearly 3,000 local victim services agencies, such as family violence shelters, child advocacy centers, and sexual assault treatment programs. Compensation funds supplement state efforts to reimburse victims for out-of-pocket expenses resulting from crime, including medical costs, lost wages, and mental health counseling.

Guidelines and application information for the FY 1995 state compensation and assistance formula grant programs were previously issued to eligible state agencies. OVC will award $144,223,998 from the Crime Victims Fund to support these two important formula grant programs. In addition, $10 million was made available from the Fund pursuant to the Children's Justice Act, with $8.5 million designated for the Department of Health and Human Services (HHS) and $1.5 million designated for OVC to support local child abuse programs. The Administrative Office of U.S. Courts received $6.2 million to improve criminal debt collection efforts.

This program announcement describes 30 new programs that will be bid competitively and 33 non-competitive and continuation programs. Some of these programs include a number of separate initiatives and conferences, such as the Children's Justice Act discretionary grant program, which will fund five to eight new grants within that one program.

Goals

OVC has established six goals for allocating discretionary training and technical assistance dollars in its 1995 program plan:

- To identify and promote the use of promising practices in serving crime victims;
- To provide and encourage training and technical assistance for all service providers who interact with crime victims;

• To develop and disseminate information to victims of crime and the people who serve them;

• To work closely with Native American communities to help provide needed services for crime victims;

• To create partnerships with other Department of Justice entities, governmental agencies, communities, and organizations; and

• To develop a national crime victims agenda that provides a guide for long-term action and sets forth future training and technical assistance needs.

These goals reflect the Attorney General's strong commitment to the rights and needs of crime victims, partnerships between all levels of government and communities, and the dissemination of effective approaches to provide services to crime victims. They also meet OVC's legislative mandates to provide national-scope training and technical assistance, ensure services to victims of Federal crimes, and work with Native American communities to respond to crime victims.

Listed below are some of OVC's proposed projects that correspond to the goals described above:

1. To identify and promote the use of promising practices in serving crime victims.

To accomplish this goal, OVC will fund projects to identify innovative and promising crime victim programs in local communities across the country. These include projects to:

• Identify and disseminate information about promising strategies and practices to improve victim services provided by diverse criminal justice professionals, including law enforcement, prosecutors, judges, probation and parole personnel, and corrections officials;

• Identify and disseminate information about promising approaches for providing and maintaining victim services in underserved settings, such as in rural areas and public housing developments;

• Explore avenues for applying technology to improve and increase services for crime victims;

• Assist in the development and pilot testing of a model victim/witness program within a U.S. Attorney's Office;

• Identify and develop courses and curricula on crime victim issues for use at related undergraduate and graduate programs, including schools of law, medicine, social work, mental health, and criminal justice; and

• Support local partnerships and multidisciplinary programs, such as TRIAD and Children's Advocacy Centers.

Part of OVC's challenge is to identify and promote the replication of promising programs so that victims and service providers nationwide can benefit from these innovations.

2. To provide and encourage training and technical assistance for service providers who interact with crime victims.

Training and technical assistance is critical to ensuring the highest quality of service and care to crime victims by the many different professionals who work with them. These professionals include law enforcement, prosecutors, judges, probation and parole officers, and corrections officials who work within state and Federal criminal justice systems. They also include mental health professionals, doctors and nurses, the clergy, and others who regularly interact with victims of crime. At the Federal level alone, there are more than 70 different law enforcement entities within the Department of Justice and other Executive Branch agencies that are responsible for serving crime victims in accordance with guidelines issued by the Attorney General.

OVC will continue to support two flexible training and technical assistance resources that offer customized services to agencies at the state and local levels:

• A Trainers Bureau that pays for expert consultants to provide training and technical assistance on issues requested by local communities; and

• The Immediate Response to Emerging Problems (IREP) initiative that provides a crisis response team if requested by a community to assist in dealing with a catastrophic crime, such as a mass murder.

• Examples of other types of training and technical assistance that OVC will fund are:

• National and regional training conferences for state VOCA administrators, victim-witness coordinators, and child advocacy workers;

• Regional training seminars to assist communities and institutions to be prepared for multiple victimizations by establishing their own crisis response plans and teams;

• Team approaches that strengthen the response of criminal justice agencies to the many forms of violence against women and children;

• Hate and bias crimes training for law enforcement and victim service personnel;

• Training events at the Department of Treasury's Federal Law Enforcement Training Center (FLETC) and the National Symposium for Child Sexual Abuse in Huntsville, Alabama to sensitize officials to victim/witness issues and promote ''team approaches'' in handling cases;

• The first national symposium to provide high-quality victim assistance training for victim-witness coordinators from all Federal law enforcement agencies;

• Victim assistance programs in Native American communities, including an Indian Nations' Conference in 1996;

• Assistance to military personnel and clergy who work with victims of crime on military installations; and

• Mentoring programs to facilitate on-site training at promising programs for state VOCA administrators and multidisciplinary teams.

In addition, OVC will continue to monitor the development of the Victim Assistance Academy funded last year to provide high-quality intensive training to victim service providers across the country from Federal, state, tribal, and local communities. OVC anticipates that the Academy will provide a curriculum to help professionalize the field and develop standards for victim service providers.

3. To develop and disseminate information to victims of crime and the people who serve them.

To achieve this goal, OVC will disseminate the findings of its projects that identify promising practices currently being used in the field. In addition, OVC is supporting other initiatives that will directly benefit crime victims. These include:

• A videotape describing how victims can obtain compensation to reimburse expenses related to their victimization;

• A booklet, ''Healing Through Community Service,'' that will describe case studies of victims whose contributions to the community have helped them heal and suggest other therapeutic strategies;

• A videotape, ''Path Through the Criminal Justice System,'' that will describe what victims can expect as their case proceeds through the system; and

• Activity books designed for children who will be testifying in Federal court to increase their understanding of the process. These books accompany a film that was funded by OVC last year.

These products and reports describing promising practices will be distributed through the OVC Resource Center, as well as at the many conferences OVC sponsors and supports around the country. Numerous products are already available through the Resource Center, which can be reached at 1–800–627–6872. OVC will augment its funding

commitment to the Resource Center to improve its capacity to provide crucial information directly to the public and the field.

Finally, OVC will contribute all findings and publications to PAVNET, the Partnerships Against Violence Network. PAVNET is an integrated information system that pools ideas, information, and resources about promising programs, technical assistance, and funding sources. As OVC and its grantees identify promising programs and strategies in the field, information about these will be added to the on-line search and retrieval system available through the National Criminal Justice Reference Service and a Federal agency coalition that includes the Departments of Justice, Agriculture, Education, Health and Human Services, Housing and Urban Development, and Labor.

4. To work closely with Native American communities to assist in the provision of needed services for crime victims.

OVC is committed to providing extensive, culturally appropriate services to crime victims in Native American communities. The Native American programs that OVC will fund this year include:

- Comprehensive training and technical assistance for Children's Justice Act grantees in Indian Country to enhance victim service skills and facilitate a team approach in responding to child sexual abuse cases;
- Cross-cultural skills development and training for Federal criminal justice personnel to enhance their ability to serve Native American crime victims;
- An Indian Nations' conference that will improve the skills of diverse professionals in responding to the needs of Native American crime victims and in addressing cases of child sexual and physical abuse in Indian Country;
- Court Appointed Special Advocate (CASA) programs in Indian Country to ensure that trained advocates represent the best interests of Native American child victims in court; and
- A project to provide training for tribal judges, based upon topics identified through a needs assessment.

5. To create partnerships with other Department of Justice (DOJ) entities, governmental agencies, communities, and organizations.

Partnerships are a key element in this year's discretionary program plan. OVC recognizes that no program can reach its best potential in isolation. To that end, this program announcement itself reflects collaborative efforts between OVC and all other offices and bureaus within OJP; many DOJ components; and diverse Federal agencies.

Joint projects with other OJP components include:

- Eleven separate projects or fund transfers jointly sponsored by OVC and the Bureau of Justice Assistance (BJA), including training on hate and bias crimes, victim services in public housing, community and institutional crisis response teams, and a videotape on cultural diversity;
- Four projects or fund transfers jointly sponsored by OVC and the Office of Juvenile Justice and Delinquency Prevention (OJJDP), including training on a multi-jurisdictional model for handling child sexual exploitation cases and seminars to train trainers in the use of victim impact classes, including classes for juvenile offenders;
- A restorative justice symposium cosponsored by OVC and the National Institute of Justice (NIJ) to examine how restorative justice concepts and practices can improve the treatment of victims and increase the involvement of communities in the criminal justice process. OVC also will work with NIJ on NIJ's victims' related research and to include information about promising programs and strategies in PAVNET; and
- Collaborative projects between OVC and the Bureau of Justice Statistics (BJS) to enhance the National Crime Victimization Survey and improve OVC's efforts to collect data and assess its grant programs.

OVC also reaches outside of OJP to work with other components of the Department of Justice. Examples include:

- Collaboration with the Executive Office of U.S. Attorneys (EOUSA) to provide training for Federal victim-witness coordinators and prosecutors and to create a model victim-witness program for U.S. Attorneys' Offices nationwide;
- Work with the FBI to strengthen its victim-witness program;
- Coordination of projects in Indian Country with DOJ's Office of Tribal Services;
- Collaboration with the Criminal Division's Child Exploitation and Obscenity Section to develop policies regarding child sexual abuse; and
- Cooperation with DOJ's Financial Litigation and Debt Collection staff to maintain the integrity of the Crime Victims Fund.

In addition, OVC works in concert with other Federal agencies to carry out its mission. This includes:

- Collaboration with the Department of Health and Human Services (HHS) to implement the Children's Justice Act (CJA) programs, with OVC administering CJA programs to tribal organizations, and HHS administering the program in the states;
- A collaborative effort with the Administration on Aging at HHS, BJA, the National Sheriffs' Association, the International Association of Chiefs of Police, and older American organizations to encourage replication of TRIAD programs, which are partnerships between local law enforcement and senior citizen organizations;
- Sponsorship with the Department of Defense of victim assistance training for military victim service providers and military chaplains; and
- A symposium on workplace violence issues that would include participation by a number of Federal agencies, including HHS, the Department of Labor, and the United States Postal Service.

These examples are representative—not exhaustive—of OVC collaboration with other agencies and organizations and its commitment to continue developing partnerships throughout all levels of government to improve crime victim services.

OVC is in the process of exploring new partnerships with public and private sector organizations, including foundations. Moreover, the program strategy and selection criteria for projects encourage applicants to collaborate whenever possible.

6. To develop a national crime victims agenda that provides a guide for long-term action and sets forth future training and technical assistance needs.

In 1982, President Reagan appointed a Task Force on Victims of Crime to study a long overlooked constituency of our criminal justice system—crime victims. This task force examined the way crime victims were treated by the criminal justice system and held public hearings around the country. It found that the system was severely imbalanced, almost entirely focusing on the criminal, while ignoring the rights and needs of victims. In its final report, the Task Force issued a comprehensive blueprint of 68 recommendations designed to improve the treatment of crime victims by the criminal justice system and other sectors of society. This document, the first Federal study of its kind, served to spearhead a national movement to secure specific victim rights and develop services that are responsive to victims' unique needs. Its proposals also lead to the legislation that created OVC and the Crime Victims Fund.

Using FY 1995 and 1996 funding, OVC will produce a document updating

the 1982 report. This update will not only describe the progress made in victim services during the past thirteen years, but also will describe a plan for the future, including promising practices, model programs and legislation, and needed national-scope training and technical assistance programs. OVC hopes that this new report, like the landmark 1982 publication, will become a guide for long-term action to improve victims' rights and services into the next century.

DATES: This Program Announcement is effective May 3, 1995. All applications for new, competitive programs are due by 5 p.m. on July 3, 1995. All applications for FY 1996 funding are due by 5 p.m. on August 1, 1995. Postmarks are not acceptable.

Program Announcement Development

OVC solicited input from a wide variety of sources in developing the proposals contained within this program announcement. A request for concept papers from the field was made in OVC's FY 1994 program announcement. OVC received 45 responses. OVC also sought input from the field at a number of training conferences around the country, including meetings with U.S. Attorneys and LECC/Victim-Witness Coordinators, Native American representatives, state VOCA Compensation and Assistance Administrators, and victim advocates at the national, state, and local levels. The program plan reflects much of that input. Those suggestions that fell outside of OVC's statutory authority were shared with other DOJ components for their consideration.

Competitive and Continuation Grants

This program announcement contains new competitive, non-competitive, and continuation grants, as well as information on interagency agreements.

Discretionary grants for new programs are generally awarded through a competitive process. The programs are open to a broad range of public and private non-profit organizations. Awards will be made to organizations and agencies that offer the greatest potential for achieving the objectives outlined in the description of each program. Selections primarily will be made on the basis of the information provided in the applicants' proposals. However, the Director also may consider any unsatisfactory past performance of applicants on OVC or OJP grants.

To supplement and assist in the consideration and review of applications by the program office, all competitive applications will be rated by a peer review panel of experts in the program areas. The panel will make recommendations for funding to the Director of OVC, who has final funding authority. The panel will rate competing applicants by numerical values based on the point distribution identified in the Selection Criteria (see Section VIII for details). Letters will be sent to all applicants notifying them of the final decision regarding their proposal. At their request, unsuccessful applicants will be notified of the major deficiencies identified in their application by the panel. OVC will negotiate specific terms of the awards with the selected applicants based upon the comments of panel members and OVC program managers. No awards will be granted until and unless selected applicants agree to terms specified by OVC.

For continuation programs, the awards are limited to specific organizations/grantees who have previously received at least one year of funding for a previous year's program solicitation. Continuation awards will be negotiated directly with current grantees to support further program activities or with organizations that are uniquely qualified to address subsequent phases of previously funded projects.

II. New, Competitive Programs

All grantees that are awarded funding for new programs following the OVC peer review and selection process are expected to work closely with the OVC project monitor during all phases of the award period.

All written products resulting from these grants must be submitted on computer disk, as well as in hard copy. Grantees will be expected to submit a short monograph or summary of the project and its findings (5–10 pages) that may be published as an OVC Bulletin.

A. Promising Strategies and Practices To Improve Services to Crime Victims

Promising Strategies and Practices for Law Enforcement Agencies (Cooperative Agreement)—Award Amount: $75,000

Purpose: To identify and document innovative policies, procedures, practices, and programs used by law enforcement agencies to respond to the needs of crime victims and to develop a plan for their dissemination.

Background: Law enforcement officers usually are the first criminal justice personnel to interact with crime victims. The way in which they treat victims can have a profound impact on how well and how quickly they recover from traumatic events.

Experienced law enforcement professionals are keenly aware of their responsibility toward victims. As a result, many agencies at both the federal and local level have developed a variety of innovative approaches to assisting victims. These include: Brochures that explain what victims can expect to happen as their case moves through the criminal justice system; wallet-sized cards that list victims rights and local resources; innovative ways of utilizing social service workers and volunteers; and partnerships with others, including community groups, to enhance victim services.

Goal: To increase and enhance services provided to crime victims by law enforcement personnel.

Objectives:

- To identify the elements of effective or promising approaches law enforcement can use to assist victims;
- To find existing policies, procedures, practices, and programs that contain these elements;
- To prepare detailed descriptions of the promising strategies; and
- To prepare a plan for disseminating this information to law enforcement agencies.

Program Strategy: With OVC, the grantee first will identify Federal and local law enforcement and victim assistance experts who can help develop criteria for determining what strategies can be considered ''promising.'' The grantee then will conduct a review of programs in the field to identify policies, procedures, practices, and programs that meet the criteria. The review should include an examination of tribal agency practices in Indian Country, Federal approaches, and state and local programs.

The project staff will collect information about promising strategies in sufficient detail to allow other agencies to replicate them. This information will be compiled into a compendium of ''Promising Victim Assistance Strategies for Law Enforcement Agencies.'' A shorter version of the document will be prepared for publication as an OVC Bulletin.

The products of this project include:

- Selection criteria for promising strategies;
- Assessment Plan for identifying qualifying strategies;
- Comprehensive descriptions of the essential elements of each promising strategy or program;
- Compendium of Promising Strategies and Practices, in complete and shortened Bulletin format;
- Final Report, including project assessment; and
- A dissemination plan.

Eligibility Requirements: In addition to the requirements of Sections VI–XI,

applicants must demonstrate knowledge of victim assistance strategies in law enforcement, as well as victim rights and services related to the criminal justice system.

Award Period: 12 months.

Contact: Duane Ragan, (202) 307–2021.

Promising Strategies and Practices for Evidentiary Medical Examinations, Including the Use of Nurse Examiners and Special Settings—Award Amount: $50,000

Purpose: To describe promising practices for utilizing victim-oriented medical settings and nurse examiner programs to conduct evidentiary medical examinations.

Background: In many places, victims of sexual assault and child abuse who arrive at hospital emergency rooms often have to contend with a lack of privacy, long waits for doctors who are busy attending to other medical emergencies, a lack of emotional support throughout the forensic examination process, and an impersonal, chaotic environment. These conditions not only compound the trauma experienced by victims, but discourage many victims from coming forward to report the crime or to obtain necessary assistance and medical services. To address these issues, some jurisdictions have developed sexual assault nurse examiner programs, in which nurses who are specially trained to address the medical and emotional needs of victims perform the examinations in a setting especially designed for victims. The intent of these programs is to free doctors to attend to other medical emergencies; to use consistent forensic examination practices to ensure appropriate steps are followed in collecting, handling, and storing evidence; and, most importantly, to assist sexual assault victims in a compassionate and sensitive manner. Various communities have found that examination rooms designed for victims seem to increase their willingness to participate in the criminal justice system. They have also found that the use of trained nurse examiners can reduce costs, as well as enhance the provision of services.

Goals:

- To increase victim participation in the criminal justice system by facilitating the use of nurse examiners and special settings for expert medical examinations; and
- To promote consistent and quality practices in providing expert medical examinations for victims of sexual assault and child sexual abuse.

Objectives:

- To survey and assess promising policies, procedures, and training materials used by sexual assault nurse examiner programs around the country;
- To give the details regarding the training provided to nurse examiners and how to set up special medical settings for expert medical examinations;
- To issue a guidebook on the operation of sexual assault nurse examiner programs for the field;
- To identify competent, experienced sexual assault nurse examiners for training purposes;
- To assess whether nurse examiner programs are useful in providing evidentiary medical examinations to child sexual abuse victims; and
- To provide information about the use of specialized clinics or rooms to conduct these examinations.

Program Strategy: This solicitation invites applications for a grantee to develop a guidebook on how to implement and operate a nurse examiners program for victims of sexual assault and how to establish examination rooms especially designed for victims. The grantee also will explore whether similar programs can be established for child sexual abuse victims. The program will be comprised of three phases:

I. Assessment: This phase entails the identification and assessment of materials currently describing or in use by sexual assault nurse examiner programs. As part of the assessment, the grantee will convene an advisory board of experienced nurse examiners and administrators of such programs, as well as representatives from law enforcement and prosecutors' offices, for their input and for the review of collected materials. The activities to be completed are:

- Establishment of an advisory committee;
- Development and submission of a plan and criteria for surveying and assessing sexual assault nurse examiner programs, similar programs for child sexual abuse victims, and use of medical settings especially designed for victims;
- Survey and review of literature, policies, procedures, and practices for sexual assault nurse examiner programs and use of special examination settings;
- Identification and description of model programs nationwide; and
- Preparation of an assessment report of findings.

II. Development of Prototype: Upon completion of the first phase, the grantee will, in collaboration with its advisory board, develop a model program brief for implementing and operating a sexual assault nurse examiner program and for establishing special settings for expert medical examinations. The brief will highlight essential components of nurse examiner programs, as well as optional or adaptable elements from model programs around the nation. Attention will be given to issues such as training and credentialing of nurse examiners, as well as qualifying them to testify in court. The brief will also describe examples of special medical settings used for expert medical examinations of crime victims. The activities for this phase are:

- Development and drafting of model program elements;
- Highlighting of model programs identified by the survey; and
- Review and refinement of draft product.

III. Finalization of Products: Upon completion of the second phase, the grantee will produce the guidebook and make it available to the field. The activities for this phase are:

- Development and draft of guidebook, consisting of the model program brief and accompanying instruction on how to set up a sexual assault nurse examiner program and clinic designed for victims;
- Review and refinement of draft;
- Development of a plan for product dissemination;
- Identification in list form with supporting vitae of training and technical assistance staff for addition to the OVC Trainer's Bureau;
- Preparation of a final report on the project; and
- Preparation of an OVC Bulletin summarizing the project's findings.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate:

- Expert knowledge of trauma related to sexual assault and unique needs of these victims;
- Expertise in conducting national-scope information searches;
- Knowledge of issues associated with the criminal justice system's handling of crime victims and, more specifically, service provision to sexual assault victims; and
- Management and financial capability to oversee a project of this size and scope.

Award Period: 12 months.

Contact: Melanie Smith, (202) 616–3575.

Promising Strategies and Practices for Prosecutors (Cooperative Agreement)—Award Amount: $50,000

Purpose: To identify and document innovative policies, procedures,

practices, and programs used by prosecutors' offices to respond to the needs of crime victims, and to develop a plan for their dissemination.

Background: The prosecutor is a pivotal figure in the criminal justice system for victims. Prosecutors represent the state and manage the case against the offender. They should inform victims of the status of their case from the time of charging to the final disposition. They also should inform the court about the victims' views on key decisions, such as bail, plea bargains, and sentencing, and make every effort to allow victims the opportunity to be heard by the court. Prosecutors must try to protect victims from any threats, intimidation, or harassment from offenders. In addition, prosecutors should ensure that victims have the support and assistance they need in order to participate fully in the criminal justice process.

Goal: To increase and enhance services provided by prosecutors to crime victims.

Objectives:

- To identify the elements of exemplary victim-related prosecutorial practices;
- To find existing practices and programs that contain these elements;
- To prepare detailed descriptions of the promising practices; and
- To prepare a plan for disseminating this information to prosecutors' offices nationwide.

Program Strategy: This initiative will identify the most promising victim-related prosecutorial practices and programs, describe their essential elements, and make that information available to prosecutors' offices. The grantee will first identify prosecution experts who can assist in developing criteria for determining what practices can be considered ''promising.'' Examples of promising practices might include specialized units to handle certain types of cases, such as sexual assault or domestic violence; vertical prosecution; and community-based prosecutor's offices. The grantee will then conduct an overview of the field to identify practices and programs that meet the criteria. The review should include an examination of tribal agency practices in Indian Country and state and local programs. Under another grant to a U.S. Attorney's office, which is described later, promising approaches used by Federal prosecutors are being identified and documented.

Once the promising practices and programs have been identified, project staff will collect information in sufficient detail to allow other agencies to replicate them. This information will be compiled into a compendium of ''Promising Strategies and Practices for Prosecutors.'' A shorter version of the document will be prepared for publication as an OVC Bulletin.

The products of this project include:

- Selection criteria for promising practices;
- Assessment Plan for identifying promising practices;
- Comprehensive descriptions of the essential elements of each promising strategy or program;
- Compendium of Promising Practices, in complete and shortened Bulletin format;
- Final Report, including project assessment; and
- A dissemination plan.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate knowledge of prosecutorial practices, as well as victim rights and services related to the other aspects of the criminal justice system.

Award Period: 12 months.

Contact: Susan Laurence, (202) 616–3573.

Promising Strategies and Practices for Probation and Parole Agencies (Cooperative Agreement)—Award Amount: $75,000

Purpose: To identify and disseminate innovative policies, procedures, and programs developed by individual probation and supervising parole agencies to respond to the needs of crime victims, and to encourage their replication.

Background: Historically, most involvement of crime victims in the criminal justice process has occurred in the early phases of case investigation and prosecution. Once an offender is convicted, many victims have believed—and have been supported in this belief by criminal justice personnel—that they no longer need to be involved in the case or to expect information or services from system officials. Yet almost five million Americans were under some form of correctional control in 1993, with more than two-thirds of these being supervised in the community on probation or parole.

The perceived and actual danger of an offender to his or her victim does not necessarily end with a conviction or with the completion of a prison term. Nor can a victim realistically feel fully protected merely knowing that his or her offender is under community supervision. Victims need information and services from probation and parole personnel.

A number of individual agencies that supervise offenders in the community have created innovative victim-related practices and programs. Some promising practices include strategies for informing victims of offender status changes, soliciting their input, and using trained volunteers. Others have created enforcement courts that collect substantial amounts of unpaid restitution for victims.

Goal: To increase and enhance services provided by probation and parole agencies to crime victims.

Objectives:

- To identify the elements of exemplary victim-related probation and parole community supervision practices;
- To find existing practices and programs that contain these elements;
- To prepare detailed descriptions of the promising practices; and
- To disseminate this information to probation and parole agencies.

Program Strategy: This initiative will identify the most promising victim-related community supervision practices and programs in probation and parole, describe their essential elements, and make that information available to probation and parole agencies. The grantee will first identify community corrections experts who can assist in developing criteria for determining what practices can be considered ''promising.'' The grantee then will conduct an overview of the field to identify practices and programs that meet the criteria. The review should include an examination of tribal agency practices in Indian Country, Federal approaches, and state and local programs.

Once the promising practices and programs have been identified, project staff will collect information in sufficient detail to allow other agencies to replicate them. This information will be compiled into a compendium of ''Promising Practices in Probation and Parole.'' A shorter version of the document will be prepared for publication as an OVC Bulletin.

The products of this project include:

- Selection criteria for promising practices;
- Assessment Plan for identifying promising practices;
- Comprehensive descriptions of the essential elements of each promising strategy or program;
- Compendium of Promising Practices, in complete and shortened Bulletin format;
- Final Report, including project assessment; and
- A dissemination plan.

Eligibility Requirements: In addition to the requirements of Sections VI–XI,

applicants must demonstrate knowledge of probation and parole practices, and victim rights and services within the criminal justice system.

Award Period: 12 months.

Contact: Susan Laurence, (202) 616–3573.

Promising Strategies and Practices for Corrections Agencies/Training and Technical Assistance (Cooperative Agreement)— Award Amount: $150,000

Purpose: To identify and disseminate innovative policies, procedures, and programs developed by institutional corrections agencies and paroling authorities to respond to the needs of crime victims, to encourage their replication by prison and jail personnel and parole board members.

Background: In 1988, the American Correctional Association's Task Force on Crime Victims issued a set of recommendations for improving the treatment of victims by correctional agencies. The recommendations fall into four major areas: (1) Training on victim issues and victim awareness for correctional staff; (2) direct services to victims; (3) victim assistance programs for correctional staff; and (4) victim awareness programs for offenders. Responding to the call from the corrections profession to become more victim oriented, OVC awarded a grant for a project entitled, ''Crime Victims and Corrections'' in 1989. The grantee surveyed the needs of the field, and developed and pilot-tested a training curriculum with protocol and related materials focusing on promising and innovative victim-related programs and practices. In two subsequent phases of the project, the grantee provided training and technical assistance to a number of jurisdictions, working intensively in eight states, as well as with Department of Defense (DoD) and Federal Bureau of Prisons correctional personnel. A final phase of the project provided training solely to DoD personnel.

During the last four years, the demand from the field for both basic and advanced training and technical assistance on victim topics has increased. Requests have come from institutional corrections, paroling authorities, and more recently, jail officials. This project will allow OVC to respond to these requests.

Goal: To improve the correctional system's response to the needs and rights of crime victims by providing training and technical assistance on promising victim-related practices and programs.

Objectives:

- To determine the current level of victim services provided by correctional agencies;
- To identify promising practices and programs used by correctional agencies to address victim needs;
- To produce up-to-date training materials for institutional corrections, paroling authorities, and jail personnel;
- To provide training and technical assistance to selected correctional agencies and jurisdictions;
- To disseminate information about promising practices to correctional personnel; and
- To evaluate the impact of the training and technical assistance activities on individual agencies and the field.

Program Strategy: This solicitation invites applications from eligible organizations to refine and expand existing training curricula and materials, to provide both intensive and short-term training and technical assistance on promising practices to select correctional agencies, and to extend the training to target the specific victim-related needs of jail personnel.

The grantee will conduct the following activities:

- Conduct an overview of victim-related policies and services in jails, state institutional corrections agencies, and paroling agencies;
- Update OVC's ''Crime Victims and Corrections'' training curriculum manual with information on newly identified promising practices, programs, and overview results;
- Adapt the training manual and materials to address specific needs of jail personnel;
- Identify qualified professionals who can provide high quality training and technical assistance and, if necessary, conduct train-the-trainer workshops;
- Identify at least one jail jurisdiction for pilot assessment and intensive training and technical assistance;
- Identify two states for assessment and intensive training and technical assistance;
- Conduct an on-site assessment process in selected sites;
- Conduct customized, intensive training conferences and provide follow-up technical assistance; and
- Evaluate the impact of the project.

Interim documents and final products include:

- Overview Plan and Report;
- Training Curriculum Manual, with related training materials;
- Modified Training Curriculum Manual for Jail Personnel;
- Outreach Package and Selection Criteria for Intensive Sites;
- Site Assessment Reports;
- Training Conference Agendas;
- Training and Technical Assistance Reports;
- Promising Practices Report, to be published as an OVC Bulletin;
- Final Report, including project assessment; and
- A dissemination plan.

OVC intends to fund another phase of the project for a second 18 month period, based on the findings and accomplishments of this project. During the second period, additional jail jurisdictions and state corrections agencies would be selected for intensive training and technical assistance, and follow-up assistance would be provided to sites from previous years.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate knowledge of institutional corrections, parole, and jail policies and practices, as well as victim rights and services related to the criminal justice system. Eligibility for any continuation of this project is contingent upon satisfactory work performance and product development under this phase of the grant.

Award Period: 18 months.

Contact: Susan Laurence, (202) 616–3573.

Promising Strategies and Practices for the Judiciary

Award Amount: $100,000.

Purpose: To identify and document innovative policies, procedures, practices, and programs used by the judiciary to respond to the needs of crime victims and to develop a plan for their dissemination.

Background: Judges play a central, vital role in the entire criminal justice process. Their decisions, actions, and attitudes affect the practices of all other criminal justice professionals. For this reason, it is crucial for judges to understand the impact of crime on victims and how the victimization experience creates special needs for victims that can only be addressed by a balanced and fair system of justice. Many judges are aware of the needs of the victims in the cases they adjudicate, and they make every effort to ensure that victims are informed, present, and heard at key decision points in the judicial process. However, judicial training regarding victim-sensitive policies, procedures, and practices in courtrooms is needed. This project would identify these approaches and recommend appropriate avenues for disseminating information about them to judges throughout the country.

Goal: To increase judicial understanding about the unique needs of crime victims and how those needs

can be addressed within the court setting at the local, county, state, tribal, and Federal levels.

Objectives:

- To identify the needs of victims that can be addressed within the court setting;
- To review state and federal judicial training programs for the information regarding victims and witnesses provided;
- To share examples of existing policies, procedures, and practices used by individual judges or court administrators to address the needs of victims;
- To identify curricula and training materials that can communicate court-related victim needs and victim sensitive approaches to other judicial jurisdictions; and
- To develop recommendations for encouraging the adoption of victim sensitive practices by the judiciary nationwide.

Program Strategy: This solicitation invites applications for one grantee to conceptualize, organize, and convene a two day transfer of knowledge symposium on promising judicial responses to crime victims. The symposium will bring together up to 40 participants, including judges from the local, county, state, tribal, and Federal levels, as well as representatives from national judicial and victim service organizations. Participation will be by invitation only, and the grant will cover attendees' travel and per diem expenses.

The grantee will develop resource materials that will be sent to participants prior to the symposium. The symposium agenda will include an introductory session followed by plenary and small group sessions. Participants will share information about promising policies, procedures, and practices; identify effective training materials; identify areas for further action; and, as a final group task, produce a report of recommendations to improve the response of the judiciary to crime victims through the dissemination of these types of information. At the close of the event, participants will evaluate the symposium.

Major products include:

- A list of attendees, for OVC review and approval;
- A symposium agenda, including descriptions of presentations;
- A participant resource package;
- An assessment plan; and
- A symposium report containing recommendations and action plans developed by participants.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate an understanding of the victimization experience, as well as an extensive knowledge of and experience with the judicial process at its various levels.

Contact: Duane Ragan, (202) 307–2021.

Promising Strategies and Practices in Rural Areas (Cooperative Agreement)—Award Amount: $75,000

Purpose: To identify and document innovative policies, procedures, practices, and programs developed by victim service providers, criminal justice agencies, and others who serve crime victims in rural areas and to develop a plan for their dissemination.

Background: When violent crime occurs in a rural area, its victims and those who would help them must contend with a variety of issues and concerns that are specifically related to the rural environment and lifestyle. One of the first issues that must often be faced is inaccessibility of services. The victim may live some distance away from the nearest town, which may not have the capacity to respond quickly to a crisis situation or have the particular type of support services that are needed. Residents in isolated areas may not have telephone service or access to public transportation, and neighbors may be too far away to help.

Social attitudes in rural areas can also present obstacles for victims. A rural victim of violent crime often finds that others discount or deny the seriousness of the offense, or blame the victim for the incident. Also, in small towns even the most private matters can become public knowledge, often in a distorted version. This can make it difficult to maintain confidentiality regarding the event and bring further humiliation to the victim.

Goal: To increase and enhance services provided to crime victims in rural areas.

Objectives:

- To identify the elements of promising approaches to assisting victims in rural areas;
- To find existing practices and programs that contain these elements;
- To prepare detailed descriptions of the promising practices; and
- To prepare a plan for disseminating this information to relevant agencies.

Program Strategy: This initiative will identify the most promising victim-related practices and programs for responding to crime victims who live in rural areas, describe their essential elements, and develop a plan to make this information available nationwide. The grantee will first identify victim assistance and criminal justice experts who can assist in developing criteria for determining what practices can be considered ''promising.'' The grantee will then conduct an overview of the field to identify practices and programs that meet the criteria. The review should include an examination of tribal agency practices in Indian Country, Federal approaches, and state and local programs.

Once the promising practices and programs have been identified, project staff will collect information in sufficient detail to allow other agencies to replicate them. This information will be compiled into a compendium of ''Promising Strategies and Practices for Assisting Crime Victims in Rural Areas.'' A shorter version of the document will be prepared for publication as an OVC Bulletin.

The products of this project include:

- Selection criteria for promising practices;
- Assessment Plan for identifying qualifying practices;
- Comprehensive descriptions of the essential elements of each promising strategy or program;
- Compendium of Promising Practices, in complete and shortened Bulletin format; and
- Final Report, including project assessment.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate knowledge of victim service strategies in rural areas, as well as victim rights and services related to the criminal justice system.

Award Period: 12 months.

Contact: Jackie McCann Cleland, (202) 616–2145.

Promising Strategies and Practices in Professional Education—Award Amount: $100,000

Purpose: To identify and document promising and innovative courses and professional curricula that address victim issues and to enhance education on these issues for students at undergraduate and graduate schools of law, medicine, nursing, divinity, criminal justice, mental health, and social work.

Background: Many of the professionals who routinely work with crime victims—both within and outside of the criminal justice system—do not receive adequate training in crime and victim-related issues. For example, attorneys often are not trained to respond sensitively and effectively to clients who are crime victims. Similarly, physicians frequently lack the training necessary to identify and assist patients who exhibit symptoms related to victimization. As with law and

medicine, many members of other professions—including nursing, social work, criminal justice, and the clergy—do not receive adequate training on crime victim issues.

Without an understanding of issues central to crime victimization, many professionals will be limited in their ability to meet their clients' needs. An assessment of the most promising existing professional curricula may encourage the integration of materials regarding crime victim issues into many college and university courses. Ultimately, this instruction should lead to better treatment for the crime victims served by these professionals.

Goals:

- To foster better treatment of crime victims and survivors by members of key professions; and
- To improve the education on crime victim issues that is provided to prospective professionals in a variety of disciplines;

Objectives:

- To identify and assess existing courses and curricula on crime victim issues at colleges and universities—at the undergraduate and graduate level—including at schools of law, medicine, nursing, social work, criminal justice, mental health, and divinity;
- To document and describe effective professional curricula on crime victim issues;
- To develop a multidisciplinary core curriculum that can eventually be used as the foundation for discipline-specific curricula on crime victim issues. OVC will make available copies of curricula developed under previous OVC grants to assist the grantee in meeting this objective; and
- To survey state laws and regulations to ascertain licensing and credentialing requirements for the professions listed above regarding crime victim issues.

Program Strategy: This solicitation invites applications for one grantee to survey academic and professional training institutions for curricula and programs that effectively address crime victim issues and to develop a core curriculum for professions that work with crime victims. The core curriculum and other products developed by the grantee will be the foundation for discipline-specific curricula, to be developed in the project's second year through competitively awarded funding. The first year's project activities will take place in the following three phases:

I. Assessment: The first phase of the project entails a survey, identification, and assessment of academic curricula and best programs, including clinical programs and multidisciplinary courses on victim issues, currently in use by schools of law, divinity, medicine, nursing, criminal justice, and social work. Academic and professional associations for these professional groups shall be contacted as part of the survey process. The activities to be completed are:

- Establishment of an advisory committee with OVC review and approval;
- Development, drafting, and submission of an assessment plan and assessment criteria;
- Survey, identification, collection, and review of existing professional curricula that address crime victim issues;
- Description and detailed summary of promising curricula and programs, including examples of multi-disciplinary programs established at graduate schools; and
- Preparation of a comprehensive assessment report of findings.

II. Development of Prototype: Upon completion of the first phase, the grantee will develop a multidisciplinary core curriculum that may serve as the foundation for discipline-specific curricula developed later. The prototype will address crime victims' mental, emotional, physical, and spiritual needs; crime victims in the criminal justice system; relevant legislation; and the role of victim service providers. To assist with this process, OVC will provide a copy of the curriculum currently under development for the Victim Assistance Academy. Elements to be included in discipline-specific curricula should also be enumerated and described. Activities to be completed are:

- Development, drafting, and submission of a multidisciplinary core curriculum, for OVC review and approval;
- Summary of discipline-specific curricular elements; and
- Review and refinement of the draft.

III. Finalization of Products: Upon completion of the second phase, the grantee will prepare a report listing and describing effective curricula and professional programs at identified academic and training institutions; a multi-disciplinary core curriculum on crime victim issues with an enumeration and discussion of elements to be included in discipline-specific curricula; and a final report with recommendations for developing discipline-specific curricula in the second year of the project. Samples of collected curricula should be appended to the final products.

Based upon the findings and recommendations of the grantee funded under the first year of the project, OVC anticipates funding a program to build on the products developed under this initiative by developing a few discipline-specific crime victims' curricula and a train-the-trainer component. The first year's products would be made available to second year grantees for this purpose.

The grantee also will produce an OVC Bulletin highlighting promising practices in teaching about crime victim issues in colleges and universities for dissemination through OVC to the field. In addition, the grantee will produce an OVC Bulletin that describes state requirements for education regarding crime victim issues that are mandated for the people who work with victims.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate:

- Expertise in conducting a national-scope information search;
- Knowledge of curriculum development and implementation;
- Knowledge of issues associated with the criminal justice system's handling of crime victims;
- Management and financial capability to oversee a project of this size and scope; and
- An understanding of the role of each discipline in serving crime victims.

Award Period: 12 months.

Contact: Melanie Smith, (202) 616–3575.

Promising Strategies and Practices in Using Technology To Benefit Crime Victims (Cooperative Agreement)

Award Amount: Up to $100,000.

Purpose: To survey the field to ascertain innovative applications of technology to benefit crime victims, convene a symposium of crime victim advocates, service providers, and experts in technology to explore ways in which emerging technologies can be enhanced to assist crime victims, and issue a report that describes promising practices, recommendations for future action, and resource contacts.

Background: The Information Age is transforming the ways in which public and private sector organizations disseminate information and render services. The labor-intensive, underfunded crime victims field needs to develop technological literacy and seriously consider ways in which computer networks and other emerging technologies can be applied. Through a national-scope symposium, leaders in technology and victim services can come together to identify problem areas in providing services to crime victims and discuss ways in which advancing technologies can fill service gaps,

simplify procedures, ensure the safety and confidentiality of crime victims, and otherwise assist crime victims, their advocates, and allied professionals.

Goal: To use emerging technologies to assist crime victim advocates and victim service providers to enhance services to crime victims.

Objectives

- To survey the field to identify existing technologies that already serve crime victims at the Federal, state, and local levels;
- To identify promising practices that apply these technologies to benefit crime victims;
- To identify and convene a group of crime victim advocates, assistance providers, and experts in technology for a two-day transfer of knowledge symposium;
- To identify gaps in services to crime victims that might be remedied or improved through applied technology;
- To identify ways in which emerging technologies can be used to inform, assist, and serve crime victims, and to explore ways to enhance communication about victim issues within the field; and
- To develop an action plan with strategies to implement the ideas discussed during the symposium and to recommend future collaboration in this area.

Program Strategy: This solicitation invites applications for one grantee to identify and demonstrate promising practices regarding the use of technology to benefit crime victims; organize a two-day transfer of knowledge symposium for about 25 participants on issues related to technology and crime victim services; and develop an action plan with recommendations for future action. The grantee will identify an appropriate balance of participants from the fields of crime victim assistance and applied technology. Participation will be by invitation only, and attendees will be expected to cover their own travel and per diem expenses. Some limited stipends will be available to address cases of special need.

The grantee will develop resource materials that will be sent to participants prior to the symposium. The grantee also will be responsible for identifying a symposium site and coordinating the symposium logistics.

Interim documents and final products include:

- A summary of promising practices;
- A list of attendees, for OVC review and approval;
- A symposium agenda, including descriptions of presentations;
- A participant resource package;
- Documented symposium proceedings;
- A symposium report, on disk and hard copy, containing recommendations and action plans developed by participants; and
- A dissemination plan.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate:

- Knowledge of the organization, development, and implementation of training conferences;
- Knowledge of applied communications technologies;
- General knowledge of crime victim issues; and
- Management and financial capability to oversee a project of this size and scope.

Award Period: 12 months.

Contact: David Osborne, (202) 616–3580.

Promising Strategies and Practices to Improve Services for White Collar Crime Victims (Cooperative Agreement)—Award Amount: $100,000

Purpose: To improve the response of Federal criminal justice personnel to the rights and unique needs of Federal victims of white-collar crime, and to develop a resource package to assist service providers and victims.

Background: Many in the criminal justice system and in society fail to recognize the serious nature and profound impact of white-collar crime on individuals. Nonviolent white-collar crime can be psychologically devastating to victims, who experience psychological trauma and other reactions similar to victims of violent crime. These emotional reactions can be profound, especially when the victim is a senior citizen, is on fixed income, or has limited resources. The criminal justice system often is unprepared to respond to the emotional and financial devastation experienced by victims of this crime.

Goal: To improve the response of Federal criminal justice personnel to the rights and unique needs of Federal victims of white-collar crimes.

Objectives:

- To create a resource package that contains information for Federal criminal justice personnel to inform white-collar crime victims of their rights, the services they can expect, and a description of the criminal justice system; and
- To develop a 20-minute videotape that explains the nature and extent of Federal white-collar crimes, as well as the devastating psychological and financial impact of these crimes, especially upon senior citizens.

Program Strategy: This solicitation invites applications for a grantee to develop resource packages that will enhance the ability of Federal Victim-Witness Coordinators and other criminal justice personnel to assist white-collar crime victims and witnesses. The OVC program specialist will work closely with the grantee throughout the assessment and product development phases of the project to ensure that feedback is provided from representatives on any ad-hoc working group.

The grant activities and products include:

- The establishment of an ad-hoc DOJ working group to assist the grantee in identifying resource materials and effective strategies for helping victims;
- A review of existing materials that assist white-collar crime victims;
- The development and printing of a camera-ready victim pamphlet that provides information regarding the dynamics of white-collar crime, the investigative phase, the unique needs of senior citizens who are victimized by scams and frauds, and victims' rights and services. This pamphlet should be broadly disseminated to potential fraud victims identified early during a fraud investigation;
- The development and printing of a camera-ready victim handbook for dissemination by Federal Victim-Witness Coordinators to victims who will be participating in the Federal prosecution. This booklet will give a range of information about the victim's role and what to expect as the case proceeds through the criminal justice process;
- The development of a 20-minute educational videotape that explains the nature and extent of Federal white-collar crimes, the devastating psychological and financial impact of these crimes, and preventive strategies. The videotape will be distributed by Federal Victim-Witness Coordinators to victims, community advocacy groups, victim assistance professionals, and Federal criminal justice and court personnel;
- The development of a Guidebook for Federal Victim-Witness Coordinators on promising practices and program strategies for assisting white-collar crime victims; and
- The development of the package containing products described above for each U.S. Attorney's Office.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate:

- Experience in developing and producing material and/or videos for use by criminal justice personnel;

• Experience in and knowledge of trauma reactions of victims of violent and nonviolent crimes;

• Demonstrated knowledge in assessing the emotional and financial needs, rights and concerns of white-collar crime victims; and

• Demonstrated knowledge in researching and applying appropriate strategies for effective assistance to white-collar crime victims as they participate in the criminal justice process.

Selection Criteria: All applicants will be evaluated and rated based upon the extent to which they meet the following criteria:

A. Utility of the project: (10 Points)

Project's purpose, goals, and objectives are clearly stated and the usefulness of the project to the field is clearly defined by the applicant.

B. Project Strategy/Design: (25 Points)

Project's plan for undertaking activities is sound and specific, and includes how the applicant intends to achieve the purpose, goals, and objectives of the project.

C. Implementation Plan: (25 Points)

Project's implementation plan is sufficiently thorough and is appropriately tied to the project's strategy so that adequate time lines and staff resources can be identified.

D. Qualifications of Organization/Project Staff: (25 Points)

Applicant possesses the necessary management, staff, and financial capabilities to complete the project successfully.

E. Budget: (10 Points)

Applicant's proposed budget directly relates to the project strategy and implementation plan, includes reasonable and allowable costs, and provides narrative detail on the project's budget cost.

F. Assessment Plan: (5 Points)

Applicant includes a strategy for testing the effectiveness of the materials as the products are developed.

Award Period: 18 months.

Contact: Laura Federline, (202) 616–3576.

Promising Strategies and Practices for Healing Through Community Service (Cooperative Agreement)—Award Amount: $50,000

Purpose: To create a document that describes how community involvement by individual crime victims has assisted them in reorganizing their lives following the trauma of victimization and sets forth a step-by-step therapeutic plan to assist victims to heal.

Background: Victims of violent crime experience a variety of profound, long-lasting effects resulting from their victimization. In the wake of crime, many victims have been moved to reach out and help other victims and their communities. This help may take the form of either prevention or assistance activities. Some victims decide to get involved with an activity or a program designed to prevent further crime, such as serving on a victim impact panel or participating in a crime victims conference. Often victims offer assistance to other victims to ease their sense of dislocation and personal devastation. In either case, the victim who gets involved in helping others can hasten his or her own healing process.

Many victims and service providers, including mental health professionals, are unaware that this type of involvement can benefit crime victims. Moreover, little is known about the most appropriate timing for these kinds of activities. This document will illustrate, through the use of case examples of community service by crime victims, how these victims have helped themselves by helping others.

Goal: To support the use of promising strategies for addressing the needs of crime victims.

Objectives:

• To identify activities in which victims can participate to aid their recovery process;

• To profile individuals who have productively engaged in these activities;

• To provide guidance to victims and victim advocates about these types of victim involvement; and

• To provide step-by-step strategies to assist crime victims in the healing process.

Program Strategy: This grant will support the development, publication, and dissemination of a monograph on the role of victim activism as a victim assistance strategy. The grantee will review and assess the principal crime prevention and victim assistance activities that victims commonly participate in after they have been victimized. This process will explore the major issues involved in victim activism, such as the length of time that victims should wait before they become involved in these activities and what type of involvement is likely to be most suitable for different types of people. In examining these and related issues, the grantee will conduct extensive interviews with activists who have been crime victims, victim advocates, and mental health professionals who work with them.

During the review and assessment process, the grantee will identify individuals who have used diverse victimization experiences to fuel creative and effective activities or programs to benefit others. The histories and accomplishments of at least ten of these outstanding individuals will be profiled and produced as case studies.

The final major task of the grantee is to produce a monograph. This will catalogue the variety of ways victims become active in helping others, illustrated by profiles of exceptional individuals. It should include a presentation of the issues involved in this type of activism and how they can best be addressed, as well as detailed recommendations for addressing common victim reactions to crime.

Major products include:

• Catalogue of victim involvement activities;

• Discussion paper on major issues involved in victim activism;

• Case studies of at least ten victims whose community service has benefited themselves and others. These should be based upon taped ''oral history'' type interviews;

• Monograph to be used as an OVC Bulletin; and

• Recommendations for expanding this grant into an oral history project regarding crime victims whose community service following their victimization has benefited both them and their community.

OVC may decide to fund this project in the future through a continuation grant to compile additional case studies.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate an understanding of the victimization experience, knowledge of victim assistance practices and programs, and expertise in writing and producing publishable documents.

Award Period: 12 months.

Contact: Jackie McCann Cleland, (202) 616–2145.

Guidelines for Victim/Offender Mediation and Dialogue (Cooperative Agreement)—Award Amount: $50,000

Purpose: To establish criteria for effective victim/offender mediation programs that are victim-oriented and sensitive.

Background: Programs bringing victims face to face with their offenders have sprung up across the country. While some victims strongly prefer not to interact with their assailants, for other victims, these types of personal meetings provide the opportunity to describe the impact of the crime and seek answers to unanswered questions regarding the nature of the crime directly from the attacker.

While some of these programs may be effective, others appear to be offender-oriented. In these, the mediation

sessions may be conducted by juvenile justice or criminal justice personnel who have little understanding of the victimization experience or of the needs of victims. Without appropriate sensitivity and preparation, this form of intervention can be harmful to victims.

Goal: To improve and enhance services designed to empower and restore crime victims.

Objectives:

- To identify effective victim/offender mediation programs;
- To develop victim-oriented program guidelines for conducting victim/offender mediation;
- To create training materials for victim/offender mediation that are applicable to a variety of program settings; and
- To develop a plan for disseminating the guidelines and information about promising practices in victim/offender mediation and dialogue.

Program Strategy: This solicitation invites applications for a grantee to survey existing victim/offender mediation programs throughout the country, as well as some promising programs in other countries. This information should detail program goals and objectives; programmatic structure and agency affiliations; procedures and protocols; staffing, staff backgrounds, and training; and measures of effectiveness. The grantee will identify and describe particularly promising programmatic elements and develop a set of criteria for conducting effective and appropriate victim/offender mediation. Based on the criteria, training materials will be created to guide the development of effective victim/offender mediation programs in a variety of settings, including college campuses and the workplace.

The grantee will develop an OVC Bulletin that highlights existing promising programs and presents guidelines for conducting effective victim/offender mediation. The Bulletin should also include specific examples of kinds of crimes and circumstances which may lend themselves to mediation.

Major project products include:

- Assessment plan;
- Draft survey guide;
- Profiles of promising practices and programs;
- Criteria for victim sensitive victim/offender mediation programs;
- Training materials on program implementation;
- Guidelines for Victim/Offender Mediation, to be published as OVC Bulletin; and
- Dissemination plan.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, eligible applicants must demonstrate expert knowledge of victim/offender mediation principles and practices, the criminal and juvenile justice systems, and related victim issues.

Award Period: 12 months.

Contact: Susan Laurence, (202) 616–3573.

Workplace Violence Symposium

Award Amount: $30,000.

Purpose: To improve the capacity and preparedness of employers and victim assistance providers to respond to the unique needs of victims of workplace violence.

Background: According to the Bureau of Justice Statistics, each year nearly one million individuals become victims of violent crime (e.g., rape, robbery, assault, or homicide) while working or on duty. Crime costs these victims more than $55 million in lost wages annually, not including days covered by sick or annual leave. Six out of ten incidents of workplace violence occur in private companies. In these companies, first responders are frequently employee assistance personnel or security guards, who often lack basic crisis response techniques. Company managers may not know how to assist employees whose performance suffers due to the effects of personal crime victimization or traumatic effects resulting from a co-worker's victimization.

Goal: To improve employer response to primary and secondary victims of workplace violence.

Objectives:

- To identify issues and challenges in responding effectively to victims of workplace violence;
- To identify and share examples of programs and techniques for immediate and long-term assistance for victims of workplace violence; and
- To develop strategies for further action in this area.

Program Strategy: This solicitation invites applications for one grantee to conceptualize, organize, and convene a two-day transfer-of-knowledge symposium for 30 participants on issues related to workplace violence. OVC will collaboratively plan the symposium with other Federal agencies that have workplace related responsibilities, such as HHS, the Department of Labor, the Centers for Disease Control and Prevention, the United States Postal Service, and the Department of Commerce.

The grantee will identify an appropriate balance of participants from the fields of victim assistance, employee assistance, and business management/administration. Participation will be by invitation only, and attendees will be expected to cover their own travel and per diem expenses.

The grantee will develop resource materials that will be sent to participants prior to the symposium. Participants will share information about promising practices, identify areas for further action, and, as a final group task, produce a report of recommendations and action plans to improve the response of employers to incidents of workplace violence. At the close of the event, participants will be asked to evaluate the conference. Symposium activities and discussions will be recorded and published in a written report for dissemination nationwide.

Interim documents and final products include:

- A list of attendees, for OVC review and approval;
- A symposium agenda, including descriptions of presentations;
- A participant resource package;
- An assessment plan;
- A transcript of symposium proceedings;
- A symposium report containing recommendations and action plans developed by participants; and
- A dissemination plan.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate:

Knowledge of the organization, development, and implementation of training conferences;

- Knowledge of workplace violence issues;
- Knowledge of victim assistance practices related to workplace violence; and
- Management and financial capability to oversee a project of this size and scope.

Award Period: 12 months.

Contact: Duane Ragan, (202) 307–2021.

B. Training and Technical Assistance for Crime Victim Practitioners and Allied Professionals

Regional Seminars for Establishing Community and Institutional Crisis Response Teams

Award Amount: $60,000.

Purpose: To provide high quality training on the establishment of community and institutional crisis response teams at the regional level to victim service providers, criminal justice personnel, and others who regularly deal with crime victims.

Background: Like individuals, an entire community or an institution's entire work force may suffer trauma in the wake of a sudden, devastating crime.

To be most effective, crisis intervention with survivors should be immediate. Subsequent follow-up ''debriefings'' of victims and others impacted by the crime are needed to reduce long-term trauma. Local care-givers may be among those who are traumatized by the event, and may themselves need to receive assistance to deal with the aftermath of the crime. For an adequate crisis response to be mobilized, the plan should be formulated before the critical event, and crisis team members should be designated, trained, and ready to respond.

Goal: To establish community and institutional crisis response teams.

Objectives:

- To produce up-to-date, comprehensive training materials and a booklet regarding how to establish community and institutional crisis response teams for the field;
- To identify highly skilled trainers capable of presenting this training; and
- To provide focused training on these topics at the regional level.

Program Strategy: OVC, in collaboration with BJA, invites applications to organize, conduct, and evaluate a series of four regional training seminars on establishing community and institutional crisis response teams. The regional training will assist participants in preparing a community or institutional crisis response plan that is flexible enough to appropriately address many possible crime-related crises. The plan must address both chronic crises, such as multiple victimizations on one college campus, and acute crises, such as the hostage situations.

The training also will assist in identifying key professionals to serve on the crisis response team. These should include mental health professionals, victim service providers, police and fire officials, members of the clergy, and others. Institutional teams should include representatives from key divisions within the institution, as well as many of the same types of agencies and professional groups from the local community as noted above.

In preparation for the seminars, the grantee will review and assess existing training materials and identify qualified trainers familiar with presenting the information. With input from the trainers, the grantee will produce a comprehensive and user-friendly training package, as well as a booklet setting forth the process for establishing a team for communities and institutions. A training plan and instruments for assessing its impact must also be developed.

Each seminar will last two to three days and train up to 60 participants. Since the effectiveness of the training is dependent upon reaching key individuals from a community or institution, the task of recruiting appropriate, area-specific groups is crucial. The recruitment process may require an intensive outreach effort. The training package will be disseminated to participants prior to each seminar. The training will be free of charge, but participants are expected to cover their own travel expenses.

Participants of each seminar will develop, as a final product of the training event, an Action Plan for future activities related to establishing a crisis response team. Approximately six to eight weeks after the training, the grantee will contact all participants to gather follow-up information and input about how each jurisdiction's Action Plan is being implemented. As an additional product, the grantee will prepare a shortened introductory version of the curriculum (including outline and overheads), which can be made available to agencies that wish to present it as a two hour workshop at training conferences.

Major project products include:

- Training package;
- Booklet on how to set up a crisis response team;
- Proposed faculty list;
- Marketing plan;
- Seminar agenda;
- Four two to three-day seminars;
- Assessment plan;
- Two-hour introductory curriculum; and
- Final Report, with assessment of project impact.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants from private and public organizations and agencies must demonstrate topical expertise and management capability to organize, market, conduct, and assess a seminar series on this topic.

Award Period: 12 months.

Contact: Susan Laurence, (202) 616–3573.

Conference Support Training Initiative

Award Amount: Up to $10,000 for the state grants; up to $30,000 for regional victim assistance training conferences; and up to $20,000 for victim assistance training tracks at national conferences. A total of $200,000 will be made available for these grants.

Purpose: To provide Federal support for national, Federal, state, and regional victim assistance training conferences.

Background: The growth of the victims movement and the increasingly specialized nature of professions involved in responding to victims of crime has led to an ongoing and profound need for both general and specific training in the field.

OVC has been instrumental in supporting statewide and regional network training and technical assistance efforts by funding quality trainers and covering conference costs. OVC is expanding this program to include support for victim assistance training at national conferences for professionals who work with crime victims.

During the past 2 years, OVC has co-sponsored about 25 state and regional victim assistance conferences. OVC is continuing and expanding its mini-grant program, formerly referred to as the State Conference Training Initiative. This funding is provided on a competitive basis to support statewide and regional victim assistance conferences, as well as tracks of victim assistance training at national conferences of allied professionals.

Goals:

- To supplement funding for victim assistance training and technical assistance to professionals at the national, Federal, regional, state, and local levels;
- To infuse victim assistance training into national conferences of allied professionals by providing funding to support tracks of training;
- To encourage coordination among the many professions interacting with crime victims such as the medical community, social service agencies, and criminal justice system components; and
- To improve the quality of victim assistance services by providing intensive training to direct service providers.

Objectives:

- To sponsor training presentations, at national, Federal, state, or regional victim assistance and other professional conferences, by high quality trainers, many of whom have been involved in OVC training and technical assistance projects;
- To offer OVC staff assistance in identifying training topics and quality trainers;
- To serve the needs of victims of Federal crimes by encouraging the participation of Federal victim-witness coordinators in planning national and state/regional training conferences, and by identifying and including topics that improve the response to Federal victims;
- To determine future training needs on a national, Federal, state, or regional

basis as a result of the discussions at the training conference; and

- To consider the types of crime, gaps in services and knowledge, coordination of service, and legislative mandates.

Program Strategy:

I. National Conferences

OVC will accept applications to support tracks of training at national conferences sponsored by medical, mental health, legal, and law enforcement communities as well as the clergy and other allied professions. OVC will support training tracks on general and specific victim-related topics such as understanding the trauma of crime victimization, providing services to survivors of homicide victims, crisis intervention, and advocacy.

II. Regional Conferences

OVC will continue to support regional training for victim assistance providers, program managers and advocates, crime victims, law enforcement officials, prosecutors, and other professionals who work with crime victims. By funding regional efforts, OVC expects to facilitate the exchange of relevant information and training, the coordination of victim assistance services, and interstate agreements.

III. State Conferences

OVC will support statewide efforts to provide training and technical assistance to state and local victim assistance providers and allied professionals. A portion of the training workshops must be devoted to Federal crime victim issues. These issues may include bank robbery, bias/hate crimes, white collar crime, and crimes occurring on Federal lands or in Indian Country.

The following provisions apply to each of the conferences described above. Applicants may select workshop topics from a broad menu of training topics recommended by OVC. These topics include training components for service providers working with victim populations, such as domestic violence, sexual assault, child abuse, elder abuse, victims of juvenile crimes, Native American crime victims, and victims of crime in rural areas.

At least 60 percent of each award must be used to finance workshop presentations approved by OVC and can be spent on such items as travel costs and consultant fees. Up to 20 percent of each award may be used to develop and reproduce conference materials, and up to 20 percent may be used to finance facility costs.

To maximize the benefit of the statewide and regional training conferences, it is recommended that conference planning involve state Victim Assistance and Compensation Administrators, victim assistance service providers, representatives from private, non-profit organizations such as state coalitions on sexual assault, domestic violence and child abuse; victim assistance coordinators from U.S. Attorney's offices, military bases and Indian reservations, and national victim organizations.

To ensure that the needs of victims of Federal crimes are served through these grants, all selected state and regional applicants will be required to involve their respective Federal victim-witness coordinators in the conference planning process.

Specific deliverables and activities that should be part of the applicant's program strategy include: The establishment of a conference planning committee or victim assistance advisory committee; an explanation of how recommendations from past conference assessments will be incorporated into conference planning as appropriate; a review of literature, products, policies, and/or practices that will be addressed in workshops; identification of future training needs that may be utilized by the national organization, states, and regions to provide training and/or technical assistance on crime victim issues; and a strategy for assessing the training by conference participants.

Deliverables should also include brochures announcing the conference or track of training to be offered in the case of national conferences; a tentative time/task plan for conference planning implementation; and identification of training personnel.

To obtain the menu of training topics and to discuss cost-related details, all interested applicants are strongly encouraged to contact OVC prior to submitting an application for funding.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, eligible applicants, including national organizations, state agencies, or qualified private non-profit organizations, must demonstrate the capability to manage a national, statewide, or regional conference. To be eligible for funding, the state or regional applicant also must include with its application a letter of support from the state crime victim compensation and victim assistance administrator(s). State victim compensation and assistance agencies, with the concurrence of the state victim coalitions and the U.S. Attorneys office, are also eligible to apply for funding.

Selection Criteria: All applicants will be evaluated and rated based on the extent to which they respond to goals and objectives and meet the weighted criteria as follows:

A. Organizational Capability (20 points)

Organizational capability is demonstrated at a level sufficient to support the project successfully. Previous experience in organizing and sponsoring victim assistance training events will be taken into account.

B. Project Strategy/Design (30 points)

The applicant's training needs are clearly stated and identified. Applications should reflect a responsiveness to the specific needs at the state and/or region, or the constituencies served by the national organizations. The goals and objectives of the proposed project are clearly identified. The strategy should include as wide a variety of training components as possible, to meet the needs at the national, state, or regional levels.

C. Qualifications of the Project Staff (10 points)

The qualifications of staff identified to manage and implement the program should be stated, with resumes included for each key staff person. Past experience related to training conference management should be included.

D. Program Implementation and Assessment Plan (20 points)

The project design must be sound, and the management structure must be adequate for the successful implementation of the project. This criterion includes adequacy of the project management structure, the feasibility of the tentative time/task plan, and the plan for assessing the impact of the project in accomplishing its goals.

E. Budget (20 points)

Budgeted costs are reasonable, allowable, and cost-effective for the activities to be undertaken.

F. Funding Preference

Funding preference will be given to applicants that have not previously participated in this OVC funding initiative, and to national organizations that have made a commitment to address crime victim issues.

Award Period: 12 months.

Contact: Diane Wells, (202) 616–1860, or Cynthia Darling, (202) 616–3571.

National Symposium on Victims of Federal Crime (Cooperative Agreement)

Award Amount: Up to $50,000 available for Phase I in FY 1995 and up to $250,000 for Phase II in FY 1996.

Purpose: To improve direct services to victims of Federal crime by providing high quality victim assistance training to victim-witness coordinators from a broad range of Federal agencies.

Background: In the last five years, Congress has focused on the rights and needs of Federal crime victims by codifying a Federal Crime Victims' Bill of Rights and identifying a range of services that must be made available to victims participating in the Federal criminal justice system. At the same time, Federal criminal statutes have been expanded to include crimes such as car-jacking, crossing a state line to injure, intimidate or harass an intimate partner, and engaging in telemarketing schemes to defraud the elderly. The Victims of Child Abuse Act of 1990 42 U.S.C. 13031 requires certain professionals working in Federally-operated facilities or on Federal lands to report suspected child abuse cases. These and other recent Federal statutes have increased the number of cases, as well as the Federal responsibility for assisting victims.

As a result, there is an urgent need for additional training and technical assistance for Federal victim-witness coordinators. As many as 1,000 Federal agency coordinators may be interested in attending a symposium that will provide basic and intensive victim assistance training, create a forum to share information regarding promising programs and policies, and identify strategies for strengthening Federal victim assistance programs throughout the government.

Objectives:

- To identify and assess, with the assistance of a Federal ad-hoc working group, existing practices and training materials used by Federal criminal justice personnel to respond to victims of Federal crime;
- To develop and implement a cost-effective strategy for providing training to Federal agency victim-witness coordinators utilizing existing victim assistance training curricula;
- To develop a training agenda for the symposium;
- To develop training and technical assistance materials in the areas of program development, program management, and direct services to victims of Federal crime by combining the expertise and resources of the grantee, OVC, and Federal agencies;
- To convene a national symposium to explore issues relating to the provision of services to victims of Federal crime and to provide training to Federal agency victim-witness coordinators;
- To offer an array of skills-building workshops that address the variety of missions of more than 70 different Federal law enforcement agencies; and
- To evaluate the symposium and submit to OVC a strategy for improving Federal agency services to Federal crime victims.

Program Strategy: This project will be implemented in two phases, with supplemental funding in FY 96 for the second phase if OVC determines that the first phase has been completed successfully. This solicitation invites applications for a grantee to provide comprehensive victim assistance training to Federal agency victim-witness coordinators from a broad range of Federal agencies with diverse missions.

The grantee will work with OVC staff and an ad-hoc working group of representatives from the various Federal agencies to identify the unique training needs of various agencies and to plan and implement the first comprehensive training conference for this audience. The week-long symposium will provide training regarding the provision of direct services to Federal crime victims, and address issues such as the unique aspects of Federal jurisdiction, and the development of victim assistance programs that utilize local resources. The symposium will also include training on program development, program management, and direct victim services. The conference will include: (1) Topic specific sessions to discuss subjects such as victims of hate/bias crimes, domestic violence, stalking, and child abuse; (2) discipline specific sessions for agencies such as law enforcement and prosecution; and (3) agency-specific sessions, including training for FBI agents or U.S. Postal Inspection Service personnel.

Phase I, Assessment:

The first stage of Phase I consists of the identification and assessment of effective procedures and practices and training materials currently used by Federal agencies in response to victims of Federal crime. The grantee should also determine unique training needs of specific Federal agencies. The activities and products to be completed during this stage are:

- Establishment of an ad-hoc working group, with OVC's assistance;
- Development of an assessment plan of Federal agency procedures, practices, and training;
- Review of practices, procedures, programs, and training materials;
- Identification of effective programs;
- Identification of Federal agency specific topical subject areas and training needs; and
- Development of an assessment report.

Development of Training Strategy: Based upon the results of the assessment stage, the grantee will develop and present to OVC a cost-effective strategy for providing training to Federal agency victim-witness coordinators, utilizing both existing victim assistance training materials and Federal agency materials. The activities and products to be completed during this stage are:

- A training strategy; and
- A draft training agenda for a national symposium.

Phase II, Training:

Following OVC approval of the assessment report, training strategy, and draft training agenda, the grantee will develop appropriate training and technical assistance materials. The activities and products to be completed during this stage are:

- A plan for the development of appropriate training materials that includes the areas of program development, program management, and direct services to victims of Federal crime and combines the expertise and resources of the grantee, OVC, and Federal agencies;
- A draft and final training manual, including trainer and participant manuals and other informational materials;
- A strategy for assessing the training and draft assessment forms, procedures, and tools;
- A national symposium on issues relating to the provision of services to victims of Federal crime.

Assessment and Recommendations: The grantee will assess the symposium and submit recommendations to OVC for improving Federal agency services to Federal crime victims. A final report and a summary of the project will be submitted by the grantee for use as an informational OVC bulletin during this stage.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate:

- Expertise in developing victim-witness assistance training curricula and accompanying materials;
- Experience in the management and development of large victim assistance training conferences;
- Knowledge of issues associated with the Federal criminal justice system's handling of crime victims; and
- Organizational experience and financial capability to administer this training initiative.

Award Period: 6 months to complete Phase I; 12 months (FY 1996) to complete Phase II.

Contact: Sue Shriner, (202) 616–3577.

Training of Trainers Seminars

Award Amount: Three proposals for up to $33,000 each.

Purpose: To expand the number of trainers qualified to provide training on promising practices to benefit crime victims on a variety of victim-related topics.

Background: In recent years, OVC has provided innovative training and technical assistance to victim service providers and criminal justice personnel on a range of important, emerging victim issues and promising programmatic practices. A number of agencies have requested additional staff training on these topics through OVC's Trainers Bureau. In some cases, the demand for training is too great for the limited number of expert trainers to accommodate. Additional trainers who are capable of presenting workshops on these particular subjects are needed. This initiative will provide a vehicle for expanding the cadre of trained practitioners who can pass their knowledge and skills on to others.

Goal: To expand the training resources that are available to victim service providers and others who deal with victims.

Objectives:

- To create comprehensive, up-to-date training materials on topics of particular interest to the field.
- To provide advanced training on these topics to highly qualified trainers.

Program Strategy: OVC invites applicants to organize, conduct, and evaluate a training of trainers seminar on a particular topic. In preparation for the seminar, the grantee will review and assess existing training materials and identify expert trainers on the subject. With input from the trainers, the grantee will produce a comprehensive and user-friendly training package. It will develop a plan and instruments for assessing the impact of the training.

The grantee will identify an appropriate audience for the seminar and advertise the event in such a way as to reach the intended audience. The training package will be disseminated to the participants prior to the seminar.

Each seminar will last two to four days and provide training for up to 40 participants who have previous training experience. The training will be provided free of charge, and limited stipends will be available to offset a portion of the participants' travel expenses.

Topics have been selected for training of trainer seminars because the requests for these types of training currently exceed the number of qualified trainers available to respond. Consequently, OVC extends a specific invitation for proposals addressing the following topics:

Victim Services in Rural Areas

Victim service providers operating in rural areas face special obstacles in reaching their clients. They must provide services, sometimes in response to immediate crises, to people living long distances from public agencies and support systems. Available resources are often scarce and rural victims sometimes must deal with difficult confidentiality issues.

Responding to Staff Victimization

This training focuses on agencies, primarily criminal justice agencies, whose staff members regularly deal with offenders. It covers the victimization experience, post-traumatic stress disorder, crisis intervention techniques, networking with local victim service providers, dealing with the media, and how to mobilize crisis response teams.

Victim Impact Classes for Offenders

This promising program strategy, originally developed by the California Youth Authority, has been adopted by a number of corrections, probation, and parole agencies for use with both adult and juvenile offenders. Victims, as one aspect of their recovery process, tell offenders about the actual impact of crime on their own lives, their families, and the communities in which they live. This seminar is co-sponsored by BJA and OJJDP.

Major project products for each training of trainers seminar include:

- Training package;
- Proposed faculty list;
- Marketing plan;
- Seminar agenda;
- Two to four-day seminar;
- Assessment plan; and
- Final report, which highlights problem areas and promising practices and includes an assessment of project impact.

Eligibility Requirements: Proposals will be solicited from both private non-profit and public organizations and agencies. In addition to the requirements of Sections VI–XI, applicants must demonstrate topical expertise and management capability to organize, market, conduct, and assess a train the trainer seminar on one of the victim-related topics listed above.

Award Period: 12 months.

Contact: Jackie McCann Cleland, (202) 616–2145, regarding the Victim Services in Rural Areas training; Vicki Rapoport, (202) 616–3572, regarding the Responding to Victimized Staff training; and Susan Laurence, (202) 616–3573, regarding the Victim Impact training.

Resources for State Compensation and Assistance Administrators

National Technical Assistance Conference for State VOCA Assistance Administrators (Cooperative Agreement)

Award Amount: $50,000 in FY 95, with the possibility of a continuation grant for the same amount in FY 96.

Purpose: To provide state VOCA assistance administrators with training and information on VOCA grant implementation and on services to crime victims.

Background: In the past, OVC has planned and held national training conferences for state administrators of the VOCA victim assistance grant program. Since 1989, conferences have been held approximately every two years. OVC believes that the state administrator's role is ''necessary and essential'' for ensuring that crime victims receive direct services and assistance intended by VOCA.

Goal: To hold a conference that will address the technical assistance and information needs of VOCA victim assistance state administrators. This conference will focus on VOCA grant implementation issues and efforts to expand and enhance the delivery of quality services to crime victims throughout the states.

Objectives:

- To establish an ad hoc advisory committee of state VOCA administrators that identifies technical assistance and information needs and develop a conference agenda;
- To survey each state VOCA administrator to ascertain technical assistance and information needs, as well as workshop topics and presenters; and
- To develop, implement, and evaluate a national conference for state VOCA administrators.

Program Strategy: OVC invites applications from nonprofit organizations, national victim organizations, and consortiums of state administrators to organize, conduct, and evaluate a conference that provides training to VOCA victim assistance state administrators. The conference will be held during calendar year 1996. The grantee should accomplish the following tasks:

- Develop a plan for delivering three days of technical assistance based on the survey results;
- Develop a resource manual with an agenda, workshops, and training materials and resources;
- Identify and retain trainers for all programmatic and financial sessions;

• Hold the conference;

• Develop an assessment instrument, assess the conference, and make recommendations for subsequent technical assistance conferences; and

• Prepare a conference report that contains the assessment results and recommendations for future training conferences;

Project funds can be used to pay trainer and consultant fees and all other costs associated with the planning, delivery, and assessment of the conference.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate knowledge and experience in providing services to crime victims, knowledge of VOCA grant administration issues, experience in managing and developing training conferences, and organizational capability to manage the conference.

Selection Criteria: Each application will be evaluated based upon how well the proposal addresses the following criteria:

A. Understanding of goals and objectives: 10 points

The applicant's response to the stated project purpose, goals, and objectives is clearly understood and defined.

B. Project Strategy/Design: 25 points

The applicant's response is sound and constitutes an effective approach to meeting the stated goals and objectives of the project.

C. Implementation Plan: 25 points

The applicant's response is realistic and includes a detailed time/task line.

D. Organizational Capability: 20 points

A description of the applicant's management structure and previous experience with related efforts, the financial capability of the organization to carry out the project, and the documentation of the professional staff member's qualifications to perform the assigned tasks.

E. Budget: 20 points

The applicant's costs are reasonable, allowable, and cost effective for the proposed activities.

Award Period: 12 months.

Contact: Jeffrey Kerr, (202) 616–3581.

Regional Technical Assistance Meetings for State VOCA Administrators

Award Amount: $5,000 to $10,000 will be available per conference, not to exceed a total of $25,000 for FY 95 and $25,000 for FY 96.

Purpose: To encourage and support regional training and technical assistance meetings for state VOCA compensation and assistance administrators.

Background: Many factors affect the delivery of quality services to crime victims. Often these factors reflect regional influences. OVC is committed to supporting states that wish to hold regional conferences to address mutual state concerns and needs. OVC will support regional meetings of state compensation and assistance administrators by accepting proposals from state administrators who will plan, coordinate, and implement a regional conference to further the implementation of the VOCA formula grant programs and services to crime victims.

Goal: To support a number of regional state VOCA administrators' conferences, which will address the training and information needs.

Objectives:

• To survey compensation and/or assistance state VOCA administrators within the region to identify technical assistance needs;

• To develop a plan for delivering a one or two day training and technical assistance based on the results of the survey;

• To develop a curriculum with an agenda, lesson plans, and training materials and resources; and

• To convene the conference, which may focus exclusively on victim assistance, victim compensation, or a combination of the two.

Program Strategy: This solicitation invites applications from state administrators of VOCA compensation and assistance grants only to hold regional technical assistance conferences. The conferences will be held during the 1995 and 1996 calendar years.

Federal funds will be used to support coordination, materials, meeting space, consultants, and other costs associated with the planning, delivering, and assessing each conference. Specific tasks include:

• To identify and retain trainers and technical experts for all programmatic and financial sessions;

• To develop an assessment instrument and assess the conference; and

• To prepare a conference report that contains the assessment findings and recommendations for future conferences.

Eligibility Requirements: Applications will be accepted from state VOCA administrators. In addition to the requirements of Sections VI-XI, applicants must demonstrate experience in managing and developing training conferences and the organizational capability to manage the conference.

Selection Criteria: Each application will be evaluated based on how well the proposal addresses the following criteria:

A. Understanding of goals and objectives: 10 points

The applicant's response to the stated project purpose, goals, and objectives is clearly understood and defined.

B. Project Strategy/Design: 25 points

The applicant's response is sound and constitutes an effective approach to meeting the stated goals and objectives of the project.

C. Implementation Plan: 25 points

The applicant's response is realistic and includes a detailed time/task line.

D. Organizational Capability: 20 points

A description of the applicant's management structure and previous experience with related efforts, the overall capability of the applicant to carry out the project, and the documentation of the professional staff member's qualifications to perform the assigned tasks.

E. Budget: 20 points

The applicant's costs are reasonable, allowable, and cost effective for the proposed activities.

Award Period: 18 months.

Contact: Contact the OVC program specialist assigned to monitor the state's VOCA formula grant.

Mentor Program for VOCA Victim Compensation and Assistance State Administrators

Award Amount: Funds will not be directly awarded to successful state applicants. OVC will pay mentors up to $220 per day and reimburse travel expenses in accordance with Federal guidelines. $25,000 has been set aside for this initiative.

Purpose: To provide short-term technical assistance to VOCA victim compensation and assistance state administrators.

Background: The role of state VOCA administrators is constantly changing and expanding. As a result, OVC has decided to fund a mentoring program for state VOCA administrators that would facilitate an administrator from one state offering technical assistance and peer consultation to an administrator in another state. Technical assistance and peer consultation may be offered in many different areas including use of administrative dollars to implement the VOCA grant program, planning

statewide training, establishing program standards for both compensation and local victim assistance programs, and assessing needs and service delivery strategies, such as more efficient processing of compensation claims. In addition, the mentoring program will facilitate one-on-one technical assistance and peer consultation for new state administrators.

Goal: To provide effective short-term, individualized technical assistance and peer consultation to state agencies responsible for administering the VOCA victim compensation and assistance grant programs.

Objectives:

- To identify state compensation and assistance administrators who are available to provide short-term technical assistance to colleagues in other states;
- To identify and develop materials that may be used to offer technical assistance to state administrators to include assessment tools, protocols, policies, and procedures; and
- To offer technical assistance and peer consultation that is individually tailored to meet the needs of states' efforts to deliver victim services.

Program Strategy: OVC will support on-site technical assistance and peer consultation to VOCA state administrators in areas such as program development, administration, assessment, financial management, and grant administration. OVC will coordinate the provision of technical assistance and peer consultation in response to requests from VOCA compensation and assistance state administrators. OVC will identify and handle the logistical and financial arrangements for such requests.

VOCA state grant administrators interested in receiving technical assistance should submit the following information:

- A description of the technical assistance needed or a problem statement;
- An estimate of the number of hours/days of technical assistance needed;
- A description of the number of individuals to be trained and their job responsibilities; and
- A description of any state resources available to build upon the technical assistance.

VOCA state grant administrators interested in serving as mentors should submit the following information:

- A description of their background, experience, and area of expertise in administering statewide compensation and/or assistance services to crime victims;
- A letter from their agency head supporting their participation as a trainer in this program; and
- A copy of any assessment tools, protocols, policies, or procedures that they have used to administer and oversee the provision of statewide services to crime victims.

Applications will be reviewed within 30 days of their receipt. Once an application has been approved by the Director of the State Compensation and Assistance Division, the request will be matched with an appropriate state administrator. OVC will work with the mentor to design a technical assistance plan that responds directly to the identified needs of the state applicant. All parties—OVC, the state applicant and the mentor consultant—must agree to the plan. Approved on-site assistance will be short-term, generally between one and three days.

Within 30 days after the technical assistance has been provided, the state applicant must submit an assessment to OVC of the technical assistance received. The assessment will examine the extent to which the planned assistance was executed, as well as the effectiveness of the mentor or consultant. Likewise, the mentor or consultant must submit a description of his/her findings, assistance that may be beneficial to other state administrators, and any recommendations for improving the delivery of technical assistance through this mechanism in the future.

Eligibility Requirements: This program is open only to state agencies designated by the Governor to administer the VOCA victim compensation and assistance grant programs. Applications will be reviewed and selected based upon following criteria:

- Clarity of the request, including the description of the problem;
- Potential impact of the assistance; and
- Commitment of resources from other sources to support the implementation of technical assistance.

Award Period: Funds will be available to address requests during FY 1995 and 1996.

Due Date: Applications will be accepted for consideration throughout the award period.

Contact: For further information, as either a State Administrator wishing to apply for assistance or to serve as a mentor, contact the OVC program specialist assigned to monitor the state's VOCA formula grant.

C. Information Dissemination

Topic-Specific Videotapes

Award Amount: $50,000 to produce each videotape.

Purpose: To provide educational information on crime victim issues to victim service providers, allied professionals, and the general public.

Background: The tremendous growth of victims' programs and training for service providers has necessitated the sharing of relevant information on practices and related issues in an adaptable and easily accessible way. Videotapes are suitable to a variety of audiences and settings, can convey substantive information in a succinct and memorable way, and provide the field with an inexpensive and rapid means of highlighting model practices and explaining the rights and needs of crime victims.

Goal: To educate the field and the general public about crime victim issues and effective responses.

Objective: To develop and produce training videotapes on important topics in the victims field.

Program strategy: This initiative, in cooperation with BJA, will fund one to three grantees for the production of three professional quality, 20 to 30 minute training videotapes on the following topics:

- Path through the criminal justice system (an explanation of the criminal justice system for crime victims);
- Training on victim issues for parole boards; and
- Multicultural issues in victim services.

Each videotape will identify a specific victim-related issue, and provide basic ''how-to'' information for crime victims and service providers. The videotapes should appeal to a broad audience, but can also be used to educate specific audiences. It is important that all products be culturally sensitive. Each videotape will be accompanied by a brief guidebook with suggestions for effective usage. The production of the videotapes will take place in two phases:

I. Development of Products

During the initial phase of the grant, the grantee will:

- Identify key issue points to be addressed in the videotape and accompanying guide;
- Articulate the approach (e.g., documentary or dramatization; color versus black and white) to be used in the videotape;
- Develop and draft the videotape script or narrative for OVC review and approval;

- Finalize the script or narrative;
- Secure the subjects and film location; and
- Secure technical staff to videotape and produce the sound track.

II. Videotape Production

During this phase, the grantee will:
- Film the videotapes and produce the sound track;
- Edit and produce a draft videotape;
- Submit the draft for OVC review and approval;
- Draft and submit the user's guide for OVC review and approval;
- Edit and refine the user's guide;
- Draft, submit and finalize a brochure publicizing the videotape and giving information on how to obtain it;
- Finalize all products; and
- Produce a final report on the project. Upon completion of the project, the grantee will furnish OVC with a master copy of the videotape, and camera-ready copy and floppy disk of the guidebook for reproduction and dissemination.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate:
- Expertise in professional quality videotape production;
- Knowledge of issues associated with the criminal justice system's handling of crime victims;
- Specific knowledge of one or more of the topic areas articulated in this announcement; and
- Management and financial capability to oversee a project of this size and scope.

Award Period: 12 months.

Contact: Vicki Rapoport, (202) 616–3572, regarding the Cultural Diversity and Path Through the Criminal Justice System videotapes, and Susan Laurence, (202) 616–3573, regarding the Victim Issues for Parole Boards videotape.

Resources for National Crime Victims Rights Week, 1996 (Cooperative Agreement)

Award Amount: $25,000

Purpose: To draw national attention to National Crime Victims Rights Week, 1996 through the development of public relations strategies and the dissemination of materials in the form of a kit.

Background: Each year since 1982, National Crime Victims Rights Week (NCVRW) has been formally designated and commemorated at the Federal level during the month of April. The observance of this event serves as a reminder that, not so long ago, crime victims were treated only as witnesses for the prosecution—often denied the dignity, respect, and assistance to which they are entitled. NCVRW affords the nation the opportunity to acknowledge the plight of crime victims and to recognize the numerous reforms that have been instituted to advance their rights and respond to their unique needs.

Goal: To heighten public awareness of victim issues nationwide.

Objective: To develop and disseminate a Crime Victims Rights Week kit with strategies for commemorating the week-long, national event.

Program Strategy: This solicitation invites applications for one grantee to conceptualize, develop, and produce a NCVRW kit for use by victim service providers, advocates, elected leaders, and the general public in commemorating the national event. Project applications may include suggestions for observance of NCVRW at the state, local and Federal levels, including sample poster art, public service announcements, fact sheets, and commemorative activities. Applications shall also include a specific plan for disseminating the kit as broadly as possible.

The selected applicant will be expected to work closely with the OVC project monitor and to ensure that all project deliverables are produced and disseminated well in advance of NCVRW events to ensure their timely use by the field.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate general knowledge of victim issues and previous public relations experience.

Award Period: 12 months.

Contact: Celestine Williams, (202) 616–3565.

D. New Native American Programs

Training and Technical Assistance for Victims of Federal Crime in Indian Country Discretionary Grant Subgrantees (Cooperative Agreement)

Award Amount: $160,000.

Purpose: To provide program materials and training and technical assistance that are uniquely tailored to the needs of Native American communities that have received funds under the Assistance to Victims of Federal Crime in Indian Country (VAIC) Discretionary Grant Program.

Background: The VAIC Program established victim assistance programs in remote areas of Indian Country where there were limited or no existing services for victims of crime. Since 1989, OVC has awarded $5.4 million to nineteen states. As a result, more than 50 Native American victim assistance programs have been established in the States of Arizona, Colorado, Idaho, Iowa, Kansas, Michigan, Minnesota, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming.

As each program is unique to the Native American community it serves, an individual approach to meeting the training and technical assistance needs of these programs is required. The program will provide training and technical assistance and materials specifically tailored to each program.

Goals:
- To enhance, expand, and improve services provided by Native American and tribal subgrantees that have been funded under OVC's VAIC grant program through short-term, on-site training, technical assistance or consultation;
- To develop a video for tribal leaders that illustrates how the VAIC program should work; and
- To develop a manual that assists Indian tribes in establishing and expanding victim assistance programs in Native American communities.

Objectives:
- To survey 19 state victim assistance grantees regarding the need their subgrantees have for training, technical assistance, or consultation;
- To develop and maintain a register of experienced consultants who are qualified to provide technical assistance, or peer consultation that is culturally relevant to Native American communities in the area of victim assistance, including child abuse, domestic violence and sexual assault;
- To develop a script or film treatment that illustrates the benefits of a victim assistance program and depicts how a successful victim assistance program is integrated into tribal law enforcement and social service systems;
- To develop, print, and disseminate a program manual to all VAIC subrecipients; and
- To evaluate and summarize the effectiveness of each training, as well as the project as a whole, and recommend future training and technical assistance strategies.

Program Strategy: To accomplish the goals and objectives of this project, the grantee will:
- Develop and complete a survey of 19 state grantees to assess the range and type of training and technical assistance needed by subgrantees;
- Acquire a copy of each state agency's application kit and guidelines to assist subgrantees in developing an application for continued funding;

• Develop a format or application procedure for subgrantees to request training and technical assistance. This format should detail the range of training and/or technical assistance possible and capture information from the subgrantee to include the purpose of the training, desired goals, and a list of staff to be trained. The format will require final approval by the grantor agency;

• Develop a method for evaluating requests submitted by the subgrantees;

• Agree on the desired training and technical assistance activity that could include: assistance in improving overall management, developing competitive subgrant applications, implementing a specific part of the victim assistance program such as a training program for volunteers in crisis intervention, setting up a case record system, training law enforcement officers on improving their response to crime victims, establishing support groups for survivors of homicide, or developing an advocacy program for child victims who participate in tribal court. Special emphasis will be placed on providing needed training and technical assistance to the four newly funded tribal organizations within Colorado, Iowa, Mississippi, and Oklahoma, as well as meeting the urgent training and technical needs of previously funded programs;

• Work with OVC staff to select a project advisory board composed of Native American VAIC subgrantees, VOCA Victim Assistance Administrators, experts on Native American culture and a Federal Victim-Witness Coordinator to develop an outline defining the range of materials to be included in the program manual and to assist grantee staff to develop the manual, and to assist with providing ideas for and reviewing the script for the video;

• Develop a plan for making the video;

• Evaluate effectiveness of the training provided and the project as a whole; and

• Recommend future training and technical assistance strategies.

Eligibility Requirements: Applications will be accepted from public agencies, private agencies, or non-profit organizations. As this program will focus primarily on short-term training and technical assistance to Native Americans, Indian Tribes, or Native American organizations, and in addition to the requirements of Sections VI-XI, applicants must meet the following requirements in order to be eligible for consideration:

• Experience in the development of training and technical assistance;

• Information or access to information on local experts in the area of victim assistance to include child abuse, spouse abuse, and other services that assist victims of violent crimes;

• Knowledge of the problems and issues inherent in maintaining victim-related, culturally-sensitive programs in Indian Country;

• Knowledge in the development of instructional and training video's for Native American communities, tribal councils, and leaders; and

• Demonstrated management and financial capability to operate a program of this size and scope.

Award Period: 24 months.

Contact: Toni Thomas, (202) 616–3579.

Children's Justice Act Discretionary Grant Program For Native Americans

Award Amount: Up to $513,500 will support five to eight grants in FY 1995. Full accomplishment of this project is anticipated to require three to five years of funding. The first year award amount will be limited to $60,000 per grantee, to allow for the lead-time that may be required to obtain Tribal Council approval for the grant and hire staff. Awards for the remaining years will range from $60,000 to $100,000.

Purpose: To assist Native American communities in improving the investigation, prosecution, and handling of cases of child sexual and physical abuse in a manner that increases support for and reduces trauma to child victims.

Background: During the mid-1980's, reports of sexual abuse and disclosures of multiple-victim child molestation cases on Indian reservations sharply increased. As the cases surfaced, it became apparent that services were seriously lacking for Native American children, and that handling abuse in Indian Country was more difficult due to geographic isolation and the scarcity of law enforcement, social and medical services. Procedures for sensitive and thorough pediatric forensic examinations, as well as follow-through with mental health counseling, which is critical to a child's recovery, were frequently nonexistent.

In response to the acute increases in reports and disclosures of child molestation on Indian reservations, the Children's Justice Act Grant Program for Native Americans (CJA) was established to assist Indian tribes develop, establish, and operate programs that improve the overall response to child sexual abuse cases. The program focuses on handling the case from the initial report and the first stages of intervention and investigation through to the resolution of the case.

Since 1988, OVC has provided CJA funding to 28 tribes. The funded projects have supported: Establishment, expansion and training for multidisciplinary teams; revision of tribal codes to address child sexual abuse; child advocacy services for children involved in court proceedings; development of protocols and procedures for reporting, investigating, and prosecuting child sexual abuse cases; development of working relationships that minimizes the number of child interviews; enhanced case management and treatment services; specialized training for prosecutors, judges, investigators and other professionals who handle child sexual abuse cases; specially designed child interview rooms; and special prosecution units.

Goal: To strengthen existing CJA programs, create new ones that deal effectively with cases of child sexual and physical abuse during the investigation, prosecution, and treatment phases, and establish systemic improvement in a community's overall response to child sexual abuse.

Objectives:

• To assess the current tribal system for responding to child sexual abuse and identify changes needed to implement more effective programs;

• To hire staff and develop an organizational structure to execute the planned program;

• To develop or revise policies, procedures, and tribal codes that directly address child abuse and neglect;

• To form liaisons and working relationships with Federal, state and local agencies that result in improved communication and a better use of resources for child victims and their families;

• To provide specialized and multidisciplinary training to key personnel that focuses on developing or improving the skills needed to effectively handle the problem of child abuse and specifically child sexual abuse;

• To establish specialized law enforcement, prosecution or child advocacy units within existing tribal agencies that are uniquely trained and qualified to handle child victim cases; and

• To develop written program implementation materials that can be replicated and used to assist other tribal agencies that wish to establish similar programs.

Program Strategy: This program will be implemented in three stages. As grantees will be required to reapply for the grant each year, the grantee must show significant progress in meeting project objectives in order to continue receiving grant funds. CJA programs will be eligible for three to five years of funding depending on the availability of Federal funds and success in program implementation.

Each project must be designed to improve the investigation and prosecution of child sexual abuse cases, and to improve the overall handling of these cases in a manner that reduces trauma to the child. OVC recognizes that jurisdictional authority over child sexual abuse cases varies greatly among tribes. Therefore, we seek innovative projects based on the unique jurisdictional characteristics of the tribal criminal justice and service delivery systems. OVC expects tribes that receive these grants to be actively involved in determining the manner by which these cases are administratively and judicially processed at the tribal, state, and Federal levels.

In addition, OVC recommends the use of multi-disciplinary teams (known in many areas of Indian Country as Child Protection Teams) to respond to cases of child sexual abuse. This could also include specialized prosecutorial units for the investigation, referral, and prosecution of child abuse cases. Multi-disciplinary teams which are developed or expanded as a result of this grant must include representatives from the tribal, state, and Federal agencies that provide services to the tribe.

Stage I—Assessment and Project Development

The grantee is expected to develop a new program or continue an existing program that handles child physical and sexual abuse cases in an effective and timely manner. The organizational structure and staffing pattern described in the grant application should be implemented as soon as possible after award of grant funds.

The grantee should make an assessment of its current tribal system and resources for developing a CJA program and determine the additional resources and system changes needed to implement a program. The grantee must hire and use either tribal staff or outside consultants to train key staff for investigating and prosecuting child physical and sexual abuse cases in tribal court. Additional training for multidisciplinary teams, prosecutors, law enforcement personnel, judges, advocates or medical, mental health, and social service professionals may be required. Improved procedures for interviewing child victims, providing court advocacy, handling child victim cases, and providing treatment services could be established at this stage.

The products of this stage include:

- Job descriptions and résumés for key staff hired or contracted under the grant;
- Assessment report of findings and recommendations for additional changes and resources needed to implement an efficient project. The report should be developed by tribal working groups, multidisciplinary teams or with the assistance of a consultant;
- Activity reports that summarize major activities and accomplishments of the grant to be submitted to OVC four times during this stage of program activities; and
- Agendas for the training of personnel involved in the handling of child sexual abuse and serious child physical abuse cases, if appropriate at this stage.

Stage II—Implementation of Project and Development of Training and Resource Materials

The grantee must develop and/or finalize materials that demonstrate how the program operates. Policies and procedures, interagency protocols, or memoranda of understanding identifying different agency roles and responsibilities, reporting procedures, forms for recording case information, working agreements with Federal and/or state agencies or a tribal code that addresses child sexual abuse (including definitions and maximum penalties for offenders) are examples of materials that must be developed. The materials will be used by the grantee in implementing its own program and will also be disseminated to other tribes to demonstrate how to develop similar programs.

The grantee may find it useful to gather all available resources that will aid the tribe in responding to child physical and sexual abuse. These resources could include any materials available from other tribes, national clearinghouses, agencies, organizations and state CJA programs that would be useful in improving the response to child physical and sexual abuse cases. Using these materials, the grantee must seek to improve its current system for addressing child abuse and, upon successfully applying these materials to its own system, should develop the capability to provide training and technical assistance to other tribes on handling child abuse cases.

The products of this stage would include:

- A compilation of materials gathered by the grantee from within the tribe and from other sources;
- Materials developed for improving the handling of child physical and sexual abuse cases (e.g., protocols, revised tribal codes, and procedures);
- Training curricula for law enforcement officers, prosecutors, judges, victim advocates, multidisciplinary teams and medical, mental health, and social service personnel;
- A brochure or resource directory to be distributed which advertises the availability of the tribe's resources, services, and training opportunities if appropriate, for addressing child abuse cases; and
- Activity reports that summarize major activities and accomplishments of the grant to be submitted to OVC during this stage of program activities.

Stage III—Delivery of Services

The project should serve as the tribe's primary program for illustrating effective approaches to handling serious child sexual abuse cases; working with various tribal, state and Federal agencies; meeting the needs of Native American child sexual abuse victims and their families; and communicating with tribal councils and other bodies in responding effectively to child abuse.

After completing Stages I and II, project staff should be in a position to make the program's resources and implementation materials available to other tribes. Project staff should be available to present diagrams and descriptions of program models that illustrate coordination among tribal, state and Federal law enforcement agencies, criminal justice professionals, victim assistance providers and human service, health and mental health personnel. Project staff should have developed its capacity to provide training and technical assistance to tribes and tribal organizations upon their request and within program staffing resources, being careful to schedule such training and technical assistance so as not to disrupt on-going program services. In addition, project staff will be asked to participate in OVC sponsored conferences and training sessions to demonstrate model practices, provide program materials and handouts or serve as trainers or on discussion groups and panels.

The products of this stage are:

- Individualized consultation, training and dissemination of illustrative program implementation materials;

- Reports describing the training provided to tribes;
- Recommendations for and descriptions of training workshops to be included in OVC sponsored conferences for assisting child victims in Indian Country; and
- Activity reports that summarize major activities and accomplishments of the grant to be submitted to OVC four times during this stage of program activities.

Eligibility Requirements: Eligible applicants are Federally recognized Indian tribes and tribal organizations. Grant awards will be limited to tribal organizations as defined in the Indian Self-Determination and Education Assistance Act, Pub. L. 93–638, 25 U.S.C. 450b. Applications must be signed by the leader or chief executive of the tribe. In those cases where the Tribal Council serves as the governing body, the application must be signed by the Chairman of the Council or other recognized leader of that group. Applicants also must adhere to the requirements of Sections VI–XI of this Announcement.

Selection Criteria: In determining which applications to fund, OVC will use a grant review panel to evaluate and rank the application on the following criteria:

A. The problem to be addressed (15 points)

The need for such a program, including the problems experienced and issues related to child physical and sexual abuse in the community is clearly stated. A description of the agencies involved (tribal, local, state and Federal) is provided and, where possible, statistics on the number of cases reported, investigated and substantiated; referred for services; and prosecuted are included.

B. Goals and objectives (20 points)

The goals and objectives are clearly defined and relate directly to the program purpose, the problem to be addressed and the implementation of this project. The objectives are stated in measurable terms.

C. The appropriateness and soundness of program design (25 points)

The program design and methodology clearly address the identified problem and provide a clear description of how the project will achieve the stated goals and objectives. The method for implementing project components must be consistent with the goals and objectives. In addition, the program strategy contains an implementation plan that includes a timeline schedule and milestones for the accomplishment of objectives and submission of products.

D. Budget (15 points)

The budgeted costs are reasonable, cost-effective and accurately reflect how grant funds will be used to promote the development of the project.

E. Organizational capability (20 points)

The organizational capability demonstrates a capacity for developing and packaging a comprehensive program that addresses the investigation, prosecution, case handling and treatment of child physical and sexual abuse. This criterion includes: (1) Adequacy of the tribe's management structure and financial capability (10 points), and (2) the qualifications of key staff identified to manage and implement the project (10 points). Where the applicant has previously received CJA funds, the progress made under the previous grant is discussed.

F. Assessment Plan (5 points)

The plan for assessing the impact of the project in improving the investigation, prosecution, and overall handling of child sexual abuse cases is clearly defined.

Award Period: 3 to 5 years, depending on the availability of funding and success of the grantee in achieving the goals and objectives of the project.

Contact: Cathy Sanders, (202) 616–3578 for further information and to obtain a copy of the Application Kit.

Cross-Cultural Skills Development and Training for Federal Criminal Justice Personnel in Indian Country (Cooperative Agreement)—Award Amount: $150,000 (in Cooperation With BJA)

Purpose: To encourage culturally-sensitive responses from Federal criminal justice personnel and Federal Victim-Witness Coordinators to the rights and diverse needs of Native American victims of crime. This project will support the development of a monograph and companion trainer's guide/training curriculum and a video that offers basic skills and effective program strategies for culturally-sensitive service delivery to Native American victims of crime by criminal justice personnel.

Background: There are more than 535 Federally-recognized Indian tribes in the United States, each having extremely diverse cultures that include clan systems, customs, language base, and traditional as well as non-traditional religious beliefs. Governed by a complex array of Federal, state, and tribal law, certain crimes committed by non-Indians against Indians can fall within Federal criminal jurisdiction for purposes of investigation and prosecution (The Indian Country Crimes Act, 18 U.S.C. section 1152, and The Major Crimes Act, 18 U.S.C. section 1153). Federal criminal justice personnel are also responsible for providing victims' rights and victim assistance services to Indian victims of Federal crime.

Non-Indian personnel often run the risk of unknowingly alienating Native American victims of crime by their actions. Special care needs to be taken by non-Indian criminal justice personnel to ensure that cultural stereotyping does not become a barrier to providing effective criminal justice and victim assistance services. One of the ways to counteract potential stereotyping and to encourage culturally-sensitive service delivery is to understand the abundant diversity within Indian culture.

Goals:

- To enhance the provision of culturally-sensitive services by non-Indian Federal criminal justice personnel to Native American victims of crime;
- To create a package of material that includes a monograph, a companion trainer's guide/training curriculum, and a video designed to promote a better understanding of the diversity among Native American people and to improve the quality of the response of Federal criminal justice personnel and victim assistance providers to Native American victims of crime; and
- To disseminate information about effective strategies for responding to Native American crime victims through the monograph, training curriculum, and video to Federal criminal justice personnel having jurisdiction in Indian Country.

Objectives:

- To identify and assess effective practices and related training material used by law enforcement and victim assistance agencies to respond in culturally-sensitive ways to victims of crime who are Native American;
- To develop and print a monograph that promotes awareness of the diverse needs of Native American victims of crime, as well as a companion trainer's guide/training curriculum, incorporating skills-building exercises and effective strategies for providing culturally-sensitive services to Native American victims of crime;
- To develop a broadcast quality video tape that promotes awareness of the diverse needs of Native American victims of crime and state of the art strategies for providing culturally sensitive services to Native American victims of crime;

• To provide a train-the-trainers segment during an appropriate OVC-sponsored training event; and

• To disseminate up to 200 final copies of the products to appropriate Federal criminal justice and victim assistance personnel in the field.

Program Strategy: The project will consist of four phases:

Phase 1

• Develop a plan describing how the identification, review, and assessment of existing material and effective practices will be completed (including the use or guidance of an advisory committee as appropriate);

• Identify, review, and assess the existing training curricula, relevant literature, and effective practices regarding the treatment of and services to Native American victims of crime; and

• Develop a report for OVC detailing the results of the assessment.

Phase 2

• Upon successful completion of phase 1, develop a plan for designing the monograph, and trainer's guide/training curriculum; and

• Develop a draft monograph that explores the general principles, practical approaches, and key issues defining culturally-sensitive treatment of Native American victims of crime, including the need for cross-cultural practice in the delivery of effective criminal justice and victim assistance services by non-Indians; the impact of one's own values and beliefs on the delivery of effective services; cross-cultural assessment of victims' emotional, physical, and financial needs; culturally-sensitive interviewing techniques of a Native American victim; and the elements of effective service delivery.

Phase 3

• Upon successful completion of phase 2, develop a plan for incorporating the finished products into an appropriate OVC-sponsored training event, such as the provision of a train-the-trainers segment; and

• Develop a trainer's guide/curriculum and video that serves as a companion to the monograph. The training guide should be part of the training curriculum and should include example transparencies, hypothetical case examples, or other training tools that would convey the information. The core training curriculum should incorporate basic skills in cross-cultural practice, including elements of effective service delivery and the impact of an individual's own values on culturally-sensitive interviewing of the Indian client. The training curriculum and video also should be developed in a modular format, allowing for maximum flexibility of the trainers and participants given the jurisdiction or region of the country where the training will occur. The training curriculum will be showcased during an OVC-approved training conference.

Phase 4

• Upon successful completion of phase 3, develop a plan to inform the field of the products and make them available to Federal criminal justice personnel and victim service agencies through an OVC-sponsored training event and other means;

• Print and disseminate 200 copies of the packaged material to the field (dissemination can partially be achieved through an appropriate OVC-sponsored training event that would feature a train-the-trainer block of instruction); and

• Develop a final report that includes an assessment of the effort.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate:

• Experience in developing training curricula for use by victim assistance and criminal justice personnel;

• Experience in providing culturally-sensitive training and technical assistance;

• Demonstrated knowledge of the issues associated with the criminal justice system's handling of Native American crime victims;

• Demonstrated knowledge in assessing the emotional needs, rights, and concerns of Native American victims of crime; and

• Experience in reviewing, analyzing, and preparing educational materials, including videos that are culturally-sensitive to the needs of crime victims.

Selection Criteria: All applicants will be evaluated and rated based upon the extent to which they address the following criteria:

A. Utility of the project: (10 Points)

Project's purpose, goals, and objectives are clearly stated and the usefulness of the project to the field is clearly defined by the applicant;

B. Project Strategy/Design: (25 Points)

Project's plan for undertaking activities is sound, specific, and includes how the applicant intends to achieve the purpose, goals, and objectives of the project;

C. Implementation Plan: (25 Points)

Project's implementation plan is thorough and is appropriately tied to the project strategy such that adequate time lines and staff resources can be identified;

D. Qualifications of Organization/Project Staff: (25 Points)

Applicant possesses the necessary management, staff, and financial capabilities to successfully undertake the project;

E. Budget: (10 Points)

Applicant's proposed budget directly relates to the project strategy and implementation plan, includes reasonable and allowable costs, and provides narrative detailed on the project's proposed cost; and

F. Assessment Plan: (5 Points)

Applicant includes a strategy for testing the effectiveness of the materials through use of training assessment forms or provides other means for the field to review and comment on drafts as the products are developed.

Award Period: 18 months.

Contact: Bill Brantley, (202) 616–3574.

Indian Nations Conference (Cooperative Agreement)— Award Amount: $200,000, to be awarded in FY 1996

Purpose: To improve the skills of diverse professionals in responding to the needs of Native American crime victims and in handling cases of family violence, child sexual and physical abuse.

Background: Through the Victims Assistance in Indian Country (VAIC) program, the Office for Victims of Crime (OVC) has supported victim service programs in over 50 tribal organizations in 19 states. Further, under the Children's Justice Act (CJA) Discretionary Grant Program for Native Americans, OVC has provided direct funding to 28 tribes to improve the investigation, prosecution, and handling of child abuse cases.

Since 1988, OVC has sponsored five national conferences to bring together tribal, state, and Federal professionals who work on behalf of crime victims in Indian Country. Those conferences have provided training by Native Americans and others on promising practices and approaches for investigating, prosecuting and handling cases and for establishing effective victim assistance services. In addition, they have presented models for combining the resources at the tribal, Federal, and state levels to improve the response to crime victims in Indian Country and have provided an opportunity to experience the rich diversity of tribal customs. In 1994, nearly 600 participants representing approximately 100 tribes attended the fifth Indian Nations Conference.

Goal: To sponsor a national conference to train victim service personnel and professionals involved in

providing services and securing rights for crime victims in Indian Country.

Objectives:

- To review current information on victim assistance and how crime victim cases are handled in Indian Country;
- To plan an agenda for the national conference using a planning committee with tribal, Federal, and state representatives;
- To fund the travel of tribal representatives to the conference;
- To present a three-day national conference; and
- To complete an assessment of the training provided and identify strategies for future training.

Program Strategy:

I. Assessment

- Compilation of information on victim assistance and child abuse programs in Indian Country and previous Indian Nations Conferences; and
- Establishment of a planning committee composed of tribal, Federal, and state representatives with OVC's recommendations and approval.

II. Planning

- Convening of the planning committee to decide upon conference site, dates, theme, agenda, presenters, and speakers;
- Development of the conference agenda with OVC review and approval;
- Arrangement of conference facilities;
- Publication of conference brochure with scholarship application;
- Notification of tribal, Federal, and state personnel of conference and solicitation of scholarship applications;
- Compilation of victim assistance materials in a conference notebook; and
- Selection of scholarship recipients with OVC approval.

Scholarships to pay for travel, lodging, per diem and registration will be awarded to individuals in the following order of priority: (1) VAIC subgrantees and CJA grantees; (2) tribal representatives attending as part of a multidisciplinary team (see next paragraph); and (3) others involved in victim assistance and/or child abuse case handling services.

In an effort to enhance tribal-Federal-state partnerships, a portion of the scholarship funds should be set aside for tribal representatives attending as part of a multidisciplinary team. The scholarship application should set forth this priority. Examples of individuals on a multidisciplinary team would include: A tribal prosecutor; a tribal or Bureau of Indian Affairs law enforcement officer; a tribal child protective services worker; a tribal victim assistance coordinator; an Assistant U.S. Attorney; a Federal Victim-Witness Coordinator; and a Federal investigator.

III. Training

- Host three-day national training conference.

The purpose of the conference will be to: Enhance the skills of victim service providers in Indian Country; train professionals involved in the investigation, prosecution, and management of child abuse cases; promote an interdisciplinary strategy to respond to Native American crime victimization and child abuse; and present established and new models, including traditional approaches, of assisting Native American crime victims and handling child abuse cases.

The conference will also serve as a forum for promoting communication among tribal, Federal, and state officials, exchanging information on promising practices unique to Indian Country, ''showcasing'' promising programs, and identifying and solving problems.

IV. Assessment

The grantee must review conference assessments and prepare a conference report that includes conference evaluations and recommendations for future strategies.

Eligibility Requirements: In addition to the requirements of Sections VI–XI, applicants must demonstrate:

- Knowledge of and experience with victim assistance and child abuse case handling in Indian Country; and
- Management capability to organize and host a national conference.

Award Period: 12 months. The award will be made in early FY 1996.

Contact: Carolyn Hightower, (202) 616–3586.

III. Non-Competitive Programs

The statement of purpose, goals, objectives, and strategy are not outlined in this Program Announcement for continuation and non-competitive funding. This information will appear in the application kits, grant award documents, and reimbursable agreements for the programs that follow.

All grantees awarded new programs following the OVC peer review and selection process are expected to work closely with the OVC project monitor during all phases of the award period. All written products resulting from these grants must be submitted on computer disk and in hard copy.

A. OVC Training and Technical Assistance Resources

Trainers Bureau—$170,000

Through the Trainers Bureau, OVC responds to requests for training and technical assistance by providing expert consultants in the field of victim services. Skilled trainers capable of conducting high quality workshops are available to offer training and technical assistance at a wide range of victim-related conferences, seminars, and other types of training events. The Trainers Bureau also includes professionals capable of providing appropriate, effective on-site technical assistance to address significant operational problems or needs commonly experienced by agencies.

For further information, either as an agency wishing to apply for assistance or a party interested in serving as a consultant, contact Vicki Rapoport, (202) 616–3572. Applications will be accepted for consideration throughout the award period.

Immediate Response to Emerging Problems (IREP)—$50,000 in Early FY 1996

IREP allows OVC the flexibility to respond to requests for training or technical assistance from communities and Federal, state, and local agencies that must respond to a major crisis involving multiple victims. This jointly funded OVC/BJA program provides rapid response victim assistance for communities in crisis. Through this program, OVC can sponsor a team of diverse professionals, including mental health providers, law enforcement, victim advocates, and medical personnel, to assist these communities.

Approved on-site assistance will be short-term, generally between one and three days. No funds will be awarded directly to successful applicants. OVC and BJA will absorb all costs in accordance with Federal guidelines. Requests for assistance must not exceed $10,000.

Applications will be accepted throughout FY 1995 and 1996. For further information, contact David Osborne, (202) 616–3580, or Sue Shriner (Federal cases), (202) 616–3577.

Assistance for Victims of Federal Crime (Reimbursable Agreement)—$75,000

Since 1988, OVC has provided funds to support essential emergency victim services, such as emergency shelter and transportation to scheduled judicial proceedings, for Federal crime victims when these services are unavailable from any other source. OVC will continue this program so that funds can

be made available for victim-witness coordinators in United States Attorneys' offices to obtain services needed by Federal crime victims.

B. Training and Technical Assistance for Federal Law Enforcement

Training and Technical Assistance for Federal Law Enforcement (Continuation)—$460,000

OVC is responsible for training law enforcement personnel from over 70 Federal agencies in the delivery of services to victims of Federal crime. OVC will enter into Reimbursable and Interagency Agreements to: (1) Transfer $75,000 to the Federal Bureau of Investigation (FBI) to support its Victim-Witness Program by assisting with the salary of one staff member and sending FBI Victim-Witness Coordinators/agents to a yearly in-service training; (2) make $100,000 available to the Department of Treasury's Federal Law Enforcement Training Center (FLETC) to support basic and advanced training for Federal law enforcement officers, a training conference for Federal criminal justice personnel on bias crime, a train-the-trainer session for Federal Victim-Witness Coordinators, Federal agency specific training sessions, and production of two training videos; and (3) set aside $100,000 to assist other Federal agencies with their mandated victim-witness program training needs. Federal agencies may submit requests to OVC for financial assistance. These requests must be accompanied by specific training plans and detailed budgets. Selections will be based on cost effectiveness and the capacity of the project to improve victim assistance services.

OVC will provide $185,000 to sponsor the attendance of Federal law enforcement personnel at OVC sponsored or other approved training sessions. In FY 95, OVC will send participants and trainers to the following training sessions: (1) OVC's military ''Crime Victims and Corrections;'' (2) OVC's ''Military Communities Assisting Crime Victims;'' (3) OVC's Dual Track Conference with EOUSA; (4) OVC's ''Multi-jurisdictional Child Exploitation'' project; (5) the National Symposium on Child Sexual Abuse; (6) trainings provided by the National Center for Prosecution of Child Abuse; and (7) other training sessions as approved by the OVC Director. These activities will be supported through financial mechanisms such as Interagency Agreements and travel reimbursements.

C. Training and Technical Assistance for Federal Victim-Witness Coordinators and Prosecutors in U.S. Attorneys' Offices (Continuation)

Training and Technical Assistance for Federal Victim-Witness Coordinators and Prosecutors in U.S. Attorneys' Offices—$350,000

To improve the response of the Federal criminal justice system to the needs and rights of crime victims, OVC will enter into a Reimbursable Agreement with the Executive Office for U.S. Attorneys. This initiative will support training and technical assistance programs for Federal victim-witness coordinators and prosecutors, including:

- $150,000 to fund a model Victim-Witness Assistance Program within a U.S. Attorney's office to address the unique needs of Federal crime victims, such as victims of white collar crime and bank robbery. The program, funded in cooperation with BJA, will produce model policies and program materials to benefit all U.S. Attorneys' Offices and provide comprehensive victim assistance services.
- $75,000 to reimburse expenses at OVC approved or sponsored training sessions and conferences on victim and witness assistance, including a joint OVC/EOUSA training session in September, 1995;
- $75,000 to reimburse Federal Districts for providing District-Specific Training involving victims' rights legislation and compliance with the 1991 Attorney General Guidelines for Victim and Witness Assistance; and,
- $50,000 to reimburse expenses for Federal victim-witness coordinators and Federal prosecutors to attend the 11th Annual National Symposium for Child Sexual Abuse in Huntsville, Alabama.

D. Training and Technical Assistance for Crime Victim Practitioners and Allied Professionals

Multi-jurisdictional Model for Handling Child Sexual Exploitation Cases (Continuation)—$100,000

This continuation grant to the Education Development Center, Inc. (EDC) will expand the scope of a current joint OVC/OJJDP project. Using $50,000 from OVC and $50,000 from OJJDP, the grant will allow EDC to provide training using the protocol developed during the first phase of the grant. The protocol, Blueprint for Action, offers a coordinated approach for handling these cases. EDC will promote the widespread adoption of the model by showcasing the protocol at the National Symposium on Child Sexual Abuse and by providing training on the model in three cities.

Expanding Resources for Children's Advocacy Centers (Non-competitive)—$100,000

OVC seeks to combine efforts with OJJDP and private non-profit organizations to identify and fill current needs of children's advocacy centers (CACs) and other service providers. OVC will collaborate with these organizations to fund programs that expand resources for multidisciplinary teams and extend the concept of teamwork used by CACs to other kinds of crimes, such as family violence.

Violence Against Women

Training and Technical Assistance to Combat Violence Against Women (Non-Competitive)—$200,000

The recently enacted Violence Against Women Act (VAWA) in the Violent Crime Control and Law Enforcement Act of 1994, 18 U.S.C. 2265, makes formula grants available to states for developing and strengthening effective law enforcement and prosecution strategies and victims services in cases involving crimes against women. OVC will provide funding for and work with the Department of Justice's VAWA Office to develop appropriate programs.

No applications are being solicited at this time. OVC resources will be dedicated in part to the following areas of need:

1. The Full Faith and Credit provision of VAWA mandates that protection from abuse orders issued in one jurisdiction receive ''full faith and credit'' in another locale. The provision seeks to ensure that valid protection orders will be enforced by non-issuing states when a victim travels across state lines. Protection orders issued in Native American lands also must be given ''full faith and credit'' by state courts and non-issuing other tribal courts.

OVC funding will be allocated for the development of model policies and procedures on implementation and enforcement of the Full Faith and Credit provisions, and to train state and local criminal justice components and advocates. Efforts will be made to ensure that the project builds on work previously undertaken to address related issues, such as the development of model legislation and research on needed reforms.

2. OVC funding also will be allocated to the development of customized, multidisciplinary training and technical assistance for local, county, and state jurisdictions responding to violence

against women. Under this program, teams from one community can visit a ''promising program'' in another community to learn about multidisciplinary approaches in handling family violence cases. This funding will augment limited training and technical assistance dollars provided by the Violence Against Women (VAWA) Office for states receiving formula grants and will be used for the same purposes.

OVC will reserve up to $200,000 available for this non-competitive initiative.

Meeting of the Anti-Stalking Resource Group (Non-competitive)—$9,906

BJA awarded the National Criminal Justice Association (NCJA) a grant in September 1993 to conduct a series of regional seminars in the states on implementing anti-stalking codes. NCJA is invited to convene a resource group meeting to conclude its previous work and to issue a final report that could be included in OVC's national agenda project with a compilation of a historical perspective, promising practices, new legislation, and a model statute (see Section IV). $9,906 is available to provide support during a 12 month period.

National TRIAD Trainings To Reduce Elder Victimization (Interagency Transfer)—$50,000

In 1988, representatives of the National Sheriffs' Association (NSA), the International Association of Chiefs of Police (IACP), and the American Association of Retired Persons (AARP) created the TRIAD program. TRIAD focuses on how crime, fear of crime, and crime victimization adversely impact older Americans and how the collaborating agencies can develop effective strategies to improve the quality of life for this population. Since then, communities across the nation have established more than 150 local TRIADs, and 21 states have signed agreements indicating the support of their state police chiefs and sheriffs' associations and AARP for this program.

To complement local efforts, OVC, BJA, and the Administration on Aging (AoA) at the Department of Health and Human Services have entered into an Interagency Agreement (IA) to fund up to five regional training conferences/seminars to support programming directed at elder abuse, victimization, provision of community services, and other related issues. These conferences will seek to further spread TRIAD programs throughout the country, identify model practices used to assist older Americans and identify resources, such as local Area Agencies on Aging, that can be included within any local strategy addressing crimes against older Americans. OVC will make $50,000 available to assist this effort. These funds will be transferred to BJA, which will award combined OVC, AoA, and BJA funds to NSA to plan and implement these conferences.

Training for Military Chaplains (Continuation/Cooperative Agreement)—$60,000

This training and technical assistance project will be implemented by the current OVC grant recipient, the Spiritual Dimension in Victim Services. Traumatized victims of crime on military installations often seek assistance from chaplains rather than from other service or law enforcement professionals. This project seeks to modify the current training manual for military chaplains and to provide up to three regional training programs on victim assistance for military chaplains from all four military services and the U.S. Coast Guard.

Regional Training Seminar Series: Bias Crime Training for Law Enforcement and Victim Assistance Professionals (Continuation)—$55,000

As discussed Section II, OVC is sponsoring regional training seminar series on two topics during Fiscal Year 1995. The basic description of this initiative, its purpose, background, goals, and objectives are described in that section, as is the program strategy for the series on establishing community and institutional crisis response teams. The specifics regarding the second series, bias crime training for law enforcement and victim assistance professionals, are described here, as this grant is a continuation of a previous OVC grant.

This grant, in cooperation with BJA, will expand the scope of an OVC grant previously competitively awarded to the Education Development Center, Inc. to develop a bias crimes training curriculum that would help strengthen the knowledge and skills of law enforcement and victim service providers. The training curriculum was developed, and a pilot training session was held successfully. The grantee will modify the curriculum to include current information about Federal statutes, and then offer training at four sites to be selected with the assistance of an Advisory Board. Participants of each seminar will develop, as a final product of the training event, an action plan for incorporating skills learned into their approach to serving the victims of bias crimes.

Victim Assistance in Public Housing (Non-competitive)—$25,000

This project, in cooperation with BJA, will provide resources to the National Organization for Victim Assistance (NOVA) to gather information about current victim assistance efforts in public housing, identify potential resources, and develop model strategies for furthering victim assistance programs within public housing developments.

This program seeks to: (1) Identify existing victim assistance programs operating within public housing developments; (2) assess the strengths and weaknesses of these programs and identify major barriers to successful delivery of victim services; and (3) solicit these programs to work with OVC, the Department of Housing and Urban Development, other related Federal agencies, and NOVA to identify and develop model strategies that support the development and sustainment of victim assistance programs within public housing developments.

NOVA will collect program materials that can be used by public housing authorities to establish victim assistance programs and will convene meetings with representatives of the above mentioned agencies and other experts in order to facilitate discussions and generate recommendations. When completed, NOVA will submit a report that includes a design for a model public housing victim assistance program and recommendations for program implementation.

E. Native American Programs

Assistance to Victims of Federal Crime in Indian Country (Continuation)—$765,245

OVC initiated the Victim Assistance in Indian Country (VAIC) Program in 1987 to establish a network of ''on-reservation'' victim assistance programs in areas of Indian Country so that services normally available in towns and cities across the country would also be available to crime victims in remote sections of Indian Country. Grants were awarded to state agencies to make subgrants to Indian tribes or Native American organizations on land areas of Federal jurisdiction. Services provided through the tribal programs include crisis intervention and counseling to provide emotional support to victims following a violent crime; emergency, short-term child care or temporary shelter for family violence victims; help in participating in Federal criminal justice proceedings; and payment for forensic medical examinations for

sexual assault victims. Funds may also be used for salaries for victim service providers. No applications are solicited.

Due to the progress in this area, OVC will fund continuation grants for 19 states to make subgrant awards to support 36 tribal victim assistance programs funded in cycles since FY 1989. The program will provide continued support to Native American communities in remote sections of Indian Country where victim assistance services have previously been unavailable or scarce.

OVC will continue funding for all participating states in FY 1995 and for the four new states through FY 1997. OVC also is exploring alternative strategies for supporting the program and will seek information from VAIC programs and others.

Training and Technical Assistance for Native American Children's Justice Act Grantees (Continuation/Cooperative Agreement)—$305,000

This program will continue support for a grant awarded to the National Indian Justice Center (NIJC) in 1994 to provide comprehensive, skills-building training and technical assistance to Indian tribes and organizations that were awarded grants as part of the Children's Justice Act Discretionary Grant Program for Native Americans (CJA). The purpose of the CJA program is to assist tribes to improve the handling of serious child abuse cases, especially child sexual abuse cases. This grant also will support the development and production of a ten minute video for tribal leaders that explains the importance of a coordinated effort among tribal agencies in implementing the CJA program.

The training provided has been individually tailored to each tribe's special circumstances and needs. As a result, tribes have established, expanded, and trained multi-disciplinary teams; revised tribal codes; developed protocols and procedures for handling child sexual abuse cases; and developed procedures for managing child-centered interview rooms. OVC seeks to ensure that all tribal programs receiving CJA grants are provided the training and technical assistance necessary to successfully implement their programs. No additional applications are being solicited in FY 1995. For further information, please contact Cathy Sanders, (202) 616–3578.

Court Appointed Special Advocates (CASA) in Indian Country (Continuation)—$53,635

While currently there are 549 certified CASA programs in 50 states with 33,000 volunteers, only two such programs operate in the 170 court systems of Federally recognized tribal governments. This program will support the development of CASA programs in Indian Country so that tribal courts funded through this program will be able to assign advocates to represent the best interests of children. This program is especially important in Indian Country since a tribal court may serve as a Native American child's only recourse to protection and justice.

OVC will transfer funds to OJJDP to be awarded to the National CASA Association for the purpose of supporting child advocacy programs in Indian Country. Of the total amount, $23,635 will go toward the organization of a tribal CASA symposium in conjunction with the National CASA Conference. The symposium will develop a plan to swiftly, effectively, and sensitively adapt the CASA concept to the needs of tribal courts. The remaining $30,000 will be used to support the establishment of two tribal CASA programs.

Children's Justice Act Discretionary Grant Program for Native Americans (Continuation)—$525,000

In 1988, the Victims of Crime Act was amended to make funding available annually to Indian tribes and organizations to improve the handling of child abuse cases. Since 1989, OVC has granted annual awards to Indian tribes to improve the systemic response to serious cases of child abuse in a way that increases support for and lessens trauma to child victims.

Since 1989, OVC has provided funding to 28 tribes for a range of activities including: Development of protocols and procedures for reporting, investigating, and prosecuting child sexual abuse cases; collaboration among professionals that minimizes the number of child interviews; establishment, expansion, and training of multidisciplinary teams; revision of tribal codes to address child sexual abuse; child advocacy services for children involved in court proceedings; enhanced case management and treatment services; specialized training for prosecutors, judges, criminal investigators, and other professionals who handle child sexual abuse cases; development of procedures for establishing and managing child interview rooms; and special prosecution units.

This program will extend the progress made during the award year and ensure that systemic improvements are fully developed, defined, effectively implemented, and operating so as to result in improved investigation, prosecution, and overall handling of serious child abuse and neglect and child sexual abuse cases. The projects (Ramah Navajo School Board, Inc., Salt River Indian Community, Fort Peck Assiniboine and Sioux Tribes, Chugachmuit, Minnesota Chippewa Tribe, Omaha Tribe of Nebraska, South Puget Intertribal Planning Agency, and Shoshone Tribal Business Council) will be funded early in FY 1996.

Travel/Training and Technical Assistance for Native Americans (Non-competitive)—$53,665

This program will provide assistance to Indian tribes seeking a range of specialized training for tribal professionals. This program is designed to meet the training needs of individual tribal personnel who handle complex child abuse cases and who manage other child victim programs. Specifically, the program will: (1) Support trainers at various OVC sponsored training sessions that focus on assisting child victims in Indian Country, and send Native American participants to these events; (2) provide an array of assistance, training, and travel to the CJA grantees and other tribal organizations that may request assistance; and (3) develop a model CJA application that tribes can use in developing their own applications.

Tribal Judges Project (Non-competitive)—$80,000

OVC will work with other DOJ components as well as the Administrative Office of the U.S. Courts to identify a range of training and technical assistance strategies or projects that will assist tribes to improve the handling of child abuse and family violence. The funds will be used to support training and technical assistance for Federally-recognized tribes participating in DOJ projects or grant programs directed to improving tribal systems of justice and the handling of child and spouse abuse cases. Planning will continue throughout the year with DOJ entities such as BJA, the Office of Tribal Justice, the Child Exploitation and Obscenity Section, the Violence Against Women Office, and other offices that are funding projects in Indian Country. Example of activities that could be funded include:

- Support for tribal judges and clerks of court to attend multidisciplinary trainings scheduled to occur in Federal Districts throughout 1995;
- Assistance in developing tribal codes or protocols within and among tribal governments, and memoranda of understanding to coordinate the

response of the tribal, state, and federal systems of justice in handling family violence cases;

- Attendance for tribal judges at specialized training courses, seminars, or conferences;
- Training or support for a planning meeting or focus group initiated by a tribe to develop specific procedures for coordinating the civil and criminal aspects of tribal, state, and federal justice systems.

F. Dissemination of Information

Office for Victims of Crime Resource Center (Continuation)—$261,084

The OVC Resource Center serves as a national clearinghouse of information concerning victim and witness assistance programs, victim compensation programs, and organizations from the private sector that assist victims and witnesses. In addition, it establishes liaisons with national, state, local, and private sector organizations whose activities are directed toward improving services for victims and witnesses and maintains directories of state, local, and private sector programs, resources, and experts.

Since 1986, OVC has supported the Resource Center as part of the National Criminal Justice Reference Service contract. In order to maintain and enhance Resource Center activities during FY 1995, OVC, in cooperation with BJA, will make $261,084 available to Aspen Systems Inc.

Crime Victim Compensation Videotape (Non-Competitive)—$30,000

This non-competitive grant to the National Association of Crime Victim Compensation Boards (NACVCB) will continue an existing grant and build upon a previous grant that produced a highly successful video about compensation benefits for Native Americans. NACVCB will produce a video that explains how the compensation program works so that victims will understand the basics of the program. NACVCB will use the ''core script'' that was written for the previous video. The video will be distributed to all military bases, National Parks, and other areas of Federal jurisdiction and made available nationally to organizations and programs assisting crime victims. In addition, OVC will use the ''masters'' of the video to make copies available on a fee-for-service basis through the OVC Resource Center.

Reproduction of Federal Victim Assistance Informational Materials (Continuation)—$120,000

OVC has responsibility for the preparation, publication, and distribution of informational materials that describe Federal crime victims' rights and available services. In FY 95, OVC will support:

- The publication of revised Attorney General Guidelines for Victim and Witness Assistance ($20,000);
- The development, printing and distribution of a Federal Resource Book for Federal agencies ($40,000);
- The printing and distribution to all U.S. Attorneys' offices of a Federal supplement to the manual ''Prosecution of Child Abuse'' ($10,000);
- The development and distribution of briefing packages to assist Federal Victim-Witness Coordinators ($10,000); and
- The printing and distribution of ''Going to Court'' activity books and parent's handbooks for child victims required to testify in court ($40,000).

These materials will be reproduced within DOJ or as the result of Interagency Agreements.

Conference and Meeting Support Grant (Non-Competitive)—$75,000

OVC will retain up to $75,000 to handle the logistical planning and implementation tasks for OVC-sponsored conferences and events. These events are likely to include:

- A focus group of ten to 15 ministers, rabbis, and priests from a variety of religious traditions will be convened to provide input to OVC on developing and presenting appropriate training for members of the clergy;
- A focus group of approximately ten to 12 members will meet to make recommendations regarding continuing support for the Victim Assistance in Indian Country (VAIC) program, and to identify strategies for strengthening the program and assisting subgrantees; and
- Support for unanticipated conferences and events that OVC may wish to conduct in the course of the year.

G. Restorative Justice Symposium

Restorative Justice Symposium (Interagency Transfer)—$30,000

In attempting to ensure that justice is administered fairly and impartially, our system of criminal justice makes crime a violation against the state. A consequence of this approach is that crime victims—those who personally suffer the impact of crime—are often excluded from their own cases. The focus usually is placed on the offender's crime, rights, and needs, and the sanction that represents society's just retribution. The current system often fails to hold the offender accountable to either the victim or the community, both of which are harmed by crime.

Restorative justice is a philosophical framework that allows the victim and the community to participate actively in the criminal justice process. Both must be restored, insofar as possible, from the harm done by the offender. The community has an additional role: To assist offenders in re-building their ties to the community as responsible citizens. This role is crucial for the community to be interactively engaged in the administration of justice.

This activity will be conducted under a current NIJ contract. The NIJ contractor will plan, organize, and conduct a transfer of knowledge symposium on restorative justice. The symposium will bring together policy and decision makers from a number of environments, including the political arena, victim services, criminal justice, academia, and research. Participation in the symposium will be by invitation only, with no more than 80 in attendance.

For further information, contact Susan Laurence, OVC, (202) 616–3573 or Cheryl Crawford, NIJ, (202) 514–6210.

IV. National Crime Victims Agenda

Update of the 1982 Final Report of the President's Task Force on Victims of Crime (Non-Competitive)—$125,000

In 1982, the President's Task Force on Victims of Crime issued its final report—a comprehensive blueprint of 68 recommendations designed to improve the treatment of the nation's crime victims by the criminal justice system and other sectors of society. The report was the first Federal study of its kind and spearheaded a national momentum toward securing specific victim rights and developing services responsive to the unique needs of crime victims.

In the decade that followed, state governments and the Federal government adopted many of the recommendations in the 1982 report. At the Federal level, the Office for Victims of Crime was established to serve as the national advocate for crime victims and to administer the Crime Victims Fund. The Fund, derived from fines, penalty assessments, and bond forfeitures leveled against Federal criminal offenders, was an innovative idea for helping to fund state compensation and assistance programs at the local level, supporting victims of Federal crimes, and providing national scope training and technical assistance. Since the publication of the report, victim services have expanded throughout the country and many service providers have received specialized training regarding crime victim issues. Victim advocacy groups have developed nationwide

memberships and have gained prominence. Both the states and the Federal government also have enacted numerous laws designed to establish and protect the rights of crime victims.

This announcement is provided for informational purposes only. No applications are being solicited. OVC is sponsoring a new report that will assess crime victims-related reforms achieved during the past thirteen years and set forth recommendations for the future. Approximately thirty national experts will assist in preparing the report by participating in a two-day round-table discussion of crime victim issues and drafting background papers on specific crime victim related topics.

OVC will make up to $125,000 available for this project in FY 1995. The project is being jointly funded by OVC and BJA. For further information, contact Sharon English, (202) 616–3588, or Melanie Smith, (202) 616–3575.

V. Solicitations for FY 1996

Victim Assistance Academy (Continuation)

In 1994, OVC solicited applications for a grant to establish a Victim Assistance Academy for the purpose of making high quality intensive training available to victim service providers across the country from Federal, state, tribal and local settings. OVC anticipated that the project would be an initial step toward establishing an annual training event and creating a professional school and training program for victim service providers. In early 1995, the grant was awarded to a consortium of national victim assistance organizations that included the Victims' Assistance Legal Organization, the National Crime Victims Research and Treatment Center of the Medical University of South Carolina, and California State University-Fresno. The grantee was funded to design an interdisciplinary training curriculum, develop a bibliography of training curricula, and produce a video of training highlights with an accompanying viewer's guide and participant training manual. OVC will work with the grantee during the year to evaluate the products developed and determine if the project will be continued and expanded in Fiscal Year 1996. Accordingly, OVC will reserve $100,000 that could be awarded to continue this effort in early 1996.

Victim Assistance Training for Military Victim Assistance Providers (Continuation)—$40,000

Continued funding will be provided to the National Organization for Victim Assistance (NOVA) to improve direct services to victims of crime on military installations by providing training in program development, program management, and direct victim services for military justice personnel. This grant will supplement an existing grant that provides for three regional victim assistance training conferences for criminal justice professionals from military installations. The current grant combines the expertise and resources of NOVA, OVC, and the Department of Defense (DoD) to provide comprehensive skills training on crime victims' issues. Two additional training sessions will be held, one in Germany and one in the Far East, to accommodate the overseas military installations that were unable to attend FY 95 training sessions because of cost and space limitations. All grant activities will be coordinated with DoD's Victim Assistance Advisory Council. OVC is announcing this continuation grant in FY 95; however, the grant award will be made October 1, 1995 with FY 96 funding.

Regional Coordination Initiative

This project seeks to create a network of trainers and technical assistance providers who will enhance existing victim services by planning, managing, and conducting innovative training events at the regional level. This new initiative will identify Regional Field Coordinators (RFC) who, with support from OVC, will develop and implement regional training and technical assistance projects on victim issues. OVC will divide the nation into four regions, as the National Institute of Corrections has done for its Regionalization Program, which serves as the prototype for this initiative. Four individuals per region will be selected to serve as RFCs.

Immediately after their selection, the RFCs will begin an assessment of the major training and technical needs in their local areas. Late in the first project quarter, all 16 RFCs will meet for a three day orientation and planning meeting in Washington, DC. OVC will cover all travel-related expenses for the meeting. During this meeting, the four RFCs for each region will plan and organize one training or technical assistance activity that their group will sponsor during the year. They will base their plans on input they have gathered from victim service providers and trainers in the assessment process.

Through the Trainers Bureau, OVC will provide up to $3,500 to each region toward the support of the annual training or technical assistance project. The RFCs will be responsible for marketing the project throughout the region, processing applications from participants who wish to attend, and organizing the event. It is expected that training participants or their agencies will cover the travel-related costs of attending the training.

Since the RFC is an unpaid volunteer position, those serving in this capacity will do so with the support of their own agencies and organizations. The chief executive officer of the employer of each prospective RFC must agree in writing to allow the employee to participate in RFC activities as a part of their regular job. They must also agree to permit the RFC to spend a portion of time on RFC tasks and to use limited amounts of the agency's telephone, mail, and duplication resources in carrying out these tasks. RFC responsibilities last for one year, and may be renewable on a yearly basis for up to three years.

Experienced victim service providers with training and technical assistance expertise, working either in public or private agencies, are encouraged to apply as volunteer regional field coordinators. Applications must include written permission from the applicants' employers, as stipulated above.

Individuals will be selected to fill these positions based on their skills and experience in the victims field, their expertise in providing training and technical assistance, and their capability to work collaboratively with other service providers in their area. The four coordinators selected from each region should have diverse expertise (e.g., family violence, sexual assault, general victim services) and represent different types of agencies (e.g., law enforcement, prosecutor, private service providers). Geographic diversity within each region is also a selection factor.

Application forms may be requested by writing to: Regional Coordination Initiative, Office for Victims of Crime, 633 Indiana Avenue, NW., Washington, DC. 20531. Applications will be accepted through September 30, 1995 for the FY 1996 program. For further information, contact Susan Laurence, (202) 616–3573.

Concept Papers for FY 1996

OVC is soliciting short concept papers for innovative demonstration and training and technical assistance programs for funding consideration in FY 1996. The purpose of this effort is to identify innovative ideas falling within OVC's statutory authority to improve the response to the nation's crime victims through the provision of training and technical assistance. OVC is seeking input from the victim assistance field for new ways of meeting

the needs of crime victims that may be widely applied.

Concept papers may focus on the needs of a specific group of crime victims, such as victims of workplace violence, improving the quality of services, or on a new concept or design for providing services. These concept papers will permit OVC to identify program areas of primary interest to the field, to determine program funding priorities, to identify emerging issues, and to explore innovative ideas that address crime victim needs by OVC and within the Federal government.

Concept papers will be reviewed as part of OVC's FY 1996 program planning process. The papers should support the development of training materials and the delivery of training on specific topics relating to crime victims. Topics discussed in the concept papers also should address the needs of victim service providers, law enforcement, mental health practitioners, the clergy, or others who play a critical role in responding to victims of crime.

A brief program narrative should be included within the concept paper to describe the need for the project, the process by which the project would be undertaken, the method of determining the effects and quality of the project, and the possible products arising from the project.

The submission of a concept paper does not in any way constitute a commitment by OVC to award a grant to support any program proposed in the concept paper or provide funding to a specific organization.

Concept papers should be submitted to David Osborne, Special Assistant to the Director, OVC, (202) 616–3580 for consideration. The concept papers will be reviewed in conjunction with Administration priorities, OVC legislative mandates, and staff input during the development of OVC's FY 1996 discretionary program planning priorities. Invitations to submit applications for funding on a competitive basis will be announced in OVC's FY 1996 program plan. A specific invitation by OVC to submit a grant application as a result of the concept paper review process will not in any way constitute a commitment by OVC to award a grant to support that proposed project.

VI. Eligibility Requirements

In addition to special eligibility requirements listed within the individual program descriptions above, the following will apply. Applications are invited from public and private non-profit agencies and organizations. Applicants must demonstrate that they have ample expertise and/or prior experience in the design and conduct of projects of a nature similar to that for which they are applying.

Applicants must also demonstrate that they have the management capability, fiscal integrity, and financial responsibility, including, but not limited to, an acceptable accounting system and internal controls, and compliance with grant fiscal requirements. Applicants who fail to demonstrate that they have the capability to manage the program will be ineligible for funding consideration.

VII. Application Requirements

All applicants must submit a completed Application for Federal Assistance (Standard Form 424 and OJP Form 4000/3 (1/93) Attachment to SF–424), including a program narrative. All applications must include the information outlined in this section of the solicitation (Section VI, Application Requirements) in Part IV, Program Narrative of the application (SF–424). The program narrative of the application must not exceed 35 double-spaced pages in length. Applicants that fail to adhere to this program requirement will be automatically disqualified from competition.

In accordance with Executive Order No. 12549, 28 CFR 67.510, applications must also provide Certifications Regarding Lobbying, Debarment, Suspension, and other Responsibility Matters; and Drug-Free Workplace Requirements (OJP Form 4061/6), which will be supplied with the application package, and must be submitted with the application.

Applications that include non-competitive contracts for the provision of specific services must include a sole source justification for any procurement in excess of $100,000. Financial questionnaires must be completed by new non-governmental (except public colleges, universities, and hospitals) applicants. This includes a review of the accounting system and a determination that periodic audits are performed to ensure fiscal integrity. New or supplemental awards may not be made to applicants with delinquent financial or progress reports, delinquent or unresolved audit reports, delinquent Federal debts, other unresolved issues of fiscal integrity, or to applicants who have been debarred or suspended from Federal financial and non-financial assistance and benefits under Federal programs and activities.

Where indicated, cooperative agreements are awarded to states, units of local government, or public or private non-profit organizations at the discretion of OVC. Cooperative agreements are used when substantial involvement is anticipated between OVC and the recipient during performance of the contemplated activity. Interagency agreements between OVC and other governmental units or agencies are negotiated by the entities involved.

The following information must be included in the application (SF–424) Part IV Program Narrative:

A. *Organizational Capability.* Applicants must demonstrate that they are eligible to compete for a grant on the basis of the eligibility criteria established in Section VI of this solicitation. Applicants must concisely describe their organizational experience with respect to the eligibility criteria specified in each program description listed above. Applicants must demonstrate how their organizational experience and capabilities will enable them to achieve the goals and objectives of the initiative for which they are applying. Applicants are invited to append examples of prior work products of a similar nature to their application.

Applicants must demonstrate that their organization has or can establish fiscal controls and accounting procedures that assure that Federal funds available under this agreement are disbursed and accounted for properly. Non-profit applicants who have not previously received Federal funds will be asked to submit a copy of the Office of Justice Programs Accounting System and Financial Capability Questionnaire (OJP Form 7120/1). Copies of the form will be provided in the application kit and must be prepared and submitted along with the application. The CPA certification (Section H) is required only of those non-profit applicants who have not previously received Federal funding.

B. *Program Goals and Objectives.* A brief statement of the applicant's understanding of the goals and objectives of the program should be included. The application should also include a problem statement and a discussion of the potential contribution of this program to the field.

C. *Program Strategy.* Applicants should describe the proposed approach for achieving the goals and objectives of each program. A detailed description of how the activities and projects of each program would be accomplished should be included.

D. *Program Implementation Plan.* Applicants should prepare a plan that outlines the major activities involved in implementing the program, describe how they will allocate available

resources to implement the project, and also describe how the program will be managed.

The plan must also include an organizational chart depicting the roles and describing the responsibilities of key organizational and functional components and a list of key personnel responsible for managing and implementing the major stages of the project. Applicants must present detailed position descriptions, qualifications, and selection criteria for each position. This documentation and individual resumes may be submitted as appendices to the application.

E. *Time-Task Plan.* Applicants must develop a time-task plan for the duration of the project periods, clearly identifying major milestones and products. This must include designation of organizational responsibility and a schedule for the completion of the activities and products. Applicants should also indicate the anticipated cost schedule per month for the entire project period.

F. *Products.* Applicants must describe concisely the interim and final products of each stage of the program.

G. *Program Budget.* Budgets must be accompanied by a detailed justification for all costs, including the basis for computation of these costs. Applications containing contract(s) must include detailed budgets for each organization's expenses.

H. *Assessment.* Each grant recipient will be required to submit formal findings from an assessment, within 60 days of the completion of each year's activities and within 90 days of project completion. Each application must provide a plan for assessing the project.

VIII. Procedures for Selection

All applications will be evaluated and rated based on the extent to which they meet the established weighted criteria. In general, all applications received will be reviewed in terms of their responsiveness to the minimum program application requirements set forth in Section VII. Applications will be evaluated by a peer review panel according to the OVC Competition and Peer Review Guidance.

Applications submitted in response to the competitive announcements will be evaluated by a peer review panel. The results of the peer review will be a relative aggregate ranking of applications in the form of ''Summary of Ratings.'' These ordinarily will be based on numerical values assigned by individual peer reviewers. Peer review recommendations, in conjunction with the results of internal review and any necessary supplementary reviews, will assist OVC in considering competing applications and in selection of the application for funding. The final award decision will be made by the OVC Director.

Applications for each program description, except where other point values or categories have been specifically identified, will be evaluated and rated by the peer review panels based on the extent to which they meet the following criteria:

A. Utility of the project (10 points): This refers to the applicant's response to the stated project purpose, goals, and objectives, and the applicant's explanation of the usefulness of the project to the field.

B. Project Strategy/Design (30 points): This provides a description of project components and activities; a specific plan for how the grant applicant intends to achieve the purpose, goals and objectives of the funded program. The strategy or design must include clear descriptions of interim deliverables and final products.

C. Implementation Plan (10 points): This plan will be judged on the realistic identification of tasks according to increments in the project period, and the assignment of specific staff to tasks on the time-task line.

D. Organizational Capability (30 points): Points will be awarded based on the applicant's statement of the organization's capability to successfully undertake this Federally funded project. This will consist of two parts: (1) A specific description of the applicant's management structure, previous experience with similar or related efforts, and financial capability (15 points); and (2) a project management plan and documentation of the professional staff members unique qualifications to perform their assigned tasks (15 points).

E. Budget (15 points): Points will be awarded based on the enumeration and accompanying narrative of grant costs, to be evaluated for clarity, reasonableness, allowability, and cost effectiveness.

F. A Plan to Assess the Project's Accomplishments (5 points): This assigns points based on the grant applicant's plan for assessing the impact of the project in accomplishing its goal(s).

IX. Submission Requirements

All applicants responding to this solicitation are subjected to the following requirements:

1. Upon request to OVC, the necessary forms for application will be provided, along with Department of Justice certification information.

2. Applicants must submit the original signed application (Standard Form 424) and two copies to OVC. Applications should not be bound. Applicants should also include Certifications Regarding Lobbying; Debarment; Suspension and other Responsibility Matters; and Drug-Free Workplace Requirements (Form 4061/6), in order to meet the requirements of the Drug-Free Workplace Act of 1988 (Pub. L. 100–690, Title V, Subtitle D) and the Disclosure of Lobbying Activities Form (SF LLL) in accordance with 31 U.S.C. 1352.

3. All applications must be received by mail or hand delivered to OVC by 5 p.m. E.S.T. by the established deadline (60 days from date of publication of this Program Announcement). Those applications sent by mail should be addressed to: Office for Victims of Crime, U.S. Department of Justice, 633 Indiana Avenue, NW, Washington DC., 20531, ATTN: Administrative Officer. Hand-delivered applications must be taken to OVC, 633 Indiana Avenue, NW, Room 1386, Washington, DC. between the hours of 8 a.m. and 5 p.m. except weekends or Federal holidays. Applications must be received at OVC by 5 p.m. E.S.T. by the established deadline date. Postmarks WILL NOT be accepted.

OVC will notify applicants in writing of the receipt of their application. Applicants also will be notified by letters as to the decision made regarding whether or not their submission will be recommended for funding. Applications will be reviewed as Peer Review Panels can be convened. Every effort will be made to review applications in a timely manner.

X. Civil Rights Compliance

A. All recipients of Crime Victims Fund assistance, including contractors, must provide Certified Assurances that they are in compliance with the non-discrimination requirements of the Victims of Crime Act of 1984, as amended, which states: No person shall on the ground of race, color, religion, national origin, [disability], or sex be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or denied employment in connection with any undertaking funded in whole or in part with sums made available under this chapter. Section 1407(e), 42 U.S.C. 10604.

Recipients also must assure compliance with the following additional statutes and regulations: Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d; section 504 of the Rehabilitation Act of 1973, as

amended, 29 U.S.C. 794; Subtitle A, Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. 12101, et seq.; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. 1681–1683; the Age Discrimination Act of 1975, as amended, 42 U.S.C. 6101, et seq.; and Department of Justice Non-Discrimination Regulations, 28 CFR part 42, subparts C, D, E, and G.

B. In the event a Federal or state court or Federal or state administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

XI. Audit Requirements

An audit is required for agencies receiving Federal funds, with some exceptions. The purpose of an audit is to determine whether Federal funds are being used properly and effectively. Each funded agency must provide the name of the Federal cognizant agency where their audit report is submitted. In most cases, the agency that receives an applicant's audit is the agency that provides the most direct funds to applicant during the current fiscal year. If you do not know the name of the cognizant agency, please check with your budget office. More detailed information on audit requirements are listed in the Office of Justice Programs Guideline Manual, Financial and Administrative Guide for Grants, May 15, 1990.

XII. Catalog of Federal Domestic Assistance Numbers

16.582 Crime victim assistance/discretionary grants

16.583 Children's Justice Act for Native American Indian Tribes

Aileen Adams,

Director, Office for Victims of Crime.

[FR Doc. 95–10333 Filed 5–2–95; 8:45 am]

BILLING CODE 4410–18–P

federal register

Wednesday
May 3, 1995

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 200 and 203

Nationwide Pre-Foreclosure Sale Procedure; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

24 CFR Parts 200 and 203

[Docket No. R–95–1749; FR–2682–F–02]

RIN 2502–AE72

Nationwide Pre-Foreclosure Sale Procedure

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Final rule.

SUMMARY: This rule adopts as final the interim rule that set forth the requirements and procedures that govern the Department's Pre-foreclosure Sale (PFS) Procedure. The interim rule was published in the **Federal Register** on September 30, 1994, at 59 FR 50136. The requirements and procedures contained in the interim rule are based on the Pre-foreclosure Sale Demonstration Program established by a notice published in the **Federal Register** on May 29, 1991, at 56 FR 24324.

EFFECTIVE DATE: June 2, 1995.

FOR FURTHER INFORMATION CONTACT: Joseph Bates, Director, Single Family Servicing Division, Office of Insured Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. Telephone (202) 708–3680. A telecommunications device for deaf persons (TDD) is available at (202) 708–1112. (These are not toll-free telephone numbers.)

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this rule have been submitted to the Office of Management and Budget for review under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501–3520) and have been assigned approval number 2502–0464.

Background

Sometimes, a mortgagor must confront the twin realities of not being able to meet his or her mortgage obligation and static or declining property values. Such a situation makes it virtually impossible for a financially distressed mortgagor to sell the home and, using the proceeds, to fully discharge the mortgage debt. Foreclosure of the mortgage is often the method by which these difficulties are resolved.

Over the past few years, much interest has been expressed by mortgagors and real estate agents in a transaction known as the ''pre-foreclosure sale.'' This loss mitigation technique has grown significantly in use by the private sector and is also now commonly used by Government-sponsored enterprises, such as Fannie Mae (Federal National Mortgage Association), to ameliorate their losses from defaulted loans. In a successful pre-foreclosure sale involving a property subject to an FHA-insured mortgage loan, neither foreclosure nor conveyance of the property to the Department occur. A third party buys the home from a defaulting mortgagor at its approximate fair market value (with certain adjustments, as approved by the Secretary), which is less than the owner's outstanding indebtedness at the time of sale.

Section 1064 of the McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100–628) amended section 204(a) of the National Housing Act (12 U.S.C. 1710(a)) to authorize HUD to pay a claim to a lender equal to the difference between the fair market sale price and the outstanding indebtedness (with certain adjustments). A successfully completed pre-foreclosure sale benefits the mortgagor, who avoids the stigma of foreclosure on his or her credit record, and also benefits HUD, which can expect to save by not paying foreclosure-related costs. HUD also saves on maintenance costs and marketing expenses for properties which would otherwise be conveyed to the Department following foreclosure. Finally, mortgagees also benefit through incorporating this loss-mitigation technique into their overall loan servicing, by frequently being able to file their claim for insurance benefits sooner, following a successful pre-foreclosure sale, than they would following a post-foreclosure conveyance claim.

On May 29, 1991, the Department published in the **Federal Register**, at 56 FR 24324, a notice which announced a limited demonstration program to gauge the demand for, and the efficacy of, pre-foreclosure sales as a means of assisting qualified mortgagors in avoiding foreclosure of their FHA-insured mortgages and of saving the Department money.

The Demonstration was successful in that the demand for this alternative to foreclosure was found to be very substantial; the efficacy of the pre-foreclosure sale transaction was found to be cost-beneficial to HUD; and feedback obtained from participating local HUD offices, program coordinators, mortgagees, homeowners and the general public was quite favorable. By expanding the options available to financially distressed mortgagors and not adversely affecting any mortgagor rights or interests under existing FHA-insured loan servicing regulations, the Department has not only acted responsibly toward the homeowners with FHA-insured mortgages, but also has operated with an eye to the cost-effectiveness of its own policies and procedures.

The Department then decided to implement the pre-foreclosure sale procedure nationwide by incorporating it into the overall approach of servicing FHA-insured loans by FHA-approved lender/servicers. Therefore, the Department issued an interim rule on September 30, 1994, at 59 FR 50136. The September 30, 1994 interim rule made pre-foreclosure sales an even more efficient servicing tool by streamlining procedures and, in some respects, reducing the Department's cost of following this course of action.

Public Comments

The public was given 60 days to comment on the requirements and procedures set forth in the September 30, 1994 interim rule. Comments were received from one commenter (a national trade association), and that comment was totally favorable to the interim rule.

This Final Rule

This final rule adopts without change the interim rule published on September 30, 1994, at 59 FR 50136.

Other Matters

Environmental Finding

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR Part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. 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, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, S.W., Washington, D.C. 20410.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this rule before publication and by approving it certifies that this rule does not have a significant economic impact on a substantial number of small entities because this rule pertains to a limited number of single-family mortgage situations. It expands the options available to

financially distressed mortgagors and does not adversely affect any mortgagor rights or interests under existing FHA-insured loan servicing regulations.

Executive Order 12612, Federalism

The General Counsel, as the Designated Official under section 6(a) of Executive Order 12612, *Federalism*, has determined that this rule does not have ''federalism implications'' because it does not have substantial direct effects on the States (including their political subdivisions), or on the distribution of power and responsibilities among the various levels of government. The purpose of this rule is to implement the requirements and methods of pre-foreclosure sales as a means of assisting qualified mortgagors in avoiding foreclosure of their FHA-insured mortgages and of saving the Department money.

Executive Order 12606, the Family

The General Counsel, as the Designated Official under Executive Order 12606, *the Family*, has determined that this rule does not have potential significant impact on family formation, maintenance, and general well-being.

Semiannual Agenda

This rule was listed as item 1784 in the Department's Semiannual Agenda of Regulations published on November 14, 1994 (59 FR 57632, 57652), pursuant to Executive Order 12866 and the Regulatory Flexibility Act.

List of Subjects

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Incorporation by reference, Lead poisoning, Loan programs—housing and community development, Minimum property standards, mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social Security, Unemployment compensation, Wages.

24 CFR Part 203

Hawaiian Natives, Home improvement, Indians—lands, Loan programs—housing and community development, Mortgage insurance, Reporting and recordkeeping requirements, Solar energy.

Accordingly, the Department adopts as final without change the interim rule amending 24 CFR parts 200 and 203 published on September 30, 1994, at 59 FR 50136.

Dated: April 26, 1995.

Nicolas P. Retsinas,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 95–10803 Filed 5–2–95; 8:45 am]

BILLING CODE 4210–27–P

federal register

Wednesday
May 3, 1995

Part IV

Department of Education

National Institute on Disability and Rehabilitation Research; Application Availability Under the Innovation Grants Program for Fiscal Year 1995; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.133C]

Office of Special Education and Rehabilitative Services; National Institute on Disability and Rehabilitation Research; Notice Inviting Applications Under the Innovation Grants Program for Fiscal Year (FY) 1995

Purpose of Program: The Innovation Grants Program is designed to provide financial support to projects that test new concepts and innovative ideas, demonstrate research results of high potential benefits, purchase and evaluate prototype aids and devices, develop unique rehabilitation training curricula, and respond to special initiatives of the Secretary, including projects to conduct feasibility, planning, and evaluation studies, conferences, and other activities to disseminate specific research findings.

Invitational Priorities: Under 34 CFR 75.105(c)(1) the Secretary is particularly interested in applications that address the following invitational priority. However, an application that meets an invitational priority does not receive competitive or absolute preference over other applications.

NIDRR has observed that disability research is hampered by the lack of researchers with training to assess the comprehensive phenomenon of disability and its complex interaction with all aspects of society, particularly from the perspective of individuals with disabilities. Therefore, the Secretary is interested in supporting innovative projects that study the feasibility of and develop model approaches to teaching disability studies at the postsecondary level. Research projects in this area might address one or more of the following issues: The current availability of disability studies in institutions of higher education and the feasibility of instituting disability studies curricula; model curricula at the undergraduate or graduate levels; and the relative advantages of creating disability studies as a specialty area in core disciplines or as an interdisciplinary program.

A body of NIDRR research and other writings has suggested that the goals of the Rehabilitation Act of full integration into society, empowerment, and personal independence would be facilitated by an increased awareness of the history, nature, consequences, and culture of disability among individuals with disabilities and others within society as a whole. Therefore, the Secretary is also interested in supporting projects that study the feasibility of and develop models for teaching disability studies to adults in community settings. Projects addressing disability studies in community settings (e.g., adult education programs, independent living centers, or other accessible community facilities) would be most useful if they explore ways of accommodating various cognitive, sensory, and other disabilities and various ethnic and language populations in the learning experiences.

This notice supports the National Education Goal that calls for all Americans to possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.

Eligible Applicants: Parties eligible to apply for grants under this program are public and private nonprofit and for-profit agencies and organizations, including institutions of higher education and Indian tribes and tribal organizations.

Deadline for Transmittal of Applications: June 19, 1995.

Applications Available: May 4, 1995.

Available Funds: $150,000.

Estimated Average Size of Awards: $50,000.

Estimated Number of Awards: 3.

Maximum Award: The Secretary does not consider an application that proposes a budget exceeding $50,000 for each 12-month budget period.

The Secretary may change the maximum amount award through a note accompanying the application package.

Note: The estimates of funding levels and awards in this notice do not bind the Department of Education to a specific level of funding or number of grants.

Project Period: Up to 12 months.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR), 34 CFR Parts 74, 75, 77, 78, 80, 81, 82, 85, 86; and (b) the regulations for this program in 34 CFR parts 350 and 358.

In order to obtain information about the invitational priorities contact Betty Jo Berland, U.S. Department of Education, 600 Independence Avenue, S.W., Switzer Building, Room 3422, Washington, DC 20202. Telephone: (202) 205–8801. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8133.

FOR FURTHER INFORMATION CONTACT: In order to obtain an application package, contact William H. Whalen, U.S. Department of Education, 600 Independence Avenue SW., Switzer Building, Room 3411, Washington, DC 20202. Telephone: (202) 205–9141. Individuals who use a telecommunications device for the deaf (TDD) may call the TDD number at (202) 205–8887.

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: 29 U.S.C. 761a and 762.

Dated: April 27, 1995.

Howard R. Moses,

Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 95–10802 Filed 5–2–95; 8:45 am]

BILLING CODE 4000–01–P

federal register

Wednesday
May 3, 1995

Part V

Department of the Interior

Bureau of Indian Affairs

Office of Tribal Services National Tribal Consultation; Notice

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Office of Tribal Services National Tribal Consultation

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of Tribal Consultation Meeting.

SUMMARY: Notice is hereby given that the Bureau of Indian Affairs (BIA), Office of Tribal Services, will conduct a consultation meeting with Indian tribes to obtain oral comments concerning:

1. The proposed transfer of welfare assistance funds to the Tribal Priority Allocations budget system in FY 1996 by the BIA's Division of Social Services.
2. The proposed transfer of contract support funds to the Tribal Priority Allocations budget system in FY 1996 by the BIA's Division of Self-Determination Services.
3. The proposed resource allocation for the Housing Improvement Program and proposed revisions for program regulations by the BIA's Division of Housing Services.
4. The proposed rule describing the base support funding formula for the distribution of Indian Tribal Justice Act funds by the BIA's Branch of Judicial Services.
5. The proposed regulations establishing minimum standards of character, caseload standards and funding distribution formula as required by Pub. L. 101–630, the Indian Child Protection and Family Violence Prevention Act.

All oral comments presented at the tribal consultation meeting will be recorded, transcribed and taken into consideration by the agency in the development of the final regulations and or funding distribution methodologies.

DATES: June 20 through 22, 1995. The consultation meeting will commence at 8:30 a.m., June 20, 1995, and conclude at 5 p.m. June 22, 1995.

ADDRESSES: The Albuquerque Convention Center, 401 Second Street, NW., Albuquerque, New Mexico.

FOR FURTHER INFORMATION CONTACT: The Office of Tribal Services, Bureau of Indian Affairs, 1849 C Street, NW., MS 4603–MIB, Washington, DC 20240, telephone number (202) 208–3599.

SUPPLEMENTARY INFORMATION: The purpose of the consultation meeting is to provide Indian tribes, tribal and BIA program personnel, tribal organizations, and interested persons an opportunity to present oral comments on the proposed actions. Briefing books and deadline dates for the submission of written comments on the proposed actions and regulations will be mailed to all Federally recognized Indian tribes and BIA area directors.

Dated: April 26, 1995.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 95–10735 Filed 5–2–95; 8:45 am]

BILLING CODE 4310–02–P

federal register

Wednesday
May 3, 1995

Part VI

Environmental Protection Agency

40 CFR Parts 156 and 170

Pesticide Programs; Worker Protection Standards; Final Rules and Proposed Rules

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 170

[OPP–250097A; FRL–4949–9]

RIN No. 2070–AC69

Pesticide Worker Protection Standard; Grace Period for Providing Worker Safety Training

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; amendment.

SUMMARY: EPA is amending the 1992 Worker Protection Standard (WPS), by making the 5-day grace period (the number of days of employment before workers must be trained) effective January 1, 1996. Additionally, effective January 1, 1996, EPA is requiring agricultural employers to assure that untrained workers receive basic pesticide safety information before they enter a treated area on the establishment.

EFFECTIVE DATE: This rule will become effective July 17, 1995.

FOR FURTHER INFORMATION CONTACT: Jeanne Heying, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number and e-mail address: Room 1121, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington VA, Telephone: 703–305–7164, Heying.Jeanne@epamail.epa.gov.

ADDRESSES: The Agency invites any interested person who has concerns about the implementation of this action to submit written comments identified by docket number ''OPP–250097A'' to: By mail: Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–250097A.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit VI of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

SUPPLEMENTARY INFORMATION: This document discusses the background leading to this final rule amending the Worker Protection Standard; summarizes the public's comments on the provisions of the proposed amendments (60 FR 2820, January 11, 1995); provides EPA's response to comments and final determination with respect to modifying the training provisions of the Worker Protection Standard, and provides information on the applicable statutory and regulatory review requirements.

I. Statutory Authority

This rule is issued under the authority of section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136w(a).

II. Background

In 1992 EPA revised its Worker Protection Standard (40 CFR part 170) (57 FR 38102, August 21, 1992) which is intended to reduce the risk of pesticide poisonings and injuries among agricultural workers who are exposed to pesticide residues. The WPS is also intended to reduce the risk of pesticide poisonings and injuries among pesticide handlers who may face more hazardous levels of exposure. The 1992 WPS superseded the 1974 WPS and expanded the WPS scope not only to include workers performing hand labor operations in fields treated with pesticides, but also to include workers in or on farms, forests, nurseries, and greenhouses, as well as pesticide handlers who mix, load, apply, or otherwise handle pesticides. The WPS contains requirements for pesticide safety training, notification of pesticide applications, use of personal protective equipment, restricted entry intervals following pesticide application, and decontamination and emergency medical assistance in the event of an accident.

The 1992 WPS requires agricultural employers to assure that before the 6th day of employment (referred to as the grace period) a worker receives basic pesticides safety training before entering any areas on the agricultural establishment where, within the last 30 days, a pesticide has been applied or a restricted entry interval (REI) has been in effect. For the first 5 years after the effective date of the WPS, however, the WPS allows employers up to the 16th day of employment to assure that the worker receives the training. Additionally, workers are required to be retrained at 5–year intervals.

Since the issuance of the 1992 WPS, farmworker groups have expressed an interest in enhancing specific protection measures, while grower groups, the National Association of State Departments of Agriculture and others have expressed an interest in addressing practical, operational concerns. The Agency received various requests and comments in the form of letters, petitions, and individual and public meetings to address concerns with the WPS, some specifically suggesting changes to the training requirements.

In response, EPA proposed five actions to revise elements of the WPS. These actions were published on January 11, 1995 (60 FR 2820), and proposed to:

(1) Shorten the time periods before which employers must train workers and retrain workers and handlers in pesticide safety.

(2) Exempt those who perform crop advising tasks from certain requirements.

(3) Allow early entry to pesticide treated areas to perform certain time-sensitive irrigation activities.

(4) Allow early entry to pesticide treated areas to perform certain time-sensitive activities resulting in ''limited contact'' with pesticide-treated surfaces.

(5) Allow workers to enter areas treated with certain lower risk pesticides after 4 hours rather than 12 hours.

This action addresses the proposed rulemaking to shorten the time periods before which employers must train workers and retrain workers and handlers in pesticide safety. Final determinations on the other four actions mentioned above are being published elsewhere in this issue of the **Federal Register**.

III. Summary of the Final Rule Amendment

The Agency is revising 40 CFR 170.130(a)(3) to require that basic pesticide safety information be provided to workers before entry. New §170.130(a)(3)(iii), the exception for the first 5–year period, allows a 15–day grace period until January 1, 1996. The Agency is thereby accelerating the transition to a 5–day grace period by approximately 2 years.

The Agency is adding a new paragraph § 170.130(c) and redesignating existing paragraphs to specify the content by including a reference to new paragraph (c). The Agency has decided to retain the 5–year retraining interval in § 170.130(a)(1). No other sections of the training provisions are affected by this final action.

IV. Summary of Response to Comments

EPA received 91 comments referring to the pesticide safety training proposal from farm worker groups, individuals, State, commodity groups, and growers. Many comments from farmworker groups were supportive of eliminating a grace period provision and requiring retraining annually. Comments from commodity groups, growers and State Departments of Agriculture expressed concern regarding eliminating a grace period and supported maintaining a grace period and a longer retraining interval. A more detailed summary of the issues addressed by comments is presented below and in the Response to Comments document contained in the public docket.

A. Grace Period and Interim Grace Period

EPA proposed several options: eliminating the grace period (from the current 15 days to 0 days) after 1 year; shortening the grace period from 15 days to between 1 and 5 days; or establishing a weekly training program for those requiring training.

Comments, received primarily from farmworker groups, opposed a grace period of any length stating that training prior to potential exposure would provide greater protection for workers. Other industries which require worker training before potential exposure were cited as examples of how a 0–day grace period could be feasible in agriculture. Comments also stated that a grace period can create greater administrative cost and difficulty with enforcement given diverse crop production practices and high worker turnover.

Growers and many States noted that a training grace period is necessary to cope with unanticipated circumstances that might require hiring large numbers of workers to harvest a crop quickly, for example, and with no time or capacity to train them. Additionally, the U.S. Department of Agriculture (USDA) and others pointed out that the training provisions are supplemental to other WPS provisions, such as central posting, that are intended to prevent or mitigate worker exposure to pesticides and that WPS training is not the primary means to avoid such exposure. USDA comments noted that WPS training is valuable reinforcement for the other WPS protections; however the existence of other methods of risk prevention and mitigation reduces the urgency for workers to have had training prior to the commencement of work at each new job.

Some comments also supported making training available on a weekly basis for similar reasons discussed above, emphasizing the benefit of flexibility, the ability to absorb training costs, and the ability to plan training sessions based on hiring needs and practices. In addition to the options proposed, several comments supported alternative grace period options or providing an orientation session covering basic pesticide safety information before a new employee begins work. The more complete WPS pesticide safety training program would follow.

EPA believes the WPS is comparable, in large measure, to requirements in other industries for training prior to exposure to hazardous chemicals. Pesticide handlers and early-entry workers must be trained prior to applying pesticides or entering treated areas during the restricted-entry interval (REI). The current training grace period applies only to agricultural workers who do not handle pesticides but may be exposed to pesticide residues after the REI. Prior to or in the absence of the worker training, the REI serves its intended purpose of limiting agricultural workers' exposure to pesticides by prohibiting routine early entry to pesticide-treated areas.

EPA agrees that providing training before potential exposure would be more protective than after potential exposure, and that such a requirement would be easier to enforce. EPA strongly recommends that all agricultural employers provide the full WPS pesticide safety training to workers before they are allowed to enter pesticide treated areas on the establishment. However, EPA acknowledges that, given the diversity of agricultural operations across the United States, a training grace period may be needed to provide flexibility to agricultural establishment owners and will likely reduce administrative and compliance costs. EPA believes, that under some circumstances, without a grace period, agricultural employers may be in the position of needing to provide daily training during busy harvest periods. Daily training (estimated to take 30 to 40 minutes at a minimum), along with the need to hire a translator in some cases, could mean a significant loss in time, increase in cost and loss of agricultural productivity. Notwithstanding, EPA believes that it is feasible to provide basic safety information before untrained workers enter treated areas without compromising the flexibility afforded by a 5–day grace period.

Effective January 1, 1996, EPA is requiring that all agricultural employers assure that untrained workers receive basic pesticide safety information before they enter a pesticide treated area on the establishment. The agricultural employer must assure the basic pesticide safety information is communicated to agricultural workers in a manner they can understand (e.g., by providing written materials, handouts, posters, or oral communication or by other means). Employers must be able to verify that they have complied with this requirement. EPA recommends a system which involves employee signature acknowledging receipt of the required information. Other verifiable means of showing compliance would be acceptable. EPA will develop and distribute, in cooperation with USDA and States, a model handout that will contain the basic pesticide safety information to satisfy this requirement. Agricultural employers can use this particular handout, develop their own, or use other materials that contain the basic pesticide safety information required by this rule. No more than five days after initial employment has commenced, all agricultural workers must receive complete WPS pesticide safety training before they enter pesticide treated areas.

A few comments specifically addressed the issue of when the 15–day grace period should expire. Some comments supported keeping the 15–day grace period until October 20, 1997, while others preferred ending the 15–day grace period after 1 year. EPA believes that a year (from implementation) is sufficient time to enhance training programs, acquire training materials and identify translators in the necessary languages. A lengthy (about 2 years) lead time was provided before the training provisions of the 1992 rule were enforceable. The

lead time, until January 1, 1996, allows for a substantial number of workers to be trained before the 5–day grace period is effective. The majority of workers are expected to be trained the first year under a 15–day grace period. Training after the first year is expected to be limited to new entrants to the workforce and those whose training is not recognized by a new employer.

Therefore the Agency has decided to retain a 15–day grace period until January 1, 1996; thereafter a grace period of 5 days will become effective.

EPA is revising § 170.130(a)(3) by adding a new paragraph (i) to require that basic pesticide safety information be provided to workers before entry. The remaining paragraphs in this section are renumbered accordingly. Also EPA is revising § 170.130(a)(3)(iii) to eliminate the 15-day grace period on December 31, 1995 and replace it with a 5-day grace period.

EPA is adding a new paragraph § 170.130(c) to specify the content of the pesticide safety information. The remaining paragraphs in this section are renumbered accordingly and EPA is revising new § 170.130(e) by including a reference to new paragraph (c).

B. Retraining Interval for Workers and Handlers

EPA proposed the following options for the retraining interval: keep the 5 year retraining interval; establish a 3 year retraining interval; or require annual retraining.

The following types of comments were supportive of a 5–year retraining interval: the level of safety information was fairly basic; the training would be easily retained, especially as workers incorporate the training into their work habits; that WPS signs, posters, and supervisor instructions would reinforce worker safety protections. Some comments noted that a 5–year interval would allow States the flexibility to establish a more frequent retraining interval that might better adapt to existing agricultural practices, workforce characteristics and educational and administrative programs in each State. Some comments supported shorter retraining interval for handlers and a 5–year retraining interval for workers.

Some comments supported a 3–year retraining interval for both handlers and workers. A few comments supported a 3–year retraining period for handlers, noting increased risk of exposure for handlers compared to workers.

Numerous comments supported an annual retraining requirement noting the need for repetitive training to improve retention. Some comments supported annual retraining for handlers only. A few comments indicated that training programs and materials were now available to reduce the costs of frequent training. However, many comments specifically noted that annual retraining would increase employer costs, especially for small growers, who may have to secure the services of trainers and interpreters.

EPA has decided to maintain the 5 year retraining interval for workers and handlers. The Agency believes that the 5–year interval is adequate to cover basic safety principles without undue burden. The 5–year retraining interval will continue to allow States and growers the flexibility to tailor their individual retraining intervals to best fit their needs and capabilities.

Therefore, no change is made to the retraining provision in § 170.130(a).

V. Reevaluation of Training Rule

The Agency is adopting this amendment in order to ensure that agricultural workers receive needed training while still providing the agricultural sector flexibility to address practical concerns with regard to the timing and cost of training. As discussed more fully above, the Agency believes that any added risks associated with pesticide exposure of workers from activities conducted during the 5–day grace period will be limited by other requirements in the WPS. EPA intends to reevaluate this decision after it has been implemented, because the WPS program is relatively new and there is relatively little experience either with the practical consequences of compliance or the extent of worker risks under the WPS.

The Agency intends to collect information over the next several growing seasons to evaluate the effectiveness of this amendment. In particular, EPA is interested in determining whether, collectively, the requirements imposed by the WPS successfully protect workers against pesticide poisonings. EPA is also interested in better characterizing the extent and timing of training and in understanding whether the 5–day grace period addresses the needs of growers and workers adequately. Finally, EPA would like to obtain information on the extent of compliance with the conditions in the training requirement and any practical problems with enforcement.

To obtain a better understanding of the implementation and impacts of this amendment, EPA will work with USDA and States to gather relevant information. The Agency will hold public meetings in agricultural areas to provide those directly affected by the WPS—growers, enforcement staff, and agricultural workers—an opportunity to comment on these actions and the WPS rule in general. As appropriate, EPA may conduct surveys and review incident data to assess how the rules are affecting agriculture. The Agency invites any interested person who has concerns about the implementation of this action to send comments to the Agency at the address listed at the beginning of this rule under the **ADDRESSES** section.

VI. Public Docket

A record has been established for the rulemaking and this administrative decision under docket number ''OPP–250097A'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for the rulemaking and this administrative decision, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in **ADDRESSES** at the beginning of this document.

VII. Statutory Review

As required by FIFRA Section 25(a), this rule was provided to the USDA, and to Congress for review. EPA consulted informally with USDA during the development of the final rule and, through this exchange, addressed all of the Department's comments. The final rule was provided formally to USDA, as required by FIFRA. USDA had no

comment on the final rule. The FIFRA Scientific Advisory Panel waived its review.

VIII. Regulatory Assessment Requirements

A. Executive Order 12866

Pursuant to Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this is a ''significant regulatory action'' because it raises potentially novel legal or policy issues. This action was submitted to the Office of Management and Budget (OMB) for review under the Executive Order. Any comments or changes made during OMB review, have been documented in the public record.

The total cost of this regulatory action will depend upon the additional training costs that may be incurred as a result of a shorter training grace period for the period from January 1, 1996 to October 20, 1997, as well as the cost of providing basic safety information to all workers before they enter areas subject to WPS pesticide safety training. The cost of reducing the training grace period from 15 days to 5 days has been estimated by EPA and is presented in the Impact Assessment for the Worker Protection Standard, Training Provisions Rule. EPA has reviewed its Impact Assessment and has determined (with the concurrence of USDA) that whatever the incremental cost of this revision may be, it should be modest and that these additional costs are warranted.

B. Executive Order 12898

Executive Order 12898 (environmental justice) was taken into account in developing the WPS amendments.

C. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, EPA has assessed the effects of this regulatory action on State, local, and tribal governments, and the private sector. This action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector. The costs associated with this action are described in Unit VIII.A. above.

In addition to the consultations prior to proposal, EPA has had several informal consultations regarding the proposed rule with some States through the EPA regional offices and at regularly scheduled State meetings. No significant issues or information was identified as a result of EPA's discussion with the States.

D. Regulatory Flexibility Act

This rule was reviewed under the provisions of sec. 3(a) of the Regulatory Flexibility Act, and it was determined that the rule would not have an adverse impact on small entities. The smallest entities regulated under the Worker Protection Standard are family-operated agricultural establishments with no hired labor. These operations are not subject to the WPS training requirements, and therefore have no training cost associated with this rule. These small entities (with no hired labor) represent about 45 percent of the agricultural establishments within the scope of the WPS. The smallest of those entities which do hire labor are those with only one hired employee. Estimated costs per worker or handler are similar for an establishment with one employee as for larger establishments, causing no significant disproportionate burden on small entities.

I therefore certify that this proposal does not require a separate analysis under the Regulatory Flexibility Act.

E. Paperwork Reduction Act

EPA has determined that there are no information collection burdens under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., associated with the requirements contained in this final amendment.

List of Subjects in 40 CFR Part 170

Environmental protection, Pesticides and pests, Intergovernmental relations, Occupational safety and health, Reporting and recordkeeping requirements.

Dated: April 26, 1995.

Lynn M. Browner,

Administrator.

Therefore, 40 CFR part 170 is amended as follows:

PART 170—[AMENDED]

1. The authority citation continues to read as follows:

Authority: 7 U.S.C. 136w.

2. Section 170.130 is amended by revising the section heading and paragraph (a)(3), redesignating paragraphs (c) and (d) as paragraphs (d) and (e), respectively, adding paragraph (c), and revising newly designated paragraph (e)(1) to read as follows:

§ 170.130 Pesticide safety training for workers.

(a) * * *

(3) *Requirements for other agricultural workers—(i) Information before entry.* As of January 1, 1996, and except as provided in paragraph (a)(2) of this section, before a worker enters any areas on the agricultural establishment where, within the last 30 days a pesticide to which this subpart applies has been applied or the restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been provided the pesticide safety information specified in paragraph (c), in a manner that agricultural workers can understand, such as by providing written materials or oral communication or by other means. The agricultural employer must be able to verify compliance with this requirement.

(ii) *Training before the 6th day of entry.* Except as provided in paragraph (a)(2) of this section, before the 6th day that a worker enters any areas on the agricultural establishment where, within the last 30 days a pesticide to which this subpart applies has been applied or a restricted-entry interval for such pesticide has been in effect, the agricultural employer shall assure that the worker has been trained.

(iii) *Exceptions during interim period.* Until December 31, 1995, and except as provided by paragraph (a)(2) of this section, before the 16th day that a worker enters any areas on the agricultural establishment where, within the last 30 days a pesticide to which this subpart applies has been applied or a restricted-entry interval has been in effect, the agricultural employer shall assure that the worker has been trained. After December 31, 1995 this exception no longer applies.

* * * * *

(c) *Pesticide safety information.* The pesticide safety information required by paragraph (a)(3)(i) shall be presented to workers in a manner that the workers can understand. At a minimum, the following information shall be provided:

(1) Pesticides may be on or in plants, soil, irrigation water, or drifting from nearby applications.

(2) Prevent pesticides from entering your body by:

(i) Following directions and/or signs about keeping out of treated or restricted areas.

(ii) Washing before eating, drinking, using chewing gum or tobacco, or using the toilet.

(iii) Wearing work clothing that protects the body from pesticide residues.

(iv) Washing/showering with soap and water, shampoo hair, and put on clean clothes after work.

(v) Washing work clothes separately from other clothes before wearing them again.

(vi) Washing immediately in the nearest clean water if pesticides are spilled or sprayed on the body. As soon as possible, shower, shampoo, and change into clean clothes.

(3) Further training will be provided within 5 days.

* * * * *

(e) *Verification of training.* (1) Except as provided in paragraph (e)(2) of this section, if the agricultural employer assures that a worker possesses an EPA-approved Worker Protection Standard worker training certificate, then the requirements of paragraph (a) and (c) of this section will have been met.

* * * * *

[FR Doc. 95–10871 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 170

[OPP–250100A; FRL–4928–7]

RIN 2070–AC82

Pesticide Worker Protection Standard; Requirements for Crop Advisors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is amending the 1992 Worker Protection Standard (WPS), by exempting qualified crop advisors from some requirements. EPA is also exempting persons from certain of the WPS requirements while performing crop advising tasks under the direct supervision of a certified or licensed crop advisor. This rule also establishes a grace period for all persons doing crop advising tasks to allow time to acquire certification or licensing.

EFFECTIVE DATE: This rule will become effective July 17, 1995.

FOR FURTHER INFORMATION CONTACT: Donald E. Eckerman, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: Rm. 1121, Crystal Mall #2, 1921 Jefferson Davis Highway., Arlington, VA 22202. Telephone: 703–305–5062, eckerman.donald@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This **Federal Register** document discusses the background and events leading to this final rule amending the WPS; summarizes the public's comments on the provisions of the proposed amendments (60 FR 2827, Jan. 11, 1995); provides EPA's response to comments and final determination with respect to amendment of the crop advisor provisions of the WPS; and provides information on the applicable statutory and regulatory review requirements.

I. Statutory Authority

This rule is issued under the authority of section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136w(a).

II. Background

In 1992, EPA revised the WPS (40 CFR part 170) (57 FR 38102, August 21, 1992), which is intended to reduce the risk of pesticide poisonings and injuries among agricultural workers who are exposed to pesticide residues and to reduce the risk of pesticide poisonings and injuries among pesticide handlers who may face more hazardous levels of exposure. The 1992 WPS superseded a rule promulgated in 1974 and expanded the WPS scope to not only include workers performing hand labor operations in fields treated with pesticides, but also to include workers in or on farms, forests, nurseries, and greenhouses, as well as pesticide handlers who mix, load, apply, or otherwise handle pesticides. The WPS contains requirements for pesticide safety training, notification of pesticide applications, use of personal protective equipment, restricted entry intervals following pesticide application, decontamination supplies and emergency medical assistance.

Under the 1992 WPS, crop advisors are defined by the tasks performed. Specifically, a person is a ''crop advisor'' when assessing pest numbers or damage, pesticide distribution, or the status or requirements of agricultural plants. The term does not include any person who is performing hand labor tasks. Crop consultants, pest control advisors, foresters, scouts and crop advisors while performing crop advising tasks on farms, nurseries, greenhouses and forests are included under the definition of crop advisor in the WPS.

During the 1992 rulemaking, the U.S. Department of Agriculture (USDA) expressed concerns about limiting the access of crop consultants and integrated pest management scouts to treated areas during and immediately following pesticide applications. In response to this concern, EPA included crop advisors in the definition of handlers. Thus, persons performing crop advisor tasks during pesticide application, and any restricted entry interval (REI), could enter treated areas as handlers. Employees of agricultural establishments performing crop-advising tasks in a treated area within 30 days of the expiration of an REI are considered to be workers under 40 CFR part 170. Finally, employees of commercial pesticide handling establishments performing crop advisor tasks in a treated area after the expiration of an REI are not included in the scope of 40 CFR part 170.

Since the issuance of the 1992 WPS, farmworker groups have expressed an interest in enhancing specific protection measures, while grower groups, the National Association of State Departments of Agriculture and others have expressed an interest in addressing practical, operational concerns. The Agency received various requests and comments in the form of letters, petitions, and conversations at individual and public meetings to address concerns with the WPS, some specifically suggesting an exemption for crop advisors.

In response, EPA proposed five actions to revise elements of the WPS. These actions were published on January 11, 1995 (60 FR 2820), and proposed to: (1) Exempt those who perform crop advising tasks from certain requirements; (2) shorten the time periods before which employers must train workers and retrain workers and handlers in pesticide safety; (3) allow early entry to pesticide-treated areas to perform certain time-sensitive irrigation activities; (4) allow early entry to pesticide-treated areas to perform certain time-sensitive activities resulting in ''limited contact'' with pesticide-treated surfaces; and (5) allow workers to enter areas treated with certain lower risk pesticides after 4 hours rather than 12 hours.

This action addresses the proposed rulemaking (NPRM) to exempt those who perform crop advising tasks from certain requirements. The rule amendment established by this action will exempt certified or licensed crop advisors and persons under their direct supervision while performing crop advising tasks from certain handler requirements during the REI and certain worker requirements during the 30-day period after the expiration of the REI. However, crop advisors and persons under their direct supervision will not be able, under this exception, to enter the treated area until after pesticide application ends. If a person is a certified or licensed crop advisor, they will be exempt from the pesticide safety training required for workers and handlers.

Final determinations on the other four actions mentioned above are being

published elsewhere in this issue of the **Federal Register**.

III. Summary of the Final Rule Amendment

EPA is amending the WPS to exempt qualified crop advisors from some requirements. EPA is also exempting persons performing crop advising tasks from some of the WPS requirements, only if the tasks are performed under the direct supervision of a certified or licensed crop advisor. This rule also establishes a grace period for all persons while doing crop advising tasks in order to allow time to acquire certification or licensing.

EPA is including in new §§ 170.104 and 170.204 exemptions for knowledgeable and experienced crop advisors from the requirement of using personal protection equipment (PPE) (§ 170.240), knowledge of labeling and site specific information (§ 170.232), decontamination (§§ 170.150 and 170.250), and emergency assistance (§§ 170.160 and 170.260) requirements of the WPS. The crop advisor exemption applies only to individuals performing crop advising tasks in the treated area and only after application ends. Certified or licensed crop advisors may substitute pesticide safety training received during the certification or licensing program if such training is at least equivalent to the WPS training required by § 170.230.

A temporary grace period for all individuals while performing crop advisor tasks is established until May 1, 1996 to allow time for acquiring certification or licensing.

IV. EPA's Amendment Decision

Based on information submitted in comments and EPA's knowledge and understanding of crop advisor activities, EPA has concluded that an amendment exempting qualified crop advisors and persons they directly supervise is appropriate. Further, based on comments received, EPA believes that crop advisors, through their training and expertise, can assess which risk reduction measures are most appropriate depending on the situation. Finally, EPA believes that crop advisors can successfully communicate these judgments to persons they directly supervise, thereby assuring that both advisors and persons they directly supervise carry out their responsibilities safely.

Crop advisor tasks typically do not require extended periods of time in recently treated fields, thus lessening potential risk of exposure to pesticide residues through direct or incidental contact. Crop advisors commented that in practice, it is typically necessary to wait a period of time after application to properly assess the effectiveness of the recommended treatment. EPA recognizes, however, that some situations may result in substantial exposure to pesticide residues, such as entering greenhouses shortly after fumigation, or entering treated areas during the first 4 hours after an application or before the ventilation criteria/inhalation exposure levels have been met. However, crop advisors, because of their knowledge, training and experience gained in the field, are in a unique position to understand pesticide-related hazards and protect themselves and persons they directly supervise from potential exposure. EPA expects that they would take appropriate protective steps, such as using appropriate PPE, or delaying entering into the treated area, especially where fumigants and double notification pesticides have been used.

The provisions set forth in the exemption provide protective measures for crop advisors and persons they directly supervise. The exemption does not allow entry into the treated area before the application ends and applies only to persons performing crop advisor tasks in the treated area. The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to safely conduct the crop advisor tasks. The crop advisor must convey this information to each person under their direct supervision in a language that the person understands. Before entering a treated area, the crop advisor must inform, through an established practice of communication, each person under their direct supervision of the pesticide product and active ingredient(s) applied, method and time of application, and the restricted entry interval. The crop advisor must instruct each person whom they directly supervise regarding which tasks to undertake and how to contact the crop advisor. EPA believes that these terms will significantly limit exposure to pesticide residues, and consequently, the risk.

This exemption has substantial benefits for crop advisors by allowing them flexibility to make informed judgements regarding the need for protection on a case-by-case basis. The exemption also encourages the use of crop advisors, whose activities support agricultural productivity by maximizing the use of integrated pest management practices while minimizing chemical inputs, creating both environmental and economic benefits.

In summary, in deciding to grant this exemption to crop advisors and persons they supervise, EPA has weighed the risk of possible increased pesticide exposure and the benefits of crop advisor activities during the REI and the 30-day period following the expiration of the REI, and finds ample justification for this exemption for the reasons summarized in this preamble and discussed in detail in the response to comments.

V. Summary of Response to Comments

EPA received 169 comments referring to the crop advisor proposal. Comments were received from States, commodity groups, farmworker groups, and individuals.

In the January 11, 1995 document, EPA proposed to exempt certified or licensed crop advisors and their employees from several provisions of the pesticide WPS while performing crop advisor tasks. A temporary exemption until January 1, 1996 was proposed for all persons performing crop advisor tasks to allow time for crop advisors to obtain certification or licensing.

A. General

EPA proposed to exempt a qualified subset of crop advisors, those who are certified or licensed, from all requirements of the WPS. Acceptable certification or licensing would have to include training at least equivalent to the WPS handler training.

While many comments supported the proposal as written, a number of comments expressed concerns. Farmworker groups and some State Departments of Agriculture stated that crop advisors are not different enough from other workers or handlers and that different WPS requirements for them would not be justified. Representatives of and individual crop advisors stated that they can determine what PPE is needed according to the activities they plan to conduct while in a treated area and that they carry decontamination supplies, including water, with them.

EPA believes that, because of their training and experience, crop advisors typically have considerably greater knowledge about the potential health effects of pesticides and ways to mitigate exposure than many other agricultural workers. Consequently, they are, as a class, capable of judging what actions may safely be conducted within a pesticide-treated area subject to WPS requirements. EPA is persuaded that the exposure for crop advisor tasks is minimal and crop advisor tasks contribute to the maintenance and expansion of integrated pest

management practices in agriculture. EPA has concluded that it is appropriate to allow crop advisors to use their judgment and knowledge to determine whether a treated area may be safely entered during an REI and is granting an exemption from some of the WPS provisions to appropriate persons while they are performing crop-advising tasks.

Some comments requested clarification on the applicability of the exemption to crop advisors in a range of situations, for example, crop advisors employed by a single agricultural establishment, researchers, chemical company representatives, or agricultural extension personnel, etc. The exemption established by this action applies to crop advisors, who have demonstrated training and experience by completion of a crop advisor program, regardless of the source of compensation or employment. The WPS is not applicable to a person or establishment providing services (including crop advising services) on an agricultural establishment without compensation from the agricultural establishment for those services. For example, the WPS would not apply to extension agents, university researchers and chemical company representatives providing recommendations to growers where the agricultural establishment is not providing compensation for those recommendations.

B. Scope of the Exemption

EPA has been persuaded by comments that a complete exemption from all the WPS provisions at all times would not be reasonable. The potential for exposure, and thus risk, is at its highest during pesticide application. Consequently, the exemption will not apply during pesticide application. During the REI and the 30 days following the REI, qualified persons performing crop advising tasks would not be required to comply with PPE (§ 170.240), knowledge of labeling and site specific information (§ 170.232), decontamination (§§ 170.150 and 170.250), and emergency assistance (§§ 170.160 and 170.260) requirements of the rule.

The comments received also persuaded EPA that the exemption should be applicable only when performing crop advising tasks as defined in the rule. Accordingly, section §§ 170.104 and 170.204 make it explicit that the exemption is available only when crop advising tasks are being performed in the treated area, and only after application ends.

Some comments expressed concern that the crop advisor would not know what applications had been made on the agricultural establishment if this exemption were established. It should be noted that § 170.124 requires that agricultural employers notify commercial pesticide handling establishments whenever handlers (including crop advisors) employed by commercial pesticide handling establishments are performing handling tasks (including crop advising tasks) on the agricultural establishment. EPA believes that this requirement of agricultural establishment owners will result in adequate information being provided to crop advisors since the exemption for crop advisors does not eliminate the owner's responsibility under the notification requirement.

C. Certification or Licensing

EPA proposed that, to be eligible for the exemption, crop advisors should be required to obtain certification or licensing from a program administered or approved by a State, Tribal or Federal agency having jurisdiction over such licensing or certification. The certification or licensing program would have to include pesticide safety training at least equivalent to the handler training required by the WPS.

Many comments agreed that the proposed mechanism for eligibility for the exemption was appropriate. Some comments suggested certified applicator licensing as being sufficient. Still others suggested that EPA recognize certain national programs, such as the American Society of Agronomy (ASA) Certified Crop Advisor and the National Alliance of Independent Crop Consultants (NAICC) Certified Professional Crop Consultant programs. Some comments stated that crop advisor certification or licensing is not currently available in all States.

EPA expects each State will determine its own criteria for acceptable programs which will qualify crop advisors for the exemption. States are given this flexibility and authority because a wide range of certifying programs are available across the country. EPA is requiring crop advisor certification programs to contain pesticide safety training at least equivalent to WPS handler training. States may consider and EPA expects and suggests, using a written test for competency, a requirement for experience and continuing education, and a specified renewal period. Most State certified applicator programs would not meet these criteria because EPA does not require work experience for pesticide applicator certification, and a written examination is only required for the initial certification of commercial applicators. However, some States may go beyond the minimum EPA certified applicator requirements and require the testing and experience so that they would meet EPA's suggested crop advisor certification standards.

EPA agrees that a wide range of crop advisor programs may be appropriate for the exemption and has revised and clarified the text in §§ 170.104, 170.130, 170.204, and 170.230 to allow a number of crop advisor programs to be acceptable. EPA expects to approve requests from several national crop advisor certification programs, but will permit States to approve other programs they deem acceptable. EPA or a State may approve (or disapprove) a certification program by issuing to it a letter acknowledging that its content and requirements are (or are not) sufficient to qualify for the WPS crop advisor exemption.

D. Employees

EPA also proposed exempting employees of certified or licensed crop advisors from WPS requirements, except for WPS pesticide safety training.

While most comments supported inclusion of employees, some raised concerns about removing protections for employees. They expressed concern that certified or licensed crop advisors could not adequately transfer their knowledge and experience to employees, especially if the employees were working independently from the crop advisor (e.g., in remote locations). Concern also was raised that crop advising employees are likely to be less educated and experienced than professional crop advisors. Finally, some comments found the proposal unclear regarding who is considered an employee and assumed that the exemption would apply to individuals when performing other than crop advising tasks and therefore could be abused by employers to avoid compliance with the WPS protections.

EPA agrees that it must be clear that any crop advisor exemption applies only to individuals when they are performing crop advising tasks and has revised §§ 170.104 and 170.204 accordingly.

EPA believes that, for this exemption, the employment relationship between crop advisors and assistants is not as critical as the supervisory relationship between them that allows the imparting of knowledge and guidance. Therefore, EPA has decided to refer to employees as ''persons under the direct supervision'' of a crop advisor. Since EPA believes that the important relationship between crop advisors and assistants is one that allows the imparting of knowledge and guidance,

the Agency is concerned that crop advisors must be able to transfer their knowledge and guidance effectively to assistants, particularly if they are not in the same location. Therefore, EPA has established in §§ 170.104 and 170.204 specific conditions in this amendment to assure that crop advisors provide persons they supervise with adequate direction.

E. Grace Period

EPA also proposed to exempt all individuals performing crop advisor activities from all the WPS requirements until January 1, 1996, to allow time for individuals to obtain certification or licensing. After January 1, 1996, only crop advisors who are certified or licensed and employees under their direct supervision would be exempt.

A number of comments pointed out that examinations for certification programs are scheduled infrequently, often only twice a year, and that the January 1, 1996, date would be difficult to meet since one of 1995's exams may have already taken place. One comment suggested a 3-month temporary exemption to minimize the time that all crop advisors would be working without benefit of the WPS protections.

EPA believes that a grace period until May 1, 1996, is a reasonable period to allow crop advisors to obtain certification or licensing. Sections 170.104(c) and 170.204(c) provide that this grace period will apply to all individuals while performing crop advising tasks until May 1, 1996.

VI. Reevaluation of Crop Advisor Exemption

The Agency is adopting this amendment in order to provide the flexibility to crop advisors under the WPS. As discussed more fully above, the Agency believes that any added risks associated with pesticide exposure of those performing crop advisor activities will be outweighed by the benefits of this action. The Agency intends over the next growing seasons to collect information to evaluate the effectiveness of this action. In particular, EPA is interested in determining whether the conditions imposed by this action successfully protect crop advisors and persons under their direct supervision against pesticide poisonings. EPA is also interested in better characterizing the circumstances in which this exclusion is being used and in understanding whether the exclusion addresses the practical problems of performing crop advising tasks adequately. Finally, EPA would like to obtain information on the extent of compliance with the conditions in the exclusion and any practical problems with enforcement.

To obtain a better understanding of the implementation and impacts of this exclusion, EPA will work with USDA and states to gather relevant information. The Agency will hold public meetings in agricultural areas to provide those directly affected by the WPS, growers, enforcement staff, and agricultural workers, an opportunity to comment on these actions and the WPS rule in general. As appropriate, EPA may conduct surveys and review incident data to assess the impact of the exemption. The Agency invites any interested person who has concerns about the implementation of this action to send comments to the Agency at the address listed under the **ADDRESSES** section of this document.

VII. Technical Amendments

EPA is revising §§ 170.202 and 170.102, which exempt owners of agricultural establishments from subparts B and C requirements for workers and handlers, by reorganizing the paragraphs into three sections: for applicability (§§ 170.102 and 170.202), exceptions (§§ 170.103 and 170.203), and exemptions (§§ 170.104 and 170.204). The existing exemptions for agricultural owners are included in the new §§ 170.104 and 170.204. No substantive change has been made to the exemptions for agricultural establishment owners.

VIII. Public Docket

A record has been established for this rulemaking under docket number OPP–250100A. This record is available for public inspection from 8 a.m. to 4:30 p.m., Monday through Friday. The public record is located in Rm. 1132, Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway., Arlington, VA. Written requests should be mailed to: Public Response and Program Resources Branch (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

IX. Statutory Review

As required by FIFRA Section 25(a), this rule was provided to the USDA, and to Congress for review. EPA consulted informally with USDA during the development of the final rule and, through this exchange, addressed all of the Department's comments. The final rule was provided formally to USDA, as required by FIFRA. The Department of Agriculture had no comment on the final rule. The FIFRA Scientific Advisory Panel waived its review.

X. Regulatory Assessment Requirements

A. Executive Order 12866

Pursuant to Executive Order 12866 (58 FR 51735, October 4, 1993), it has been determined that this is a ''significant regulatory action'' because it raises potentially novel legal or policy issues. This action was submitted to the Office of Management and Budget (OMB) for review under the Executive Order. Any comments or changes made during OMB review, have been documented in the public record.

In addition, the Agency estimates that the total potential cost savings associated with the amendment ranges from $20 to $23 million over a 10–year period, with a single crop advisor saving approximately $1,150 over a 10–year period.

B. Executive Order 12898

Executive Order 12898 (environmental justice) was taken into account in developing the WPS amendments.

C. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, EPA has assessed the effects of this regulatory action on State, local, and tribal governments, and the private sector. This action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector. The cost savings associated with this action are described Unit X.A. above.

In addition to the consultations prior to proposal, EPA has had several informal consultations regarding the proposed rule with some States through the EPA regional offices and at regularly scheduled State meetings. No significant issues or information were identified as a result of EPA's discussion with the States.

D. Regulatory Flexibility Act

This rule was reviewed under the provisions of section 3(a) of the Regulatory Flexibility Act, and it was determined that this rule would not have an adverse impact on any small entities. The rule will provide cost savings to an estimated 2,500 to 5,000 crop advisors and an additional 15,000 employees of crop advisors who will be affected. I therefore certify that this regulatory action does not require a separate Regulatory Impact Analysis under the Regulatory Flexibility Act.

E. Paperwork Reduction Act

EPA has determined that there are no information collection burdens under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq., associated with the requirements contained in this rule.

List of Subjects in 40 CFR Part 170

Environmental protection, Administrative practice and procedure, Occupational safety and health, Pesticides and pests.

Dated: April 26, 1995.

Carol M. Browner,

Administrator.

Therefore, 40 CFR part 170 is amended as follows:

PART 170—[AMENDED]

1. The authority citation for part 170 continues to read as follows:

Authority: 7 U.S.C. 136w.

§ 170.103 [Redesignated from § 170.102]

2. Section 170.102 is partially designated as § 170.103 and entitled Exceptions. Paragraph (b) introductory text and paragraphs (b)(1) through (10) are redesignated as § 170.103 introductory text and paragraphs (a) through (j), respectively. The remainder of § 170.102 is revised to read as follows:

§ 170.102 Applicability of this subpart.

Except as provided by §§ 170.103 and 170.104, this subpart applies when any pesticide product is used on an agricultural establishment in the production of agricultural plants.

3. New § 170.104 is added to read as follows:

§ 170.104 Exemptions.

The workers listed in this section are exempt from the specified provisions of this subpart.

(a) *Owners of agricultural establishments.* (1) The owner of an agricultural establishment is not required to provide to himself or members of his immediate family who are performing tasks related to the production of agricultural plants on their own agricultural establishment the protections of:

(i) Section 170.112(c)(5) through (9).

(ii) Section 170.112(c)(5) through (9) as referenced in §§ 170.112(d)(2)(iii) and 170.112(e).

(iii) Section 170.120.

(iv) Section 170.122.

(v) Section 170.130.

(vi) Section 170.135.

(vii) Section 170.150.

(viii) Section 170.160.

(2) The owner of the agricultural establishment must provide the protections listed in paragraph (a)(1)(i) through (viii) of this section to other workers and other persons who are not members of his immediate family.

(b) *Crop advisors.* (1) Provided that the conditions of paragraph (b)(2) of this section are met, a person who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) Section 170.150.

(ii) Section 170.160.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in paragraphs (b)(2)(iii) and (iv) of this section. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(2) Conditions of exemption. (i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in § 170.230(c)(4).

(ii) Applies only when performing crop advising tasks in the treated area.

(iii) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(iv) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide product and active ingredient(s) applied, method of application, time of application, the restricted entry interval, which tasks to undertake, and how to contact the crop advisor.

(c) *Grace period for persons performing crop advisor tasks who are not certified or licensed.* (1) Provided that the conditions of paragraph (c)(2) of this section are met, a person who is neither certified nor licensed as a crop advisor and any person performing crop advising tasks under his direct supervision is exempt until May 1, 1996, from the requirements of:

(i) Section 170.130.

(ii) Section 170.150.

(iii) Section 170.160.

(2) Conditions of exemption. (i) Applies only when the persons are performing crop advising tasks in the treated area.

(ii) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(iii) Before entering a treated area, the crop advisor must inform, through an established practice of communication, each person under his direct supervision of the active ingredient, method of application, time of application, the restricted entry interval, which tasks to undertake, and how to contact the crop advisor.

4. Section 170.130 is amended by revising paragraph (b) to read as follows:

§ 170.130 Pesticide safety training for workers.

* * * * *

(b) *Exceptions.* The following persons need not be trained under this section:

(1) A worker who is currently certified as an applicator of restricted-use pesticides under part 171 of this chapter.

(2) A worker who satisfies the training requirements of part 171 of this chapter.

(3) A worker who satisfies the handler training requirements of § 170.230(c).

(4) A worker who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement, provided that a requirement for such certification or licensing is pesticide safety training that includes all the information set out in § 170.230(c)(4).

* * * * *

§ 170.203 [Redesignated from § 170.202]

5. Section 170.202 is partially redesignated as § 170.203 entitled Exceptions. Paragraph (b) introductory text and paragraphs (b)(1) through (9) are redesignated as § 170.203 introductory text and paragraphs (a) through (i), respectively. The remainder of § 170.102 is revised to read as follows:

§ 170.202 Applicability of this subpart.

Except as provided by §§ 170.203 and 170.204, this subpart applies when any pesticide is handled for use on an agricultural establishment.

6. New § 170.204 is added to read as follows:

§ 170.204 Exemptions.

The handlers listed in this section are exempt from the specified provisions of this subpart.

(a) *Owners of agricultural establishments.* (1) The owner of an agricultural establishment is not required to provide to himself or members of his immediate family who are performing handling tasks on their own agricultural establishment the protections of:

(i) Section 170.210(b) and (c).
(ii) Section 170.222.
(iii) Section 170.230.
(iv) Section 170.232.
(v) Section 170.234.
(vi) Section 170.235.
(vii) Section 170 240(e) through (g).
(viii) Section 170.250.
(ix) Section 170.260.

(2) The owner of the agricultural establishment must provide the protections listed in paragraphs (a)(1)(i) through (ix) of this section to other handlers and other persons who are not members of his immediate family.

(b) *Crop advisors.* (1) Provided that the conditions of paragraph (b)(2) of this section are met, a person who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement, and persons performing crop advising tasks under such qualified crop advisor's direct supervision, are exempt from the provisions of:

(i) Section 170.232.
(ii) Section 170.240.
(iii) Section 170.250.
(iv) Section 170.260.

A person is under the direct supervision of a crop advisor when the crop advisor exerts the supervisory controls set out in paragraphs (b)(2)(iv) and (v) of this section. Direct supervision does not require that the crop advisor be physically present at all times, but the crop advisor must be readily accessible to the employees at all times.

(2) Conditions of exemption. (i) The certification or licensing program requires pesticide safety training that includes, at least, all the information in § 170.230(c)(4).

(ii) No entry into the treated area occurs until after application ends.

(iii) Applies only when performing crop advising tasks in the treated area.

(iv) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(v) Before entering a treated area, the certified or licensed crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide products and active ingredient(s) applied, method of application, time of application, the restricted entry interval, which tasks to undertake, and how to contact the crop advisor.

(c) *Grace period for persons performing crop advisor tasks who are not certified or licensed.* (1) Provided that the conditions of paragraph (c)(2) of this section are met, a person who is neither certified nor licensed as a crop advisor and any person performing crop advising tasks under his direct supervision is exempt until May 1, 1996, from the requirements of:

(i) Section 170.230.
(ii) Section 170.232.
(iii) Section 170.240.
(iv) Section 170.250.
(v) Section 170.260.

(2) Conditions of exemption. (i) No entry into the treated area occurs until after application ends.

(ii) Applies only when the persons are performing crop advising tasks in the treated area.

(iii) The crop advisor must make specific determinations regarding the appropriate PPE, appropriate decontamination supplies, and how to conduct the tasks safely. The crop advisor must convey this information to each person under his direct supervision in a language that the person understands.

(iv) Before entering a treated area, the crop advisor must inform, through an established practice of communication, each person under his direct supervision of the pesticide products and active ingredient(s) applied, method of application, time of application, the restricted entry interval, which tasks to undertake, and how to contact the crop advisor.

7. In § 170.230, by revising the section title and paragraph (b) to read as follows:

§ 170.230 Pesticide safety training for handlers.

* * * * *

(b) *Exceptions.* The following persons need not be trained under this section:

(1) A handler who is currently certified as an applicator of restricted-use pesticides under part 171 of this chapter.

(2) A handler who satisfies the training requirements of part 171 of this chapter.

(3) A handler who is certified or licensed as a crop advisor by a program acknowledged as appropriate in writing by EPA or a State or Tribal lead agency for pesticide enforcement, provided that a requirement for such certification or licensing is pesticide safety training that includes all the information set out in § 170.230(c)(4).

[FR Doc. 95–10872 Filed 5–2–95; 8:45 am]
BILLING CODE 6560–50–F

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40 CFR Part 170

[OPP–250104; FRL–4950–9]

Technical Amendment, Addition of Table of Exception Decisions to Early-Entry Prohibition, Worker Protection Standard; Final Rule

AGENCY: Environmental Protection Agency (EPA).
ACTION: Final rule.

SUMMARY: In the Notices section of this **Federal Register**, EPA is providing notice for two additional administrative exceptions to the general prohibition on early entry into pesticide treated areas contained in the Worker Protection Standard (WPS) issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The exceptions allow, under specific conditions, early entry for workers to perform irrigation and limited contact tasks. Both exceptions are in response to requests the Agency received from the agricultural community. To ensure that the regulated community is aware of these and future administrative exceptions to the early-entry prohibition, EPA is amending the WPS to add a new § 170.112(e)(7) that informs the regulated community where to locate **Federal Register** notices that set forth the terms and conditions of the administrative exceptions.

EFFECTIVE DATE: May 3, 1995.

FOR FURTHER INFORMATION CONTACT: Sara Ager or Linda Strauss, Office of Pesticide Progrms (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: 1921 Jefferson Davis Highway, Rm. 1121, Crystal Mall 2, Arlington, VA 22202, Telephone: 703–305–7666, ager.sara@epamail.epa.gov or strauss.linda@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

EPA issued the WPS on August 21, 1992 (57 FR 38102) (40 CFR part 170). The WPS includes a prohibition (§ 170.112) against routine early entry into pesticide treated areas during restricted-entry interval (referred to as ''early entry''). Section 170.112(e) of the

WPS provides a process for EPA to consider and grant administrative exceptions to this prohibition on early entry. In the Notices section of this **Federal Register**, EPA is granting the second and third such administrative exceptions. EPA is amending § 170.112 by adding two new paragraphs to paragraph (e)(7) identifying the **Federal Register** citations and effective dates for administrative exceptions granted under § 170.112(e).

The addition to paragraph (e)(7) is a technical amendment. It does not make any substantive changes in the WPS or § 170.112. EPA provided notice and an opportunity for comment on the proposed administrative exceptions. Detailed discusssion of the public comments and the Agency's response are found in the Response to Public Comments in the docket.

II. Regulatory Assessment Requirements

A. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), the Agency must determine whether the regulatory action is ''significant'' and therefore subject to review by the Office of Management and Budget (OMB). Under section 3(f), the order defines ''significant regulatory action'' as action that is likely to result in a rule (1) having an annual effect on the economy of $100 million or more, or adversely and materially affecting a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities (also referred to as ''economically significant''); (2) creating serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement, grants, user fees, or loan programs; or (4) raising novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order. Pursuant to the terms of this Executive Order, it has been determined that this rule is not ''significant'' and is therefore not subject to OMB review.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 650(b)), EPA has determined that this technical amendment will not have a significant impact on a substantial number of small businesses since the technical amendment makes no substantive changes in the WPS.

C. Paperwork Reduction Act

This technical amendment contains no information collection requirements as defined in the Paperwork Reduction Act (44 U.S.C. 3502 et seq.)

List of Subjects in 40 CFR Part 170

Administrative practice and procedure, Labeling, Occupational safety and health, Reporting and recordkeeping requirements.

Dated: April 24, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR chapter I, subchapter E, part 170 is amended as follows:

PART 170—[AMENDED]

1. The authority citation for part 170 continues to read as follows:

Authority: 7 U.S.C. 136w.

2. Section 170.112 is amended by adding paragraph (e)(7)(ii) and (iii) to read as follows:

§ 170.112 Entry restrictions.

* * * * *

(e) * * *

(7) * * *

(ii) Exception to perform irrigation tasks under specified conditions published in the **Federal Register** of May 3, 1995.

(iii) Exceptions to perform limited contact tasks under specified conditions published in the **Federal Register** of May 3, 1995.

[FR Doc. 95–10874 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 170

[OPP–250101A; FRL–4950–4]

Exception to Worker Protection Standard Early Entry Restrictions for Limited Contact Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Administrative exception decision.

SUMMARY: EPA is granting an administrative exception to the 1992 Worker Protection Standard (WPS) allowing early entry into pesticide treated areas to perform certain limited contact activities. The exception is in response to a petition that the Agency received from many organizations in the agricultural community. This exception allows workers to perform tasks, which if delayed would result in significant economic loss, and that result in minimal contact with pesticide-treated surfaces, for up to 8 hours per 24-hour period during a restricted entry interval. EPA is granting this exception because it believes the benefits of this exception outweigh any resulting risks and the potential risk from this exception is not unreasonable.

EFFECTIVE DATE: May 3, 1995.

ADDRESSES: The Agency invites any interested person who has concerns about the implementation of this action to submit written comments identified by docket number ''OPP–250101A'' to: By mail: Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–250101A.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit VIII of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Linda Strauss or Joshua First, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Office location, telephone number and e-mail: 1921 Jefferson Davis Highway, Crystal Mall 2, room 1121, Arlington, VA 22202, (703) 305-7371, strauss.linda@epamail.epa.gov or first.josh@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This is one of a series of Agency actions to revise elements of the WPS. These actions were published on January 11, 1995 (60 FR 2820), and proposed to:

(1) Shorten the time periods before which employers must train workers and retrain workers and handlers in pesticide safety.

(2) Exempt those who perform crop advising tasks from certain requirements.

(3) Allow early entry to pesticide treated areas to perform certain time-sensitive irrigation activities.

(4) Allow early entry to pesticide treated areas to perform certain time-sensitive activities resulting in ''limited contact'' with pesticide treated surfaces.

(5) Allow workers to enter areas treated with certain lower risk pesticides after 4 hours rather than 12 hours.

This action addresses allowing early entry to pesticide treated areas to perform certain time-sensitive limited contact activities. Final determinations on the other four actions mentioned above are being published at the same time as this action.

I. Background

On August 21, 1992, EPA issued a final rule (57 FR 38102) revising the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR part 170). The WPS prohibits routine entry by workers into pesticide treated areas during restricted-entry intervals (REIs). An REI is the time after the end of a pesticide application during which entry into the treated area is restricted. Section 170.112(e) of the WPS provides a process for considering exceptions to this prohibition against early entry into treated areas.

In July 1994, EPA was petitioned by a coalition of agricultural organizations to allow individuals to perform tasks involving limited contact with treated surfaces in pesticide treated areas before the expiration of the REI.

EPA considered the petition, held several work sessions with the National Association of State Departments of Agriculture and other co-signers of the petition exploring the need for and scope of limited contact tasks, and proposed granting a nationwide exception for limited contact activities. EPA solicited comments on the proposed exception and received comments supporting and opposing the proposed exception. Information received during the public comment period persuaded EPA that there could be significant economic impacts if certain limited contact tasks were prohibited during the REI.

A. WPS Early Entry Restrictions

In general, the WPS prohibits agricultural workers from entering a pesticide-treated area during the REI. REIs are based on the toxicity of the active ingredient in the product, and other factors. They are specified on the pesticide product label and typically range from 12 to 72 hours or possibly longer where product-specific REIs have been determined.

Additionally, workers engaging in early entry work are not permitted to engage in hand labor, which results in substantial contact with treated surfaces. The WPS defines hand labor as any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants or soil) that may contain pesticide residues.

B. Exceptions to Early Entry Restrictions

Currently, the WPS contains the following exceptions to the general prohibition against worker early entry: Entry resulting in no contact with treated areas; entry allowing short-term tasks to be performed with PPE and other conditions; entry to perform tasks associated with agricultural emergencies; and an exception process for EPA to determine on a case-by-case basis whether entry is warranted for activities not covered in the previous exceptions.

II. EPA's Exception Decision

EPA is granting an exception to the early-entry prohibition to allow limited contact tasks to be performed. This decision is based on the information submitted in comments and EPA's experience over many years of reviewing agricultural practices in connection with pesticide use. EPA has concluded that this exception appropriately balances the potential risk of worker exposure and the significant economic impact which could be incurred if growers are not allowed to perform these necessary tasks. The exception is designed to minimize risk to workers conducting early-entry ''limited contact tasks'' while providing growers the needed flexibility to perform these tasks.

EPA has reviewed information on the risks and benefits associated with granting an exception for necessary limited contact activities and believes that the benefits outweigh the risks. This assessment is based on EPA's evaluation of the risk reduction provided by the provisions contained in this exception and the benefits which may be obtained by allowing the exception. Furthermore, where the benefits outweighed the risks, EPA, in the context of the WPS, has previously made exceptions to the general prohibition against early entry, even for hand labor activities. (See Hand Labor Tasks on Cut Flowers and Ferns Exception at 57 FR 38175, August 21, 1992). Because hand labor as defined in the WPS involves substantial worker contact with surfaces that may contain pesticide residues, and this exception is restricted to limited contact tasks where workers' contact with treated surfaces would be minimal and limited to the workers' feet, lower legs, hands, and forearms, EPA believes that pesticide exposure to workers performing limited contact tasks under the terms of this exception would be less than exposures to workers performing hand labor tasks in the same treated area. Therefore, EPA believes that early entry under the terms of the exception (see Unit IV of this document), will not pose unreasonable risk to workers performing limited contact tasks.

The category of activity envisioned by this exception includes only those ''limited contact tasks'' which cannot be delayed until the expiration of the REI. The definition of a task that cannot be delayed is one that, if not performed before the expiration of the REI, would cause significant economic loss and where there are no alternative practices which would prevent the loss. By this definition, EPA has defined the category of permissible tasks, with significant limits on the type and duration of activity, and the economic circumstances under which the exception can be applied. Taken together, these elements limit the exception to only high-benefit activities.

Further, EPA has included significant provisions which will limit pesticide exposure and risk to employees performing ''limited contact tasks.'' This exception specifically: prohibits hand labor activity; prohibits entry into a treated area during the first 4 hours after a pesticide application and until applicable ventilation criteria and any label-specified inhalation exposure level have been met; limits the time in treated areas under a restricted entry interval for any worker to 8 hours in any 24-hour period; requires that any contact with treated areas by a worker be minimal and limited to feet, lower legs, hands, and forearms; excludes pesticides requiring ''double notification''; requires PPE; directs the agricultural employer to notify workers of specific information concerning the exception; and ensures that the requirements of § 170.112 (c)(3) through (c)(9) are met. These terms will limit worker exposure and, consequently, worker risk.

The WPS's general prohibition against early entry is designed to limit worker exposure during the critical restricted-entry interval. In granting this exception, EPA has weighed the risk to workers against the benefits to be gained from early entry to perform ''limited contact tasks'' and finds justification for this exception. EPA believes that this exception adequately addresses and balances worker exposure concerns with the commercial needs of agriculture.

III. Summary of Major Issues

EPA received over 80 comments on the proposed exception. Comments were received from State agencies, grower groups, farm worker groups, and individuals.

A. Need for Exception

Comments received primarily from growers noted the need for the exception in order to add flexibility and practicality to the WPS, and thereby help ensure grower compliance. Without this exception, growers projected reduced production due to the inability to perform various tasks which would involve minimal contact with surfaces containing pesticide residues but which would need to occur during times where early entry was prohibited. Growers provided examples of situations that would require early entry to perform limited contact tasks such as: Opening windows or vents from the inside of a greenhouse, replacing electrical fuses for pumps, unloading beehives for pollinating crops, placing small equipment (e.g., weather monitoring stations) in fields, performing frost protection measures, removing equipment, and removing livestock from crop areas.

Most comments opposing the exception identified risk to workers as a primary concern. These comments noted the existence of exceptions to early entry in the 1992 WPS and questioned the need for this exception, as well as the ability to properly interpret and enforce the exception.

EPA remains concerned about worker risk during the restricted-entry interval. Additionally, EPA continues to be concerned that even PPE, decontamination supplies, and training may not adequately reduce the risk to workers if an unlimited time is allowed in an area under an REI.

EPA provided the existing WPS early entry exceptions to address short term, time-sensitive, critical, emergency situations. EPA continues to believe that entry to perform routine tasks, particularly hand labor tasks such as harvesting, is rarely needed, especially when the REI is 72 hours or less.

While the existing WPS exceptions cover most unanticipated circumstances necessitating early entry, EPA believes there may be a few occasions when the existing exceptions do not provide the flexibility to deal with non-routine, non-hand labor tasks for more than the one hour that is provided in the short-term entry exceptions. This exception is designed to address such situations, but EPA expects that it will rarely be needed.

EPA believes that the entry requirements set out in this exception acceptably reduces worker contact with pesticide treated surfaces by limiting the duration of the contact; by limiting contact to feet, lower legs, hands, and forearms; by requiring PPE to protect the worker from the treated surfaces; by not allowing hand labor activities, as defined by the WPS, to be performed, as well as by other conditions.

B. Definition of Limited Contact Task

Most comments supported the EPA definition of limited contact in the proposal. Some comments, however, suggest expanding the scope to include hand labor tasks and removing the condition that tasks must be those that cannot be delayed until after the REI.

EPA believes that the exclusion of hand labor is critical to eliminate specific tasks that could result in greater exposure and unacceptable risk. Excluding hand labor tasks from the

definition of ''limited contact task'' will eliminate specific tasks that could result in greater exposure. EPA determined that hand labor tasks could not be performed with limited contact. The WPS defines hand labor as any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues. Allowing hand labor tasks would result in more frequent and longer periods of worker entry into the field. Generally, a worker performing hand labor is likely to have near-constant exposure to plant foliage, plant stems, and soil and therefore, higher exposure to pesticide residues. Therefore the Agency has limited the exception to non-hand labor tasks that are performed by workers that result in minimal contact with treated surfaces (including but not limited to soil, water, surfaces of plants, and equipment), and where such contact with treated surfaces is limited to the forearms, hands, lower legs, and feet.

To establish offsetting benefits to balance the potential risk to workers from early entry for ''limited contact tasks,'' EPA is requiring that the limited contact task must be one that ''cannot be delayed until after the expiration of the restricted entry interval'' and, therefore, would constitute a significant economic loss if not undertaken. The Agency wishes to limit entry in the treated area during the REI and therefore is restricting entry to necessary tasks that cannot be delayed until the expiration of the REI.

C. Two Year Expiration Date

Under the proposal, this exception would have expired 24 months after the implementation date. Most comments were opposed to an expiration date and stated that 2 years was not sufficient time to gather data concerning any documented increase in poisoning incidents. Several comments were in favor of the two-year expiration as a period to be used to monitor the need for further restriction if necessary.

EPA believes that the two-year time period would not provide adequate time for EPA to evaluate the impact of the exception. In general, changes in pesticide use practices do not occur suddenly, and there is often a lag time in reporting and analysis of incident data. Therefore, EPA expects it might be several years before data would be available to evaluate the impact of this exception. Therefore, EPA has decided to remove the 24-month expiration. EPA, of course, may use the procedure in § 170.112(e)(6) to revoke the exception at any time that data become available indicating that such action is necessary.

D. Personal Protective Equipment (PPE)

The Agency has concluded that a generic set of PPE, consisting of coveralls, chemical-resistant gloves and footwear, and socks, should be required for this exception. Several comments requested modifications to this requirement, including removing the requirement for coveralls, substituting long sleeve shirts and long pants for coveralls to avoid the effects of heat stress, making PPE optional, and tailoring PPE requirements to the size of the plant.

Several comments disagreed with eliminating protective eyewear, given that workers will be in recently-treated areas and that residues on workers' hands and gloves can be transferred to the eyes. A number of comments stated that workers should always use label PPE.

EPA is convinced that the use of coveralls, chemical-resistant gloves and footwear, and socks is appropriate for limited contact tasks. Given the nature and range of tasks permitted under this exception EPA has concluded that coveralls are more appropriate than long-sleeved shirts and long pants.

While the terms of the exception require that contact be limited to feet, lower legs, hands, and forearms, EPA believes that incidental, unintended, or unanticipated exposure to other parts of the body besides the lower legs, feet, forearms and hands may be possible and thus, is requiring coveralls as part of the generic PPE. The WPS requires that all PPE, which includes coveralls, be properly cleaned and maintained by agricultural employers. This PPE maintenance includes cleaning according to manufacturer's instructions. In the absence of these instructions, the PPE must be washed thoroughly in detergent and hot water. The PPE must also be inspected for leaks, holes, tears, or worn places before each day of use.

EPA has carefully considered comments supporting required eyewear and reviewed information in its possession that indicates a relatively low incidence of eye injuries to field workers by pesticides. EPA has concluded that rather than create a universal standard for eyewear to be used under the limited contact exception, the use of protective eyewear should be consistent with the early-entry PPE requirement on the labeling. Where eyewear is required on the label for early entry, it is also required for this exception.

In response to concerns regarding heat stress from wearing PPE, EPA has included in the exception a requirement that the agricultural employer assure that no worker is allowed or directed to perform the early-entry activity without implementing, when appropriate, measures to prevent heat-related illness. See Unit V.(7) of this document.

E. Time Allowed in the Treated Area During an REI

The Agency requested comments on the proposal to allow up to 3 hours allowable time to perform limited contact tasks during the REI, but for reasons outlined in this action has decided to allow no more than 8 hours of limited contact activity in a 24-hour period during an REI. Most of the comments requested an unlimited time be allowed for limited contact activities.

Some comments stated that the proposed time limit does not provide the needed flexibility in performing tasks, given the unpredictable and variable nature of farming and the necessity to perform certain tasks. Some comments stated further that without sufficient time, workers might feel pressured to work faster to complete the task, which could lead to safety risks, heat stress and exhaustion. In addition, several comments also stated that the proposed time limit would be difficult to enforce. Finally, several comments supported the proposed time limit for limited contact activities during the REI.

EPA has concluded that up to 8 hours in a 24-hour period in the treated area is sufficient time to perform almost all limited contact tasks. The Agency recognizes that, due to the vagaries of weather, pest populations, etc., unforeseen exigencies frequently occur in agriculture. These circumstances may necessitate more than the one-hour time limit currently allowed in the existing early entry exception. If limited contact activities can be completed in less than 8 hours, the exception does not authorize workers to remain in the treated areas to perform tasks that do not meet all of the conditions of the exception.

EPA concludes that early entry will not result in unreasonable risks to workers performing limited contact tasks, given that the allowable tasks are confined to those tasks that cannot be delayed until after the REI expires, that hand labor tasks are not permissible, and the exception does not apply where ''double notification'' pesticides have been applied. When workers do enter fields, exposure will be limited because of:

(1) The definition of the tasks.

(2) Entry is prohibited for the first 4 hours after a pesticide application and until ventilation criteria and inhalation exposure levels are met.

(3) PPE must be provided and.

(4) The workers must be informed of the safety information on the product labeling.

The Agency recognizes that a time limit for limited contact tasks will be more difficult to enforce than universally prohibiting workers from entering the treated area under any conditions. EPA contends, however, that in this case, administrative ease must be balanced against the agricultural industry's need to cope with critical needs.

F. Exclusion of Double-Notification Pesticides

Entry into areas treated with pesticides requiring ''double notification'' is not allowed under the terms of this exception. The ''double notification'' provision relates to pesticides that are highly toxic, dermally irritating, or have other health effects that set them apart from other pesticides and requires growers to both post the treated area and orally notify workers of the application.

Several commenters opposing the exclusion of double-notification pesticides asserted that the same tasks are necessary for crops treated with these pesticides; they said they believed the risks would be low since workers would have only ''minimal contact with treated surfaces,'' and that PPE would provide adequate protection. Other alternatives proposed included: Allowing entry to fields based on the height of the crop or on the nature of the task, rather than on the toxicity of the pesticide, and reducing the maximum time allowed in fields treated with double notification pesticides.

Another commenter stated that other hazardous pesticides as well as ones posing chronic risk have not been subjected to the double notification requirement and are, therefore, still included under this exception.

The Agency is convinced that allowing workers to enter a field treated with a double-notification pesticide before the expiration of the REI would pose an unreasonable risk. Incidental exposure to double-notification and other highly toxic pesticides, such as brushing against a treated surface, more than with other pesticides, has the potential to cause an acute illness or a delayed effect. There are reports of acute poisonings which have occurred after short-term exposure to many of these highly toxic pesticides. Thus, shortening the period allowed for early entry may still not provide adequate protection. EPA has data demonstrating that the majority of pesticides requiring double-notification are responsible for many reported incidents of worker poisonings. The Agency is prohibiting early entry during the REI to fields treated with pesticide products which require both the posting of treated areas and oral notification to workers (i.e. double-notification).

EPA acknowledges the concern raised by commenters that exclusion of double notification pesticides may not guarantee that all hazardous chemicals are excluded from use under this exception. EPA believes it has excluded a group of pesticides known to be responsible for many poisoning incidents because of their acute toxicity. The Agency believes that worker exposure to other pesticides has been addressed by the stringent terms of this exception.

IV. Definitions and Examples

A. Definitions

This exception defines a ''limited contact task'' as follows:

> A limited contact task is a non-hand labor task performed by workers that results in minimal contact with treated surfaces (including but not limited to soil, water, surfaces of plants, and equipment), and where such contact with treated surfaces is limited to the forearms, hands, lower legs, and feet.

This exception specifically prohibits hand labor activity, as defined by the WPS. The WPS defines ''hand labor'' as follows:

> Any agricultural activity performed by hand or with hand tools that causes a worker to have significant contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues.

B. Examples

Examples of possible limited contact tasks that might qualify for the exception include, but are not limited to: The operation and repair of weather monitoring and frost protection equipment; the repair of greenhouse heating, air conditioning, and ventilation equipment; the repair of non-application field equipment; the maintenance and moving of beehives.

Examples of hand labor activity that is specifically prohibited include, but are not limited to: Harvesting; detasseling; thinning; weeding; caning; girdling; topping; planting; sucker removal; pruning; disbudding; roguing; packing produce into containers in the field.

Hand labor does not include operating, moving, or repairing irrigation or watering equipment or performing the tasks of crop advisors. Hand labor tasks involve substantial contact and have a potential for high exposure.

V. Terms of the Exception

The exception described in this Notice may be used unless early entry is expressly prohibited in product labeling. For example, some labels prohibit entry — including entry that would otherwise be permitted under the WPS and this exception — by any person other than trained and equipped handlers performing handling tasks for specified periods after the application. It should be noted that because this exception allows tasks to be performed during the REI, all persons engaged in irrigation tasks permitted under this exception must be trained.

Under this exception, a trained worker may enter a treated area during a restricted entry interval to perform a limited contact task if the agricultural employer ensures that the following requirements are met:

(1) The need for the task could not have been foreseen and cannot be delayed until after the expiration of the REI. A task that cannot be delayed is one that, if not performed before the REI expires, would cause significant economic loss, and there are no alternative tasks which would prevent significant loss.

(2) No hand labor activity is performed. (The WPS defines ''hand labor'' as any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues.)

(3) The worker's only contact with treated surfaces (including but not limited to soil, water, surfaces of plants, crops), is minimal and is limited to feet, lower legs, hands, and forearms.

(4) The personal protective equipment for early entry must be provided to the worker by the agricultural employer for all tasks. Such personal protective equipment shall either: (a) Conform with the label requirements for early entry PPE; or (b) consist of coveralls, chemical-resistant gloves, socks, and chemical-resistant footwear, and eyewear (if eyewear is required for early entry PPE by the product labeling). In either case, the PPE must conform to the standards set out in § 170.112(c)(4)(i) through (c)(4)(x).

(5) The pesticide product does not have a statement in the pesticide product labeling requiring both the posting of treated areas and oral notification to workers (''double

notification''), or a restriction prohibiting any person, other than an appropriately trained and equipped handler, from entering during the restricted entry interval.

(6) The time in treated areas under a restricted entry interval for any worker does not exceed a maximum of 8 hours in any 24-hour period.

(7) For all limited contact tasks, the requirements of § 170.112(c)(3) through (c)(9) are met. These are WPS requirements for all early entry situations that involve contact with treated surfaces, and include:

(a) A prohibition against entry during the first 4 hours, and until applicable ventilation criteria have been met, and until any label-specified inhalation exposure level has been reached.

(b) Informing workers of safety information on the product labeling.

(c) Provision, proper management, and care of personal protective equipment.

(d) Heat-related illness prevention.

(e) Requirements for decontamination facilities.

(f) Prohibition on taking personal protective equipment home.

(8) The agricultural employer shall notify workers before entering a treated area, either orally or in writing, in a language the worker understands, that:

(a) The establishment is relying on this exception to allow workers to enter treated areas to complete limited contact tasks.

(b) No entry is allowed for the first 4 hours following an application, and until applicable ventilation criteria have been met, and until any label-specified inhalation exposure level has been reached.

(c) The time in a treated area under a restricted-entry interval for any worker cannot exceed 8 hours in any 24 hour period.

EPA reserves the right to withdraw exceptions, in accordance with § 170.112(e)(6), if the Agency receives information or any other data that indicates the health risks posed by activities permitted under the exception are unreasonable, that the provisions of this exception are being abused, or that indicates the exception no longer has benefits that outweigh the risks.

VI. Reevaluation of the Limited Contact Exception

The Agency is adopting this exception in order to provide the flexibility to the agriculture sector to avoid significant economic losses while providing protections for agricultural workers under the WPS. As discussed more fully above, the Agency believes that any added risks associated with pesticide exposure of workers from activities permitted by this action will be limited by the specific conditions imposed in the exception. The Agency intends over the next several growing seasons to collect information to evaluate the effectiveness of this exception. In particular, EPA is interested in determining whether the conditions imposed by this action successfully protect workers against pesticide poisonings. EPA is also interested in better characterizing the circumstances in which this limited contact exception is being used and in understanding whether the exception addresses the needs of growers adequately. Finally, EPA would like to obtain information on the extent of compliance with the conditions in the exception and any practical problems with enforcement.

To obtain a better understanding of the implementation and impacts of this limited contact exception, EPA will work with USDA and states to gather relevant information. The Agency will hold public meetings in agricultural areas to provide those directly affected by the WPS — growers, enforcement staff, and agricultural workers — an opportunity to comment on these actions and the WPS rule in general. As appropriate, EPA may conduct surveys and review incident data to assess how the rules are affecting agriculture. The Agency invites any interested person who has concerns about the implementation of this action to send comments to the Agency at the address listed at the beginning of this document under the ADDRESSES section.

VII. List of Exceptions in 40 CFR 170.112

EPA will be amending § 170.112 of the WPS by adding to § 170.112 new paragraph (e)(7)(iii) referencing this administrative exception for ''limited contact'' tasks and its effective date. EPA will ensure that the regulated community is aware of the terms and conditions of the exception, and is able to locate this and future administrative exceptions. This amendment to paragraph (e) of § 170.112 will be a technical amendment. It does not make any substantive changes in the WPS or in § 170.112.

VIII. Public Docket

A record has been established for the rulemaking and this administrative decision under docket number ''OPP–250101A '' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for the WPS rulemaking and this administrative decision, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

IX. Consultations and Reviews

A. Statutory Reviews

As required by FIFRA section 25(a), this administrative decision was provided to the U.S. Department of Agriculture for review and will be provided to Congress. The FIFRA Scientific Advisory Panel waived its review.

B. OMB Review

This action was submitted to the Office of Management and Budget (OMB) for their informal review. Any comments or changes made during OMB's review have been documented in the public record.

C. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, EPA has assessed the effects of this administative decision on State, local, and tribal governments, and the private sector. This action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector. In fact, this action actually involves a reduction in burden and overall cost.

In addition to the consultations prior to proposal, EPA has had several informal consultations regarding the proposed rule with some States through the EPA regional offices and at regularly scheduled State meetings. No significant issues or information was identified as a result of EPA's discussion with the States.

List of Subjects in 40 CFR Part 170

Environmental protection, Administrative practice and procedure, Labeling, Occupational safety and health, Pesticides and pest.

Dated: April 24, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 95–10875 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 170

[OPP–250098A; FRL–4950–5]

Administrative Exception to Worker Protection Standard Early Entry Prohibition for Irrigation Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Administrative exception decision.

SUMMARY: EPA is granting an administrative exception to the 1992 Worker Protection Standard (WPS) allowing early entry into pesticide treated areas to perform certain irrigation activities. The exception is in response to formal requests the Agency received from the States of California and Hawaii, a petition from many organizations in the agricultural community, and informal requests from other States. The exception allows workers to perform necessary irrigation activities, which if delayed could cause significant economic loss, and that result in minimal contact with pesticide-treated surfaces, for a maximum of 8 hours in a 24–hour period during a restricted-entry interval (REI). EPA is granting this exception because it believes the benefits outweigh the risks and the potential risk from this exception is not unreasonable.

EFFECTIVE DATE: May 3, 1995.

ADDRESSES: The Agency invites any interested person who has concerns about the implementation of this action to submit written comments identified by docket number ''OPP–250098A'' to: By mail: Public Response and Program Resources Branch, Field Operations Division (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: opp-docket@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number ''OPP–250098A.'' No Confidential Business Information (CBI) should be submitted through e-mail. Electronic comments on this document may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found in Unit VII of this document.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the Virginia address given above from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

The exception requests and all comments submitted on the proposed exception are available for public inspection in the Office of Pesticide Programs' public docket, Rm. 1132, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: Sara Ager, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 1921 Jefferson Davis Highway, Rm. 1121, Crystal Mall #2, Arlington, VA, (703) 305–7666, ager.sara@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: This is one of a series of Agency actions to revise elements of the WPS. These actions were published on January 11, 1995 (60 FR 2820), and proposed to: (1) Shorten the time periods before which employers must train workers and retrain workers and handlers in pesticide safety; (2) exempt those who perform crop advising tasks from certain requirements; (3) allow early entry to pesticide-treated areas to perform certain time-sensitive irrigation activities; (4) allow early entry to pesticide-treated areas to perform certain time-sensitive activities resulting in ''limited contact'' with pesticide treated surfaces; and (5) allow workers to enter areas treated with certain lower risk pesticides after 4 hours rather than 12 hours. This action addresses allowing early entry to pesticide-treated areas to perform certain time-sensitive irrigation activities. Final determinations on the other four actions mentioned above are being published elsewhere in this issue of the **Federal Register**.

I. Background

On August 21, 1992, EPA issued a final rule (57 FR 38102) revising the Worker Protection Standard (WPS) for agricultural pesticides (40 CFR part 170). The WPS prohibits routine entry by workers into pesticide-treated areas during REIs. An REI is the time after the end of a pesticide application during which entry into the treated area is restricted. Section 170.112(e) of the WPS provides a process for considering exceptions to this prohibition against early entry to treated areas.

In 1994, both California and Hawaii specifically requested that EPA grant an exception to allow early entry to pesticide-treated areas, prior to the expiration of the REI, to perform necessary irrigation tasks involving limited contact with treated surfaces. Specifically, the Agency was asked to consider allowing unlimited early entry during the REI if workers would not have substantial contact with pesticide-treated surfaces. The Agency was also asked to consider establishing a single requirement for personal protective equipment (PPE) that could be worn by irrigation workers.

The irrigation exception requests from California and Hawaii, and a petition from a coalition of agricultural and commodity groups, persuaded EPA that there is a potential for significant economic impact if growers could not tend to irrigation tasks in a timely manner due to REIs. In response to these requests, EPA proposed a national exception for irrigation activities to be performed within the REI, provided certain conditions were met.

EPA received comments supporting and opposing the proposed exception.

Information received during the public comment period persuaded EPA that there could be significant economic impact if irrigation activities, resulting in minimal contact, were prohibited during the REI. EPA has been persuaded by comments that the irrigation tasks are relevant to the production of a wide variety of agricultural plants across a broad geographic area.

A. WPS Early Entry Restrictions

In general, the WPS prohibits agricultural workers from entering a pesticide-treated area during the REI. REIs are based on the toxicity of the active ingredient in the product and other factors. They are specified on pesticide product labels and typically range from 12 to 72 hours or possibly longer where product-specific REIs have been determined.

Additionally, workers engaging in early-entry work are not permitted to engage in hand labor, which results in substantial contact with treated surfaces. The WPS defines hand labor as any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants or soil) that may contain pesticide residues.

B. WPS Exceptions to Early Entry Restrictions

Currently, the WPS contains the following exceptions to the general prohibition against worker early entry: entry resulting in no-contact with treated areas; entry allowing short-term tasks, with required PPE and other conditions; entry to perform tasks associated with agricultural emergencies; and an exception process for EPA to determine on a case-by-case basis whether entry is warranted for activities not covered in the previous exceptions.

II. EPA's Exception Decision

EPA is granting an exception to the early-entry prohibition to allow irrigation tasks to be performed. Based on the information submitted in comments and EPA's experience over many years of reviewing agricultural practices in connection with pesticide use, EPA has concluded that this exception appropriately balances the potential risk of worker exposure and the significant economic impact which could be incurred if growers are not allowed to tend to irrigation tasks at necessary times.

The exception is designed to minimize risk to workers conducting early-entry irrigation tasks while providing growers the needed flexibility to irrigate their crops. EPA has reviewed information on the risks and benefits associated with granting an exception for necessary irrigation activities and believes that the benefits outweigh the risks. This assessment is based on EPA's evaluation of the risk reduction provided by the provisions contained in this exception and the benefits which may be obtained by allowing the exception. Furthermore, where the benefits outweighed the risks, EPA has, in the context of the WPS, previously made exceptions to the general prohibition against early entry, even for hand labor activities. [See Hand Labor Tasks on Cut Flowers and Ferns Exception (57 FR 38175, August 21, 1992)]. Because hand labor as defined in the WPS involves substantial worker contact with surfaces that may contain pesticide residues, and this exception is limited to irrigation tasks where workers' contact with treated surfaces would be minimal and limited to the workers' feet, lower legs, hands, and forearms, EPA believes that pesticide exposure to workers performing irrigation tasks under the terms of this exception would be less than exposures to workers performing hand labor tasks in the same treated area. Therefore, EPA believes that early entry under the terms of the exception (see unit IV of this document), will not pose unreasonable risk to irrigation workers.

The category of activity envisioned by this exception includes only those irrigation tasks which cannot be delayed until the expiration of the REI. The definition of a task that cannot be delayed is one that, if not performed before the expiration of the REI, would cause significant economic loss and where there are no alternative practices which would prevent the loss. By this definition, EPA has defined a category of tasks with significant limits placed on the type and duration of activity in which a worker can be engaged and the economic circumstances under which the exception can be applied. Taken together, these elements limit the exception to only high-benefit activities.

Further, EPA has included significant provisions which will limit pesticide exposure and risk to irrigation workers. This exception specifically forbids hand labor activity; prohibits entry into a treated area during the first 4 hours after a pesticide application and until applicable ventilation criteria and any label-specified inhalation exposure level have been met; limits the time in treated areas under a REI for any worker to 8 hours in any 24-hour period; requires that any contact with treated areas by a worker be minimal and limited to feet, lower legs, hands, and forearms; excludes pesticides requiring double-notification; requires PPE; directs the agricultural employer to notify workers of specific information concerning the exception; and ensures that the requirements of § 170.112(c)(3)–(c)(9) are met. These terms will limit worker exposure and, consequently, worker risk.

The WPS's general prohibition against early entry is designed to limit worker exposure during the critical REI. In granting this irrigation exception, EPA has weighed the risk to irrigation workers against the benefits of early-entry irrigation activities and finds justification for this exception. EPA believes that this exception adequately addresses and balances worker exposure concerns with the commercial needs of agriculture.

III. Summary of Major Issues

EPA received over 80 comments on the proposed irrigation exception. Comments were received from State agencies, grower groups, farmworker groups, and individuals.

A. Need for the Exception

An exception for allowing irrigation activities is needed because failure to irrigate crops in a timely manner could cause a significant economic impact. The existing exceptions do not adequately address irrigation needs.

Commenters described many circumstances where failure to irrigate before the expiration of the REI could cause a significant economic impact. Comments from nurseries and greenhouses stated that frequently they need to water more than once a day. Several commenters stated their dependency on the irrigation districts for water and noted that often a grower has only a few hours notice before water arrives from the irrigation contractor. USDA cited the need for the exception for United States agriculture to be competitive in international markets.

EPA agrees with these comments, and is persuaded that it is necessary to allow early entry during the REI to perform irrigation activities. EPA has written specific restrictions into this exception to reduce risk to irrigators.

B. Geographic Limitation

The States of California and Hawaii formally requested an exception for irrigation activities. In response to other States, informally expressing the need to irrigate before the expiration of the REI, the Agency requested comments on the need for a national exception. Comments were received from: Arkansas, Arizona, California, Delaware, Florida, Hawaii, Illinois, Kansas, Louisiana, Maryland, Missouri,

Montana, North Carolina, New Jersey, New York, Ohio, Oregon, Pennsylvania, Texas, and Washington. Most comments opposed a geographic limitation and several commenters stated their irrigation needs were similar to California and Hawaii. The greenhouse and nursery industry, which is national in scope, expressed the importance of watering-in pre-emergent herbicides. One commenter stated that a geographic limitation could pose an economic disadvantage to parts of the country where the exception is not applicable. However, another commenter stated, that a national exception would heighten the risk of poisonings and another commenter stated, that criteria should be established and applied on a case-by-case basis.

Based on the comments received, EPA has concluded that a nationwide irrigation exception is necessary. Although irrigation practices and the circumstances in which irrigation is employed vary considerably throughout the country, the need for early entry to perform irrigation tasks, that cannot be delayed without incurring significant economic loss, is common nationwide. The provisions of the exception which define the category of acceptable tasks limits those activities to ones which are needed nationwide. Granting exceptions for certain geographic areas is appropriate to address local, particularized needs. But in the present instance, EPA believes that such a case-by-case approach is unwarranted and overly burdensome given that the need is common and amenable to a more generalized exception.

The disruption of needed irrigation can lead to significant and even catastrophic economic losses. All types of irrigation require occasional maintenance, repair or adjustment necessitating early entry. This exception will allow such activities during the REI only if the failure to act during the REI will result in significant economic loss. By limiting the exception in this manner, EPA intends to prevent use of the exception for routine irrigation activities.

Furthermore, EPA's analysis takes into account the concern that this exception should adequately protect worker safety. Among other limitations to ensure appropriate protection for irrigation workers, EPA is limiting the tasks that may be engaged in by time (a maximum of 8 hours during any 24–hour period), necessity, and economic impact. These measures will provide workers with adequate protection while allowing growers the needed flexibility to prevent significant economic losses due to problems with their irrigation systems.

C. Two-Year Expiration Date

Under the proposal, this exception would have expired 24 months after the implementation date. Most commenters were opposed to an expiration date and stated that 2 years was not sufficient time to gather data concerning any documented increase in incidents. Several commenters were in favor of the 2–year expiration as a period to be used to monitor the need for further restriction if necessary.

EPA agrees with comments opposed to the 24–month expiration. The 2–year time period would not provide adequate time for EPA to evaluate the impact of the exception date. In general, changes in pesticide use practices do not occur suddenly, and there is often a lag time in reporting and analysis of incident data. Therefore, EPA expects it might be several years before data would be available to evaluate the impact of this exception. EPA, of course, may use the procedure in § 170.112(e)(5) to revoke the exception at any time that data become available indicating that such action is necessary.

D. Personal Protective Equipment (PPE)

The Agency was asked to consider establishing a generic PPE set. Since irrigation workers may work in several different treated areas, they could be required to comply with several different label requirements for PPE. EPA proposed a generic PPE set which would consist of coveralls, chemical resistant gloves, socks, and chemical resistant footwear. EPA proposed that the employer may choose to provide employees with PPE that either: (a) conforms with the label requirements for early-entry PPE; or (b) conforms with the generic PPE. The proposed alternative generic PPE requirement includes eyewear, if on the label.

Several commenters expressed concern that irrigators may be at risk of heat stress from performing strenuous tasks in coveralls. Several commenters maintained that bodily contact with treated surfaces would be limited to areas protected by gloves and boots. One commenter mentioned that the use of gloves would be impractical for certain tasks.

Some commenters stated that the complete PPE was necessary because it could not be assumed that exposure would be only to feet, lower legs, hands and forearms. It was mentioned that irrigators may not have considerable contact with foliage, but do have significant contact with contaminated soil and pipes. Several commenters responded favorably to the option of wearing generic PPE, in lieu of the label requirements, because it would reduce confusion for irrigators entering multiple fields in a single day. One commenter opposed the use of generic PPE, in lieu of the label PPE, because irrigation workers will be exposed through incidental exposure, such as residues dripping from orchards, irrigation water, or wiping perspiration from the face. Even while wearing PPE, injuries have been reported.

EPA has concluded that rather than require eyewear as part of the generic PPE, the use of protective eyewear should be consistent with the early-entry PPE requirement on the labeling. EPA is not requiring respiratory equipment because the exception expressly prohibits workers from entering treated fields during the first 4 hours after application and until applicable ventilation criteria have been met, and until any label-specified inhalation exposure level has been reached.

While the terms of the exception require that the contact be limited to feet, lower legs, hands, and forearms, the Agency believes that incidental, unintended, or accidental exposure to other parts of the body, besides the lower legs, feet, forearms and hands, may be possible and thus, is requiring coveralls as part of the generic PPE. The WPS requires that PPE not be worn home and that it must be properly maintained by agricultural employers. The requirement for coveralls could decrease exposure risk to residues from long-sleeved shirts and long pants which could be worn home.

In response to concerns regarding heat stress from wearing PPE, EPA notes that the agriculture employer is required, under unit IV.7 of this document, to assure that no worker is allowed or directed to perform the early-entry activity without implementing, when appropriate, measures to prevent heat-related illness.

E. Time Allowed in the Treated Area

EPA proposed that the time in treated areas under the REI for each worker not exceed 8 hours in any 24–hour period.

Many comments recommended unlimited entry during the REI for irrigation. Several commenters favored the 8–hour limit in any 24–hour period and one commenter said it would be difficult and uncommon for an irrigator to exceed 8 hours in a treated area during even the longest work shift. One commenter indicated that pesticide-treated surfaces cannot be controlled and that PPE may not adequately protect for 8 hours. It was also suggested that

time in the treated area should be determined by the toxicity of the chemical, allowing up to 6 hours per 24–hour period.

EPA has designed this exception by balancing the benefits of giving employers the flexibility to perform irrigation tasks against the added risks resulting from increased exposure during early entry. In this case, one way to limit risk is to limit exposure to 8 hours, rather than to allow unlimited entry as commenters requested. Entry for up to 8 hours affords employers considerably more flexibility in using workers than a shorter period. EPA is retaining the 8 hours maximum time allowed within a 24–hour period. The Agency concludes that this is a sufficient amount of time to address most irrigation needs and, after considering this provision in combination with the other protections required under this exception, that the benefits of an 8–hour period outweigh the risk of exposure in that period.

F. Exclusion of Double-Notification Pesticides

Entry into areas treated with pesticides requiring double notification is not allowed under the terms of this exception. The ''double-notification'' provision relates to pesticides that are highly toxic, dermally irritating, or have other health effects that set them apart from other pesticides and requires growers to both post the treated area and orally notify workers of the application.

Several commenters opposing the exclusion of double-notification pesticides, asserted that the same tasks are necessary and believed the risks would be low since workers would have only ''minimal contact with treated surfaces'' and that PPE would provide adequate protection. Other alternatives proposed included: allowing entry to fields based on the height of the crop or on the nature of the task rather than the toxicity of the pesticide; and reducing the maximum time allowed in fields treated with double-notification pesticides.

Several commenters supported excluding double-notification pesticides and one commenter stated that the double-notification pesticides should also be excluded from the other exceptions. One commenter stated that category B or C carcinogens, identified as developmental or reproductive toxins or known to be sensitizers, and pesticides with the signal word DANGER should also be excluded from the exception. Another commenter expressed concern over the methodology of compiling the double-notification list and expressed concern regarding other risky pesticide exposures, especially from the standpoint of eye exposure and chronic toxicity.

The Agency is convinced that allowing workers to enter a field treated with a double-notification pesticide before the expiration of the REI would pose an unreasonable risk. Incidental exposure to double-notification pesticides, such as brushing against a treated surface, more than with other pesticides, has the potential to cause an acute illness or a delayed effect. There are reports of acute poisonings which have occurred after short-term exposure to many of these highly-toxic pesticides. Thus, shortening the period allowed for early entry may still not provide adequate protection. EPA has data demonstrating that the majority of pesticides requiring double-notification are responsible for many reported incidents of worker poisonings. The Agency is prohibiting early entry during the REI to fields treated with pesticide products which require both the posting of treated areas and oral notification to workers (i.e. double-notification).

G. Notification Requirements to Workers

The exception proposed 10 posting requirements. Many of these requirements duplicated requirements of the WPS and one (the posting of the 2–year expiration date) is no longer relevant.

The Agency is requiring growers that use this exception to inform workers, either in writing or orally in language the worker understands, that: (1) The establishment is relying on the irrigation exception to allow workers to enter treated areas to complete irrigation tasks; (2) no entry is allowed for the first 4 hours following an application, and until applicable ventilation criteria have been met, and until any label-specified inhalation exposure level has been reached; and (3) the time in the treated area under a REI for any worker may not exceed 8 hours in any 24–hour period.

H. Poisoning Information

Several commenters supplied the Agency with poisoning incident data. Many poisoning incidents, while involving irrigators, appear to be accidents and would not be affected by this exception. Also, many of these pre-WPS incidents would constitute non-compliance with the federal WPS requirements if they had been in effect. These incidents have reinforced the Agency's conclusion about the potential for risk reduction by wearing PPE when entering treated fields before the REI expires.

Implementation of the WPS will reduce the number of pesticide-related incidents by requiring irrigators to wear PPE if entering before the REI expires and by not allowing any entry until the 4 hours after application and until inhalation/ventilation criteria have been met.

IV. Terms of the Exception

The terms of the exception are essentially the same as those proposed in the **Federal Register** of January 11, 1995 (60 FR 2830), with two minor differences; the final exception is not limited to 2 years and the 10 posting requirements have been changed to 3 notification requirements. It should be noted that because this exception allows tasks to be performed during the REI, all persons engaged in irrigation tasks under this exception must be trained.

The exception described in this document may be used unless early entry is expressly prohibited in product labeling. For example, some labels prohibit entry--including entry that would otherwise be permitted under the WPS and this exception--by any person other than trained and equipped handlers performing handling tasks for specified periods after the application.

Under the terms of this exception, a trained worker may enter a treated area during a REI to perform tasks related to operating, moving, or repairing irrigation or watering equipment, if the agricultural employer ensures that all of the following requirements are met:

1. The need for the task could not have been foreseen and cannot be delayed until after the expiration of the REI. A task that cannot be delayed is one that, if not performed before the REI expires, would cause significant economic loss, and there are no alternative practices which would prevent significant loss.

2. No hand labor activity is performed. (The WPS defines ''hand labor'' as any agricultural activity performed by hand or with hand tools that causes a worker to have substantial contact with surfaces (such as plants, plant parts, or soil) that may contain pesticide residues.)

3. The worker's only contact with treated surfaces (including but not limited to soil, water, surfaces of plants, crops, and irrigation equipment) is minimal and is limited to feet, lower legs, hands, and forearms.

4. The PPE for early entry must be provided to the worker by the agricultural employer for all tasks. Such PPE shall either: (a) conform with the label requirements for early-entry PPE; or (b) consist of coveralls, chemical resistant gloves, socks, and chemical

resistant footwear, and eyewear (if eyewear is required for early-entry PPE by the product labeling). In either case, the PPE must conform to the standards set out in § 170.112(c)(4)(i) through (c)(4)(x).

5. The pesticide product does not have a statement in the pesticide product labeling requiring both the posting of treated areas and oral notification to workers (double notification), or a restriction prohibiting any person, other than an appropriately trained and equipped handler, from entering during the REI.

6. The time in treated areas under a REI for any worker does not exceed a maximum of 8 hours in any 24–hour period.

7. For all irrigation tasks, the requirements of § 170.112(c)(3)–(c)(9) are met. These are WPS requirements for all early-entry situations that involve contact with treated surfaces, and include:

i. A prohibition against entry during the first 4 hours, and until applicable ventilation criteria have been met, and until any label specified inhalation exposure level has been reached.

ii. Informing workers of safety information on the product labeling.

iii. Provision, proper management, and care of PPE.

iv. Heat-related illness prevention.

v. Requirements for decontamination facilities.

vi. Prohibition on taking PPE home.

8. The agricultural employer shall notify workers before entering a treated area, either orally or in writing, in a language the worker understands, that:

i. The establishment is relying on this exception to allow workers to enter treated areas to complete irrigation tasks.

ii. No entry is allowed for the first 4 hours following an application, and until applicable ventilation criteria have been met, and until any label-specified inhalation exposure level has been reached.

iii. The time in a treated area under a REI for any worker cannot exceed 8 hours in any 24–hour period.

EPA reserves the right to withdraw exceptions, in accordance with § 170.112(e)(6), if the Agency receives information or any other data that indicates the health risks posed by activities permitted under the exception are unreasonable, that the provisions of this exception are being abused, or that indicates the exception no longer has benefits that outweigh the risks.

V. Reevaluation of Irrigation Exception

The Agency is adopting this exception in order to provide the flexibility to the agriculture sector to avoid significant economic losses while still providing agricultural workers protection under the WPS. As discussed more fully above, the Agency believes that any added risks associated with pesticide exposure of irrigation workers, from activities permitted by this action, will be limited by the specific conditions imposed in the irrigation exception. The Agency intends, over the next several growing seasons, to collect information to evaluate the effectiveness of this exception. In particular, EPA is interested in determining whether the conditions imposed by this action successfully protect workers against pesticide poisonings. EPA is also interested in better characterizing the circumstances in which this exception is being used and in understanding whether the exception addresses the needs of growers adequately. Finally, EPA would like to obtain information on the extent of compliance with the conditions in the irrigation exception and any practical problems with enforcement.

To obtain a better understanding of the implementation and impacts of this irrigation exception, EPA will work with USDA and States to gather relevant information. The Agency will hold public meetings in agricultural areas to provide those directly affected by the WPS--growers, enforcement staff, and agricultural workers--an opportunity to comment on these actions and the WPS rule in general. As appropriate, EPA may conduct surveys and review incident data to assess how the rules are affecting agriculture. The Agency invites any interested person who has concerns about the implementation of this action to send comments to the Agency at the address listed at the beginning of this Notice under FOR FURTHER INFORMATION CONTACT.

VI. List of Exceptions in 40 CFR 170.112

In a technical amendment published elsewhere in this issue of the **Federal Register**, EPA is amending § 170.112 of the WPS by adding to § 170.112(e)(7) a referencing of this administrative exception for irrigation tasks and its effective date. EPA will ensure that the regulated community is aware of the terms and conditions of the exception, and is able to locate this and future administrative exceptions. The technical amendment to § 170.112(e)(7) does not make any substantive changes in the WPS or in § 170.112.

VII. Public Docket

A record has been established for the WPS rulemaking and this administrative decision under docket number ''OPP–250098A'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132 of the Public Response and Program Resources Branch, Field Operations Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

Electronic comments can be sent directly to EPA at:

opp-docket@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

The official record for the WPS rulemaking and this administrative decision, as well as the public version, as described above will be kept in paper form. Accordingly, EPA will transfer all comments received electronically into printed, paper form as they are received and will place the paper copies in the official rulemaking record which will also include all comments submitted directly in writing. The official rulemaking record is the paper record maintained at the address in ''ADDRESSES'' at the beginning of this document.

VIII. Consultations and Reviews

A. Statutory Reviews

As required by FIFRA section 25(a), this administrative decision was provided to the U.S. Department of Agriculture and to Congress for review. The FIFRA Scientific Advisory Panel waived its review.

B. OMB Review

This action was submitted to the Office of Management and Budget (OMB) for their informal review. Any comments or changes made during OMB's review have been documented in the public record.

C. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, EPA has assessed the effects of this administrative decision on State, local, and tribal governments, and the private sector. This action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the

private sector. In fact, this action actually involves a reduction in burden and overall cost.

In addition to the consultations prior to proposal, EPA has had several informal consultations regarding the proposed rule with some States through the EPA regional offices and at regularly scheduled State meetings. No significant issues or information were identified as a result of EPA's discussion with the States.

List of Subjects

Environmental protection, Administrative practice and procedure, Labeling, Occupational safety and health, Pesticides and pest.

Dated: April 24, 1995.

Lynn R. Goldman,

Assistant Administrator for Prevention, Pesticides and Toxic Substances.

[FR Doc. 95–10873 Filed 5–2–95; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 156

[OPP–00399A; FRL–4950–8]

Worker Protection Standard; Reduced Restricted Entry Intervals for Certain Pesticides

AGENCY: Environmental Protection Agency (EPA).

ACTION: Policy Statement.

SUMMARY: EPA is issuing a final policy statement on ''Reduced Restricted Entry Intervals for Certain Pesticides.'' EPA will allow registrants to reduce the interim Worker Protection Standard (WPS) restricted entry intervals (REIs) from 12 to 4 hours for certain low risk pesticides. EPA developed a two Tiered screening process to determine the eligibility of all Toxicity Category III and IV pesticides. The first Tier screened all Toxicity III and IV active ingredients against the low toxicity criteria. This policy statement contains a candidate list of those active ingredients that meet the low toxicity criteria, and may be eligible for reduced REIs. End use products containing active ingredients that appear on the list are to be evaluated by the criteria set in the second Tier of the screening process, described in this policy, to determine if the current REI may be reduced to 4 hours.

EFFECTIVE DATE: This policy will become effective May 3, 1995.

FOR FURTHER INFORMATION CONTACT: Judy Smith or Ameesha Mehta, Office of Pesticide Programs (7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number, and e-mail address: 1921 Jefferson Davis Highway, Crystal Mall #2, Rm. 1121, Arlington, VA, (703) 305–7371, smith.judy@epamail.epa.gov or mehta.ameesha@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: The Agency is issuing a final policy statement that allows registrants to reduce the current interim Worker Protection Standard (WPS) restricted entry intervals (REIs) from 12 to 4 hours for certain low risk pesticides. This policy is one of a series of Agency actions since the publication of the final WPS in August 1992. In addition, EPA is also publishing final actions regarding: (1) Worker training requirements; (2) allowing early entry for irrigation activities; (3) allowing provisions for limited contact activities; and, (4) reduced requirements for crop advisors. Final determinations on the other four actions mentioned above are being published elsewhere in this issue of the **Federal Register**.

I. Summary of the Policy

EPA will permit registrants to reduce the current interim WPS REIs from 12 to 4 hours for pesticides which contain specific active ingredients and which meet certain additional criteria. Using the criteria described in Unit III of this policy statement, the Agency screened a total of 495 active ingredients and determined that over 100 active ingredients met the low toxicity criteria. As a result, end use products containing these active ingredients may be eligible for a reduced REI. Unit IV of this policy statement lists the candidate active ingredients that the Agency has determined meet the low toxicity criteria.

Registrants of end use products which are subject to WPS, and which contain only these active ingredients may apply the criteria in Unit VI of this policy statement to determine whether their end use product qualifies for the reduced REI. To revise labeling to reflect the reduced REI, the Agency will allow registrants to use a streamlined notification process process which is described in this policy statement until December 31, 1995. After that date, registrants must use the existing registration label amendment process to submit an application for a reduced REI. Such applications would be evaluated and approved on the basis of the criteria provided in this policy statement.

If the Agency becomes aware of information and determines at any time that the reduced REI is not appropriate, EPA will inform and, after opportunity for discussion, may direct the registrant to revise the REI on the label.

If any person believes that an active ingredient, not listed as a candidate for reduced REI in Unit IV of this policy statement, meets the low toxicity criteria of this policy statement, and that the end use products containing that active ingredient should be eligible for a reduced REI, the registrant should contact EPA at the address provided in the FOR FURTHER INFORMATION CONTACT unit.

II. Background

The 1992 WPS established an interim minimum REI of 12 hours for all end use pesticide products for agricultural uses. Longer interim REIs were established for more toxic products. Many commenters, during the promulgation of the rule, stated that it was difficult to determine when the sprays have dried or dusts have settled; thus, judgment was required to assess when such REI had expired. Other commenters requested the Agency establish minimum REIs to protect workers against possible unknown chronic or delayed health effects as a product-specific health effect evaluation would take the Agency a long time to conduct. Therefore, the 12-hour minimum REI was established for two reasons: (1) To replace previous REI which was the statement ''when sprays have dried and dusts have settled''; and (2) to incorporate a margin of safety for unknown chronic or delayed health effects.

Since 1992, numerous registrants and pesticide users have asked EPA to consider reducing the minimum 12–hour REI for lower toxicity products that they believe do not need a 12–hour REI to protect workers. In response to these concerns, on January 11, 1995, the Agency published a proposal (60 FR 2848) for public comment. The January proposal contained 75 candidate active ingredients that were eligible for 4–hour REIs. Many comments stated that all Toxicity Category III's and IV's should be included on the list. EPA screened a total of 495 WPS in-scope active ingredients, and has added 39 more active ingredients to the candidate list.

III. Policy and Rationale for Low Toxicity Criteria

The 1992 WPS revised a 1974 regulation that expressed REIs in terms of the statement ''when sprays have dried and dusts have settled.'' This phrasing was sufficiently vague to cause both enforcement problems and concerns about necessary margins of safety for chronic or delayed health

effects. The 1992 revision addresses these problems and concerns by establishing an interim minimum REI of 12 hours for all end use pesticide products for agricultural uses. The 12–hour figure was applied because data indicated that many of the residue concerns were not present after 12 hours.

The 12–hour default covers a very large number of active ingredients, with only active ingredients in Toxicity Categories I and II (more toxic) having longer REIs under the WPS. Some of the active ingredients subject to the 12–hour REI, however, have such low levels of toxicity as to pose minimal risk to workers, even if a fair degree of exposure occurred. These active ingredients are classified as: microbial pesticides (living organisms, including protozoa, fungi, bacteria, and viruses); biochemical pesticides (materials that occur in nature and possess a non-toxic mode of action to the target pest(s); and certain conventional agricultural chemicals.

Therefore, EPA developed screening criteria to identify those active ingredients with low toxicities from the universe of all Toxicity Categories III and IV active ingredients covered by the WPS. The Agency was concerned that the active ingredient should not be acutely toxic and have no other associated developmental, reproductive, neurotoxic, or carcinogenic effects. Additionally, the active ingredient should not be a cholinesterase inhibitor (N-methyl carbamate and organophosphate) since those chemicals are known to cause a large number of pesticide poisonings and have the potential for serious neurological effects. Finally, no adverse incident data must be present for those active ingredients.

For the few active ingredients where limited data were available, EPA evaluated data on chemically similar active ingredients (analogs which EPA believes are predictive of the toxicity of those active ingredients) and used that data as a surrogate. Examples of such active ingredients are , 2,4-D Isopropyl, and 2,4-D, Isooctyl(2-octyl).

The Agency believes that reducing the REIs for pesticides which meet the criteria below would still provide adequate protection to workers. Moreover, reducing the REI would provide agricultural producers with greater flexibility and may promote the use of these inherently less toxic products over those with greater risks and longer REIs. The Agency concludes that the modification of the REIs will not result in unreasonable risk to workers.

Accordingly, the Agency established the following criteria to select the active ingredients with low toxicity, which would be eligible for shorter REIs.

1. The active ingredient is in Toxicity Category III or IV based upon data for acute dermal toxicity, acute inhalation toxicity, primary skin irritation, and primary eye irritation. Acute oral toxicity data were used if no acute dermal data were available. If EPA lacked data on primary skin irritation, acute inhalation, or primary eye irritation of the active ingredient, in question the Agency reviewed data on that end-point for similar active ingredients (analogs). If the analog was in Toxicity Category I or II, EPA excluded such active ingredients from consideration for the reduced REI.

2. The active ingredient is not a dermal sensitizer (or in the case of biochemical and microbial active ingredients, no known reports of hypersensitivity exist).

3. The active ingredient is not a cholinesterase inhibitor (N-methyl carbamate or organophosphate) as these chemicals are known to cause large numbers of pesticide poisonings and have the potential for serious neurological effects.

4. No known reproductive, developmental, carcinogenic, or neurotoxic effects have been associated with the active ingredient. If active ingredients did not have data available for these chronic health effects, EPA considered data on appropriate chemical and biological analogs. Active ingredients that have been classified as carcinogenic in Category B (probable human carcinogen) or Category C^{Q*} (possible human carcinogen, for which quantification of potential risk is considered appropriate), or are scheduled for EPA's Health Effects Division Cancer Peer Review process, were omitted from consideration.

5. EPA does not possess incident information (illness or injury reports) that are ''definitely'' or ''probably'' related to post-application exposures to the active ingredient.

6. Some active ingredients are not included in Unit IV of this policy statement because they have been the subject of a reregistration eligibility decision document (RED) which concluded that a 12–hour or longer REI was necessary to protect workers. Active ingredients with REIs established during the recent reregistration activities are *not* eligible for reduced REIs through the notification process. Although a RED has been completed on Glyphosate, the REI for Glyphosate was set utilizing end use product data, and hence, the Agency will add it to the candidate active ingredient list. However, the registrant for those end use products must meet criteria listed in Unit VI of this policy statement to be eligible for a 4–hour REI reduction.

It should also be noted that WPS does not apply to pheromones used in insect traps.

IV. Candidate Active Ingredients Meeting Low Toxicity Criteria

The following is a list of 114 active ingredients currently subject to the WPS requirements that meet the lower toxicity criteria.

Acetylchitin
Agrobacterium radiobacter
Ampelomyces quisqualis isolate M-10
Azadirachtin (neem extract)
B.t. subsp. aizawai
B.t. subsp. aizawai strain GC-91
B.t. subsp. israelensis
B.t. subsp. kurstaki
B.t. subsp. kurstaki HD-263
B.t. subsp. kurstaki strain EG2348
B.t. subsp. kurstaki strain EG2371
B.t. subsp. kurstaki strain EG2424
B.t. subsp. san diego
B.t. subsp. tenebrionis
Bacillus popilliae and B. lentimorbus
Bacillus sphaericus
Bacillus subtilis GB03
Bacillus subtilis MBI 600
BNOA (b-naphythoxy acetic acid)
Borax
Calcium hypochlorite
Calcium oxytetracycline
Calcium thiosulfate
Candida oleophila
Capsicum oleoresin
Checkmate peach twig borer pheromone
Chitosan
Chlorsulfuron
Colletotricum gleosporoides
Copper as ammonia complex
Copper salts of fatty acids
Cytokinin
2,4-DB, isooctyl
Diatomaceous earth
Disodium octaborate tetrahydrate
Disparlure
Ethylene
Ethoxyquin
Farnesol
Fatty acids, C8-12, Methyl esters
Fenridazone-potassium
Fluazifop-butyl
Fluazifop-r-butyl
Gibberellic acid
Gibberellins A4 and A7
Gliocladium virens G-21
Glyphosate, ammonium
Glyphosate, isopropylamine
Glyphosate, sodium
Gossyplure: hexadecadien-1-ol acetate
Gypsy moth npv
Heavy aromatic naphtha
Imazethapyr
Imazethapyr, ammonium salt
Indole-3-butyric acid
Lagendidium giganteum, mycelium
Mefluidide, diethanolamine
Mefluidide, potassium salt
Methyl nonyl ketone

Metsulfuron-methyl
Milky spore
Mineral oil
Muscalure, component of (e)-9-tricosene
Muscalure, component of (z)-9-tricosene
N-6-Benzyladenine
NAA, Ethyl ester
Nerolidol
Nicosulfuron
Nosema locustae
Octyl bicycloheptenedicarboxamide
Oxytetracycline hydrochloride
Paradichlorobenzene
Paraffin oils
Periplanone B
Polyhedral inclusion bodies of Autographa californica
Polyhedral inclusion bodies of Heliothis zea NPV or Helicoverpa zea NPV
Polyhedral inclusion bodies of beet armyworm npv
Polyhedral inclusion bodies, Neodiprion sertifer NVP
Potassium gibberellate
Promalin
Pseudomonas cepacia type wiscons.
Pseudomonas fluorescens
Pseudomonas fluorescens A506
Pseudomonas fluorescens EG–1053
Pseudomonas fluorescens strain NCIB 12089
Pseudomonas syringae
Puccinia canaliculata (Schweinitz)
Rimsulfuron DPX–E9636
Ryania speciosa
Ryanodine
s-Kinoprene
s-Methoprene
Sesame plant, ground
Siduron
Silica gel
Silicon dioxide
Sodium carboxymethylcellulose
Sodium metaborate
Soybean oil
Streptomyces griseoviridis
Streptomycin
Streptomycin sesquisulfate
Sulfometuron-methyl
Thifensulfuron-methyl
Thiobencarb
Tomato pinworm (e)-4-tridecen-1-yl acetate
Tomato pinworm (e)-11-tetradecenyl acetate
Triasulfuron
1-Triacontanol
Trichoderma harzianum var. rifai (KRL–AG2)
Trichoderma harzianum (ATCC 20476)
Trichoderma polysporum (ATCC 20475)
Tussock moth npv

V. Procedure for Adding Active Ingredients To List

If a registrant believes an active ingredient not on the candidate list meets the criteria set forth in Unit III of this policy statement, and that end use products containing that active ingredient should be eligible for a reduced REI, the registrant should contact EPA at the address given in the FOR FURTHER INFORMATION CONTACT unit, before December 31, 1995. To be considered for a reduced REI, the active ingredient must meet the criteria outlined in this policy, based upon studies determined by the Agency to be acceptable. To use the streamlined notification process, the registrant is required to submit the studies or cite their MRID numbers and provide copies of Agency reviews that confirm that the criteria are met.

If a registrant believes a new active ingredient may meet the criteria set forth in Unit III of this policy statement, the registrant should request that EPA apply the screening criteria for the reduced REI and reference this policy in the application for registration. Registrants having pending applications may also request the reduced 4–hour REI by amending their application for registration. The registrant must also cite this policy and indicate that a reduced REI of 4 hours is being sought. Such pending applications will be considered against the criteria of this policy statement, and, if acceptable, will be permitted the reduced REI. The screening criterion for incident data would not apply to new active ingredients.

If a registrant wishes to add a new WPS use to an existing WPS product, and the active ingredient and product would qualify for a 4–hour REI, the registrant must use the standard label amendment process.

After December 31, 1995, registrants must use the existing label amendment process to request a reduction in a REI. In the future, the Agency will continue to apply the lower toxicity criteria to identify active ingredients which may be eligible for the 4–hour REI during both registration and reregistration process. The Agency will update the list of the candidate active ingredients periodically.

VI. Procedures for Determining Eligibility of End-Use Products

If the registrant wishes to qualify for REI reduction of an end use product(s) that contains any active ingredient(s) included on the candidate list in Unit IV of this policy statement or any subsequent update, the registrant is responsible for determining if that end use product(s) qualifies. To qualify, the following criteria must be met:

1. The end-use product is in Toxicity Category III or IV for all of the following acute toxicity studies: acute dermal toxicity, acute inhalation toxicity, primary skin irritation, and primary eye irritation.

2. Based on the required sensitization or hypersensitivity studies, the end use product is not a sensitizer and there have been no reports of hypersensitivity.

3. The registrant has no data indicating, and is not aware of, adverse health effects associated with the end use product, e.g., carcinogenicity, neurotoxicity, developmental effects, or reproductive effects.

4. The registrant is not aware and has not been informed of incident information (illness or injury reports) that are ''definitely'' or ''probably'' (as defined by the California Incident Reporting System) related to post-application exposures to the product.

VII. Procedure for Notification/Certification

A. Notification Statement

If a registrant determines that an end use product qualifies for a reduced REI, the registrant may notify EPA using the following streamlined notification procedure. The registrant would submit, for each product, to the Agency, Office of Pesticide Programs, Registration Division:

1. An Application for Registration (EPA Form 8570–1), identified as a notification under this policy.

2. One copy of the current product label, clearly marked to highlight the interim WPS REI.

3. Two copies of a revised label, clearly marked to highlight the revised REI.

4. In order to certify to the Agency that the end use product meets all of the criteria outlined above, the registrant must submit the following proof required to demonstrate that the product is eligible for the reduced REI:

i. The registrant must submit the required studies, and cite the MRID numbers for all studies submitted. EPA need not have completed reviews of these studies.

ii. If EPA has permitted the use of studies performed on a substantially similar end use product (analog) to fulfill the acute toxicity data requirements, then the registrant must submit proof that EPA has accepted such data to satisfy end use product data requirements.

iii. If EPA has waived a data requirement for one or more of the required studies, the registrant must submit proof that the requirement for data was waived.

Note: All studies required for evaluating the acute dermal, acute inhalation, eye irritation, skin irritation or skin sensitization/hypersensitization on the end use product must have been submitted, cited, or waived by EPA; only then, can the REI be reduced for the end use product under this notification procedure.

5. The following certification statement:

I certify that this notification is complete in accordance with the provisions of EPA's reduced REI policy and that no other changes have been made to the labeling or the confidential statement of formula of this product. I further understand that if this notification does not comply with the terms of EPA's reduced REI policy, this product may be in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and I may be subject to enforcement action and penalties under sections 12 and 14 of FIFRA. I understand that the Agency may direct a change in the REI of a product subject to this notice if the Agency determines that a change is appropriate, and that products may be subject to regulatory and enforcement action if the appropriate changes are not made.

Notifications should be sent to:

U.S. Postal Service Deliveries, Document Processing Desk (WPS:95–1), Office of Pesticide Programs (7504C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460–0001.

Personal/Courier Service Deliveries (Monday thru Friday, 8 a.m. to 4:30 p.m. except Federal holidays), Document Processing Desk (WPS:95–1), Office of Pesticide Programs (7504C), Environmental Protection Agency, Rm. 266A, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA 22202.

B. Final Printed Labeling

For each product, final printed labeling must be submitted either as part of the notification or separately in accordance with PR Notice 82–2, before the product may be distributed or sold.

VIII. Sale and Distribution of Pesticide Products Qualifying for a Reduced REI

After the registrant has submitted the information and certification specified in Unit VII of this document, the registrant may sell or distribute products bearing the registrant-certified revised labeling that was submitted to the Agency.

Such registrants may revise labeling of products already in channels of trade through stickering or full relabeling. Stickering, or full relabeling, may occur at sites where product is not under direct registrant control (such as distribution or retail sites) by any person the registrant designates and without registration of the site as a pesticide producing establishment. However, the registrant retains full responsibility for ensuring that such labeling modifications are carried out correctly.

IX. Agency Determination to Revise the REI

FIFRA section 6(a)(2) requires that registrants submit to the Agency ''additional factual information regarding unreasonable adverse effects on the environment of the pesticide.'' Registrants may become aware of information or data concerning adverse effects, illnesses or injury associated with exposure of an agricultural worker to a pesticide product or its use, including those resulting from post-application exposures. The Agency generally regards this information as relevant to the Agency's on-going assessment of the risks associated with pesticide products.

If, on the basis of information received from a registrant or other sources, the Agency determines that the REI should be increased, the Agency will inform the registrant of that determination and of the new REI to replace the existing REI. The Agency will also inform the registrant at that time of actions, if any, that must be taken with respect to existing stocks of product labeled with a 4–hour REI.

Reregistration decisions or decisions resulting from other Agency review processes may supersede this policy statement. Please note that REIs established through the streamlined notification procedure in this policy are considered to be interim REIs. Once an active ingredient has gone through the reregistration process, it may result in an active ingredient either being removed or added to the candidate list, and a subsequent change in the length of the REI.

X. Compliance

Registrants are responsible for the content and accuracy of labeling and for compliance with labeling requirements. The Agency will monitor selected submissions to verify compliance with the required criteria in this policy statement. Registrants that submit notifications which do not comply with this policy or EPA's requirements may be subject to enforcement action under FIFRA sections 12 and 14.

Registrants electing to sell or distribute products bearing registrant-verified revised labeling are responsible for correcting any errors on the proposed label. In most cases, incorrectly reducing the REI from 12 hours to 4 hours would be considered a serious error possibly requiring stop-sale orders, recalls, or civil penalties. A serious error is one which may create a potential for harm to workers, handlers, or other persons, or the environment, or when the errors prevent achievement of the basic goals of the WPS or FIFRA.

XI. Public Docket

A record has been established for this policy statement under docket number ''OPP–00399'' A public version of this record, which does not include any information claimed as confidential business information, is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in Rm. 1132, Office of Pesticide Programs (7506C), Environmental Protection Agency, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA.

XII. Consultations

A. Executive Order 12866

This action was submitted to the Office of Management and Budget (OMB) for review under Executive Order 12866 (58 FR 51735, October 4, 1993). Any comments or changes made during OMB's review have been documented in the public record.

B. Unfunded Mandates Reform Act

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995, which the President signed into law on March 22, 1995, EPA has assessed the effects of this administrative decision on State, local, and tribal governments, and the private sector. This action does not result in the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector. In fact, this action actually involves a reduction in burden and overall cost.

In addition to the consultations prior to proposal, EPA has had several informal consultations regarding the proposed rule with some States through the EPA regional offices and at regularly scheduled State meetings. No significant issues or information were identified as a result of EPA's discussion with the States.

List of Subjects in 40 CFR Part 156

Environmental protection, Labeling, Occupational safety and health, Pesticides and pest, Reporting and recordkeeping requirement.

Dated: April 26, 1995.

Daniel M. Barolo,

Director, Office of Pesticide Programs.

[FR Doc. 95–10876 Filed 5–3–95; 8:45 am]

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federal register

Wednesday
May 3, 1995

Part VII

The President

Proclamation 6794—Loyalty Day

Federal Register
Vol. 60, No. 85
Wednesday, May 3, 1995

Presidential Documents

Title 3—

The President

Proclamation 6794 of April 29, 1995

Loyalty Day, 1995

By the President of the United States of America

A Proclamation

Our country's rich diversity of peoples and cultures has been called ''the noble experiment.'' From its beginnings, our great democracy has guaranteed its citizens the blessings of freedom and the right of self-determination. Each year, with the coming of spring and the rebirth of nature, we pause to consider the progress of our Nation and to reaffirm our allegiance to the American experiment.

Two hundred and twenty years ago in Lexington, Massachusetts, a ragged group of colonial Americans faced a column of British soldiers. As the smoke cleared from the ''shot heard round the world,'' eight American ''Minutemen'' lay dead-their blood spilled along the path to a new Nation on this soil. Their gift of freedom is held sacred to this day.

All Americans can be proud of the heritage of courage and sacrifice that has extended unbroken through generations of our citizens. The success of the United States today is seen both in our continued prosperity and strength and in our role as an international beacon of liberty. As we recall those who gave their lives for our freedom, we see our Nation's history reflected in their ranks-from the tireless ''Minutemen'' in Lexington to the brave men and women who fought in the Persian Gulf. These fine citizens, along with their families and those who have served on the home front, deserve our profound respect and gratitude. Let history forever record our loyalty to their legacy.

The Congress, by Public Law 85–529, has designated May 1 of each year as ''Loyalty Day.'' We spend this day in celebration of our Constitution and our precious Bill of Rights and in honor of the sacrifices that have enabled this great charter to endure.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim May 1, 1995, as Loyalty Day. I call upon all Americans to observe this day with appropriate ceremonies and activities, including public recitation of the Pledge of Allegiance to the Flag of the United States. I also call upon government officials to display the flag on all government buildings and grounds on this day.

IN WITNESS WHEREOF, I have hereunto set my hand thistwenty-ninth 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.

William J. Clinton

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