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Contents

Federal Register

Vol. 60, No. 88

Monday, May 8, 1995

Advisory Council on Historic Preservation
See Historic Preservation, Advisory Council

Agency for International Development
PROPOSED RULES
Regulatory agenda, 23914–23915

Agriculture Department
See Commodity Credit Corporation
See Consolidated Farm Service Agency
PROPOSED RULES
Regulatory agenda, 23008–23127

Alcohol, Tobacco and Firearms Bureau
PROPOSED RULES
Regulatory agenda, 23766–23772

Architectural and Transportation Barriers Compliance Board
PROPOSED RULES
Regulatory agenda, 23918–23919

Army Department
NOTICES
Base realignment and closure:
  Fort Belvoir, VA; five business areas realignment to Detroit Arsenal, MI, 22569–22570

Arts and Humanities, National Foundation
See National Foundation on the Arts and the Humanities

Children and Families Administration
NOTICES
Medicaid:
  Demonstration project proposal approval or disapproval; policies and procedures, 22580–22584

Civil Rights Commission
PROPOSED RULES
Regulatory agenda, 23922

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration
PROPOSED RULES
Regulatory agenda, 23130–23206

Committee for the Implementation of Textile Agreements
NOTICES
Cotton, wool, and man-made textiles:
  Guatemala, 22566–22567
Export visa requirements; certification, waivers, etc.:
  China, 22567–22569

Commodity Credit Corporation
RULES
Conservation and environmental programs:
  1986–1990 and 1991–1995 Conservation Reserve Programs, 22456–22458
Loan and purchase programs:
  Price support levels—
    Shorn wool, wool on unshorn lambs, and mohair, 22460–22461
    Tobacco, 22458–22460

Commodity Futures Trading Commission
PROPOSED RULES
Regulatory agenda, 24250–24254
NOTICES
Organization, functions, and authority delegations:
  Program Coordinator, Enforcement Division, 22569

Comptroller of the Currency
PROPOSED RULES
Regulatory agenda, 23772–23780

Consolidated Farm Service Agency
RULES
Conservation and environmental programs:
  1986–1990 and 1991–1995 Conservation Reserve Programs, 22456–22458
Farm marketing quotas, acreage allotments, and production adjustments:
  Tobacco, 22458–22460

Consumer Product Safety Commission
PROPOSED RULES
Regulatory agenda, 24256–24263

Corporation for National and Community Service
PROPOSED RULES
Regulatory agenda, 23924–23925

Customs Service
PROPOSED RULES
Regulatory agenda, 23781–23791

Defense Department
See Army Department
See Navy Department
PROPOSED RULES
Federal Acquisition Regulation (FAR):
  Regulatory agenda, 24220–24248
Regulatory agenda, 23208–23242

Education Department
PROPOSED RULES
Regulatory agenda, 23244–23257

Employment and Training Administration
NOTICES
Job Training Partnership Act:
  Targeted jobs tax credit program—
    Lower living standard income level; economically disadvantaged, definition; correction, 22586–22587

Employment Standards Administration
PROPOSED RULES
Longshore and Harbor Workers' Compensation Act:
  Jurisdictional boundary changes, certified mail requirements, fee schedule clarification, etc., 22537–22539

Energy Department
See Energy Information Administration
See Federal Energy Regulatory Commission
See Western Area Power Administration
PROPOSED RULES
Regulatory agenda, 23260–23286
NOTICES
Meetings:
Environmental Management Site Specific Advisory Board—
Savannah River Site, 22571–22572

Energy Information Administration
NOTICES
Agency information collection activities under OMB review, 22572–22573
Forms; availability, etc.:
Nuclear fuel data and supplement, 22573–22574

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
Arizona, 22518–22524
North Carolina, 22512–22515
Tennessee, 22515–22518
Hazardous waste program authorizations:
Tennessee, 22524–22530
PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Arizona, 22540
North Carolina, 22540–22541
Tennessee, 22541
Regulatory agenda, 23928–24037
NOTICES
Meetings:
Common sense initiative—
Computers and electronics sector, 22577
Iron and steel sector, 22578
Gulf of Mexico Program Management Committee, 22578
Permits Improvement Team, 22578–22579

Equal Employment Opportunity Commission
PROPOSED RULES
Regulatory agenda, 24040–24042

Executive Office of the President
See Management and Budget Office
NOTICES
Meetings:
Personal Motor Vehicle Greenhouse Gas Reductions Advisory Committee, 22579

Farm Credit Administration
PROPOSED RULES
Regulatory agenda, 24266–24270
NOTICES
Meetings; Sunshine Act, 22606

Farm Credit System Insurance Corporation
PROPOSED RULES
Regulatory agenda, 24272–24273

Federal Aviation Administration
RULES
Airworthiness directives:
Alexander Schleicher, 22499–22501
Cessna, 22496–22498
Raytheon, 22501–22503
Schempp-Hirth, 22498–22499

Federal Communications Commission
RULES
Radio stations; table of assignments:
Arkansas, 22536
Louisiana et al., 22535–22536
PROPOSED RULES
Radio stations; table of assignments:
Texas, 22541–22542
Regulatory agenda, 24276–24293
NOTICES
Meetings; Sunshine Act, 22606

Federal Deposit Insurance Corporation
PROPOSED RULES
Regulatory agenda, 24296–24306

Federal Emergency Management Agency
PROPOSED RULES
Regulatory agenda, 24044–24048
NOTICES
Disaster and emergency areas:
Oklahoma, 22579–22580
Senior Executive Service:
Performance Review Board; membership, 22580

Federal Energy Regulatory Commission
RULES
Electric utilities (Federal Power Act) and Public Utility Regulatory Policies Act:
Federal regulatory review, 22503–22505
PROPOSED RULES
Regulatory agenda, 24308–24314
NOTICES
Applications, hearings, determinations, etc.:
Equitrans, Inc., 22574–22575
Florida Gas Transmission Co., 22575
National Fuel Gas Supply Corp., 22575

Federal Housing Enterprise Oversight Office
PROPOSED RULES
Regulatory agenda, 24104–24105

Federal Housing Finance Board
PROPOSED RULES
Regulatory agenda, 24316–24319

Federal Maritime Commission
PROPOSED RULES
Regulatory agenda, 24322–24324

Federal Mediation and Conciliation Service
PROPOSED RULES
Regulatory agenda, 24050

Federal Railroad Administration
PROPOSED RULES
Railroad workplace safety:
Roadway Worker Protection Negotiated Rulemaking Advisory Committee—
Meetings, 22542

Federal Reserve System
PROPOSED RULES
Regulatory agenda, 24326–24342

NOTICES
Applications, hearings, determinations, etc.:
Fernandez, Manuel V., et al., 22580
First Bankshares, Inc., et al., 22580

Federal Trade Commission
PROPOSED RULES
Regulatory agenda, 24344–24351

Financial Management Service
See Fiscal Service

Fiscal Service
PROPOSED RULES
Regulatory agenda, 23761–23766

Fish and Wildlife Service
NOTICES
Marine mammals:
Polar bears in Alaska; habitat conservation strategy, 22584

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
North Carolina, 22543
Texas
Koch Refining Co.; crude oil refinery complex, 22543–22544

General Services Administration
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Regulatory agenda, 24220–24248
Regulatory agenda, 24052–24065

Government Ethics Office
PROPOSED RULES
Regulatory agenda, 24108–24113

Health and Human Services Department
See Children and Families Administration
See Health Care Financing Administration
See Public Health Service
See Social Security Administration
PROPOSED RULES
Regulatory agenda, 23288–23366

Health Care Financing Administration
RULES
Medicare:
End-stage renal disease—
Definition and resumption of entitlement, 22533–22535

Historic Preservation, Advisory Council
PROPOSED RULES
Regulatory agenda, 23912

Housing and Urban Development Department
See Federal Housing Enterprise Oversight Office
PROPOSED RULES
Regulatory agenda, 23368–23405

Inter-American Foundation
NOTICES
Meetings; Sunshine Act, 22606

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Minerals Management Service
See National Indian Gaming Commission
See Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Regulatory agenda, 23408–23478

Internal Revenue Service
PROPOSED RULES
Regulatory agenda, 23792–23872

International Development Cooperation Agency
See Agency for International Development

International Trade Administration
NOTICES
Antidumping:
Furfuryl alcohol from—
China, 22544–22550
Thailand, 22557–22561
Furfuryl from—
South Africa, 22550–22557
Industrial belts and components and parts, cured or uncured, from—
Japan, 22561–22563
Countervailing duties:
Ball bearings and parts from—
Thailand, 22563–22566
Applications, hearings, determinations, etc.:
Kansas State University, 22566
Yale University et al., 22566

Interstate Commerce Commission
PROPOSED RULES
Regulatory agenda, 24354–24357
NOTICES
Railroad services abandonment:
CSX Transportation, Inc., 22585
San Joaquin Valley Railroad Co., 22585–22586

Justice Department
PROPOSED RULES
Regulatory agenda, 23480–23534

Labor Department
See Employment and Training Administration
See Employment Standards Administration
See Occupational Safety and Health Administration
PROPOSED RULES
Regulatory agenda, 23536–23583

Land Management Bureau
RULES
Public land orders:
Arizona, 22535

Management and Budget Office
PROPOSED RULES
Regulatory agenda, 24116–24121

Minerals Management Service
NOTICES
Agency information collection activities under OMB review, 22585

National Aeronautics and Space Administration
PROPOSED RULES
Federal Acquisition Regulation (FAR):
Regulatory agenda, 24220–24248
Regulatory agenda, 24068–24080

National Archives and Records Administration
PROPOSED RULES
Regulatory agenda, 24082–24086

National Credit Union Administration
PROPOSED RULES
Regulatory agenda, 24360–24363

National Foundation on the Arts and the Humanities
PROPOSED RULES
Regulatory agenda:
Federal Council on the Arts and the Humanities, 24088
Museum Services Institute, 24090
National Endowment for the Arts, 24092–24093
National Endowment on the Humanities, 24096–24097

National Indian Gaming Commission
PROPOSED RULES
Regulatory agenda, 24366–24367

National Labor Relations Board
PROPOSED RULES
Regulatory agenda, 24370–24371

National Oceanic and Atmospheric Administration
PROPOSED RULES
Fishery conservation and management:
Limited access management of Federal fisheries in and off of Alaska
Groundfish and crab moratorium, 22542

National Science Foundation
PROPOSED RULES
Regulatory agenda, 24100–24101
NOTICES
Meetings:
Future of NSF Supercomputer Centers Program Task Force, 22589

Navy Department
RULES
Navigation, COLREGS compliance exemptions:
USS Carter Hall, 22508–22509
USS Dwight D. Eisenhower, 22505–22506
USS John F. Kennedy, 22510–22511
USS Oriole, 22507
USS Ramage, 22511
USS Russell, 22507–22508
USS Stethem, 22509–22510
USS Tucson, 22511–22512
NOTICES
Base realignment and closure:
Surplus Federal property—
Naval Station, Brooklyn, NY, 22570–22571
Meetings:
Chief of Naval Operations Executive Panel, 22571

Nuclear Regulatory Commission
RULES
Operator licenses:
Nuclear power plant license renewal; revisions, 22461–22495
PROPOSED RULES
Regulatory agenda, 24374–24396
NOTICES
Agency information collection activities under OMB review, 22589
Applications, hearings, determinations, etc.:
Duke Power Co., 22590–22591

Occupational Safety and Health Administration
PROPOSED RULES
Construction safety and health standards:
Steel Erection Negotiated Rulemaking Advisory Committee
Meetings, 22539–22540
NOTICES
Meetings:
Construction Safety and Health Advisory Committee, 22588
State plans; standards approval, etc.:
Connecticut, 22588–22589

Office of Federal Housing Enterprise Oversight
See Federal Housing Enterprise Oversight Office

Office of Management and Budget
See Management and Budget Office

Panama Canal Commission
PROPOSED RULES
Regulatory agenda, 24148–24149

Peace Corps
PROPOSED RULES
Regulatory agenda, 24152–24153

Pension Benefit Guaranty Corporation
PROPOSED RULES
Regulatory agenda, 24156–24163

Personnel Management Office
RULES
Absence and leave:
Restored annual leave use, 22455–22456
Prevailing rate systems, 22455
PROPOSED RULES
Regulatory agenda, 24124–24145

Public Health Service
RULES
Liability protection for health care professionals and entities, 22530–22532

Railroad Retirement Board
PROPOSED RULES
Regulatory agenda, 24166–24170

Regulatory Information Service Center
PROPOSED RULES
Unified agenda of Federal regulations, 23002–23006

Resolution Trust Corporation
PROPOSED RULES
Regulatory agenda, 24398–24400

Securities and Exchange Commission
PROPOSED RULES
Regulatory agenda, 24402–24428
NOTICES
Self-regulatory organizations; proposed rule changes:
American Stock Exchange, Inc., 22592
National Association of Securities Dealers, Inc., 22592–22593
New York Stock Exchange, Inc., 22593–22597

Selective Service System
PROPOSED RULES
Regulatory agenda, 24172

Small Business Administration
RULES
Disaster-physical disaster and economic injury loans:
Judgment lien restriction waivers, 22495–22496
PROPOSED RULES
Regulatory agenda, 24174–24187
NOTICES
Agency information collection activities under OMB review, 22597
Disaster loan areas:
Massachusetts et al., 22597

Social Security Administration
PROPOSED RULES
Regulatory agenda, 24190–24210

State Department
PROPOSED RULES
Regulatory agenda, 23586–23588
NOTICES
Grants and cooperative agreements; availability, etc.:
Man and biosphere program, 22598–22600
Meetings:
Shipping Coordinating Committee, 22600

Surface Mining Reclamation and Enforcement Office
NOTICES
Agency information collection activities under OMB review, 22585

Tennessee Valley Authority
PROPOSED RULES
Regulatory agenda, 24212–24213

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

Thrift Depositor Protection Oversight Board
PROPOSED RULES
Regulatory agenda, 24430–24431

Thrift Supervision Office
PROPOSED RULES
Regulatory agenda, 23872–23877

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration
PROPOSED RULES
Regulatory agenda, 23590–23752
NOTICES
Aviation proceedings:
Agreements filed; weekly receipts, 22601
Certificates of public convenience and necessity and foreign air carrier permits; weekly applications, 22601

Treasury Department
See Alcohol, Tobacco and Firearms Bureau
See Comptroller of the Currency
See Customs Service
See Fiscal Service
See Internal Revenue Service
See Thrift Supervision Office
PROPOSED RULES
Regulatory agenda, 23754–23877
NOTICES
Privacy Act:
Systems of records, 22601–22605

United States Enrichment Corporation
NOTICES
Meetings; Sunshine Act, 22606

United States Information Agency
PROPOSED RULES
Regulatory agenda, 24216–24217

United States Institute of Peace
NOTICES
Meetings; Sunshine Act, 22607

Veterans Affairs Department
PROPOSED RULES
Regulatory agenda, 23880–23910

Western Area Power Administration
NOTICES
Power rate adjustments:
Boulder Canyon Project, AZ and NV, 22575–22577

Separate Parts In This Issue

Parts II through LXVI
Unified Agenda of Federal Regulations, 23002–24534

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

5 CFR
532.....22455
630.....22455

7 CFR
704.....22456
723.....22458
1410.....22456
1464.....22458
1468.....22460

10 CFR
2.....22461
51.....22461
54.....22461

13 CFR
123.....22495

14 CFR
39 (4 documents) 22496, 22498, 22499, 22501

18 CFR
2.....22503
34.....22503
35.....22503
41.....22503
131.....22503
292.....22503
294.....22503
382.....22503
385.....22503

20 CFR

Proposed Rules:
702.....22537
703.....22537

29 CFR

Proposed Rules:
1926.....22539

32 CFR
706 (8 documents) 22505, 22507, 22505, 22509, 22510, 22511

40 CFR
52 (3 documents) 22512, 22515, 22518
271.....22524

Proposed Rules:
52 (3 documents) 22540, 22541

42 CFR
6.....22530
406.....22533

43 CFR

Public Land Order:
7139.....22535

47 CFR
73 (2 documents) 22535, 22536

Proposed Rules:
73.....22541

49 CFR

Proposed Rules:
214.....22542

50 CFR

Proposed Rules:
671.....22542
672.....22542
675.....22542
676.....22542

Rules and Regulations

Federal Register
Vol. 60, No. 88
Monday, May 8, 1995

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

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 532

RIN 3206–AG53

Prevailing Rate Systems; Abolishment of New York, NY, Special Wage Schedules for Printing Positions

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing a final rule to abolish the Federal Wage System special wage schedule for printing positions in the New York, New York, wage area. Printing and lithographic employees in New York, New York, will now be paid rates from the regular New York, New York, wage schedule.

EFFECTIVE DATE: June 7, 1995.

FOR FURTHER INFORMATION CONTACT: Paul Shields, (202) 606–2848.

SUPPLEMENTARY INFORMATION: On January 27, 1995, OPM published an interim rule to abolish the Federal Wage System special wage schedule for printing positions in the New York, New York, wage area. The interim rule provided a 30-day period for public comment. OPM received no comments during the comment period. Therefore, the interim rule is being adopted as a final rule.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 532

Administrative practice and procedure, Freedom of information, Government employees, Reporting and recordkeeping requirements, Wages.

Accordingly, under the authority of 5 U.S.C. 5343, the interim rule amending 5 CFR part 532 published on January 27, 1995 (60 FR 5312), is adopted as final without any changes.

Office of Personnel Management.

Lorraine A. Green,

Deputy Director.

[FR Doc. 95–11178 Filed 5–5–95; 8:45 am]

BILLING CODE 6325–01–M

5 CFR Part 630

RIN 3206–AG45

Absence and Leave; Use of Restored Annual Leave

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management is issuing final regulations to provide employees with additional time in which to use restored annual leave that was forfeited as a result of employment at a Department of Defense installation undergoing closure or realignment.

EFFECTIVE DATE: June 7, 1995.

FOR FURTHER INFORMATION CONTACT: Sharon Herzberg, (202) 606–2858.

SUPPLEMENTARY INFORMATION: On December 7, 1994, the Office of Personnel Management (OPM) published interim regulations (59 FR 62971) that provided relief to Federal employees at Department of Defense (DOD) installations undergoing closure or realignment who accumulate large amounts of restored annual leave under the provisions of section 4434 of Public Law 102–484, the National Defense Authorization Act for fiscal year 1993, and sections 341 and 2816 of Public Law 103–337, October 5, 1994, the National Defense Authorization Act for fiscal year 1995. These provisions of law amended 5 U.S.C. 6304(d) to provide that any annual leave in excess of the maximum limitation that is accrued by an employee at a DOD installation undergoing closure or realignment must be restored and credited to the employee in a separate leave account.

During the 60-day comment period, OPM received two comments, one from a labor organization and one from an individual. Following is a summary of the comments.

Time Limit for Using Restored Annual Leave

Employees remaining for several years at closing DOD installations or DOD installations undergoing realignment may accumulate large amounts of restored annual leave in their separate accounts established under 5 U.S.C. 6304(d)(3). After the employee leaves the DOD base undergoing closure or realignment, the employee and the employer are confronted with the prospect of the employee having to use sizable amounts of annual leave at the gaining agency or organization within a limited period of time. The interim regulations provided relief to affected employees by—

- Establishing a longer period of time for using annual leave restored under 5 U.S.C. 6304(d)(3), based on the amount of restored leave in the employee's separate leave account and using formulas similar to the formulas used in back pay computations under 5 CFR 550.805(g);
- Deferring the start of the time period for using restored annual leave under 5 U.S.C. 6304(d)(3) until the employee no longer works at a closing DOD installation or a DOD installation undergoing realignment; and
- Permitting the head of an agency to exempt covered employees who move during the leave year to an installation not undergoing closure or realignment from the requirement to schedule excess annual leave in advance in order for such leave to be considered for restoration.

Both the individual and the labor organization objected to OPM's formula for calculating the time limit for use of restored annual leave and suggested increasing the limit. The individual suggested that all employees be given 5 years to use restored annual leave. The labor organization also suggested that OPM allow employees 5 years to use the restored annual leave or that OPM designate base closures and realignments as ''extended exigencies of the public business'' and follow the procedures outlined in 5 CFR 630.309. The labor organization alternatively proposed that, under the procedures outlined for extended exigencies, affected employees be given 2 years to use excess annual leave for every year or portion of a year the employee was covered under 5 U.S.C. 6304(d)(3)—i.e., an employee covered under 5 U.S.C.

6304 for 4 years would be given 8 years to use accumulated annual leave.

Base closings and realignments do not meet the definition of ''extended exigencies of the public business.'' Under 5 CFR 630.308, an extended exigency must be an exigency of such significance as to threaten the national security, safety, or welfare; last more than 3 calendar years; affect a segment of an agency or an occupational class; *and* preclude subsequent use of both restored and accrued annual leave within the period specified in 5 CFR 630.306.

OPM regulations calculate the time limit for using restored annual leave based on the amount of leave restored rather than the time served at a closing or realigning DOD installation. We believe this provides a more equitable approach, since employees who serve the same amount of time at a closing installation may leave that installation with vastly different amounts of annual leave restored in their accounts due to different leave accrual rates. Linking the time limit for using restored leave solely to the amount of time served at a closing or realigning base would disadvantage employees who are in the 8-hour leave accrual category, as compared to employees in the 4-hour leave accrual category. Therefore, OPM has not revised the rule in this regard.

The individual suggested that, as an alternative to establishing new time limits for the use of restored annual leave, the losing installation by the restored excess annual leave from the employee at the time of transfer. Under 5 U.S.C. 5551, lump-sum payments for accumulated and accrued annual leave are authorized only upon separation from the Federal Government or transfer to another leave system to which annual leave accrued under chapter 63 of title 5, United States Code, cannot be transferred. There is no provision in law or regulation for lump-sum payments for accumulated and accrued annual leave upon transfer between positions that are covered under chapter 63 of title 5, United States Code.

The labor organization recommended that an employee who becomes subject to another closure or realignment during the time period in which he or she must use restored annual leave should be considered as continuing under the exigency of the public business. OPM believes this situation is already addressed in the interim rule. Under 5 CFR 630.306(c), ''time limits for using restored annual leave shall not apply for the entire period under which an employee is subject to 5 U.S.C. 6304(d)(3).'' When an employee with an active restored leave account becomes subject to another closure or realignment, the time limit for using the restored leave account will be canceled for the entire period during which an employee is subject to 5 U.S.C. 6304(d)(3). After the employee's coverage under 5 U.S.C. 6304(d)(3) ends, a new time limit will be established for all restored annual leave available to the employee under 5 U.S.C. 6304(d). The new time limit for using restored annual leave will begin on the date the employee is no longer subject to 5 U.S.C. 6304(d)(3). Therefore, OPM believes no change is necessary in the regulations.

When an employee moves during the leave year to an agency or DOD base not undergoing closure or realignment, OPM's interim regulations state that the employee must show that a ''reasonable attempt'' was made to schedule leave, in order to have any excess annual leave for the leave year considered for restoration. The labor organization believes its recommended alternative of shielding excess annual leave under the extended exigency language in 5 CFR 630.308 alleviates any capricious or arbitrary determination by an agency head as to whether the employee made a reasonable attempt to schedule excess annual leave.

Accrued annual leave is not subject to forfeiture until the end of the leave year. Under 5 U.S.C. 6304(d), excess annual leave cannot be considered for restoration until after the end of the leave year in which it is forfeited. Although an employee may have been exempt from the advance scheduling requirement for that portion of the year during which he or she was employed at a DOD closing or realigning installation, this does not *guarantee* that the employee's excess annual leave will be restored, since there may have been sufficient time to schedule and use his or her annual leave after leaving the DOD installation and before the end of the leave year. Under 5 CFR 630.308(b), the head of the agency may exempt employees from the advance scheduling requirement if the employee can show that he or she was covered by 5 U.S.C. 6304(d)(3) during the leave year *and* that he or she was unable to comply with the scheduling requirement because of circumstances beyond his or her control.

OPM believes no changes are necessary in the interim regulations. Therefore, OPM is adopting as final the interim rule to provide employees with additional time in which to use restored annual leave that was forfeited as a result of employment at a DOD installation undergoing closure or realignment.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 630

Government employees.

Office of Personnel Management.

James B. King,

Director.

Accordingly, under the authority of 5 U.S.C. 6304(d)(2), the interim rule amending subpart C of 5 CFR part 630, published at 59 FR 62971 on December 7, 1994, is adopted as a final rule without change.

[FR Doc. 95–11179 Filed 5–5–95; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Consolidated Farm Service Agency

Commodity Credit Corporation

7 CFR Parts 704 and 1410

RIN 0560–AD95

1986–1990 Conservation Reserve Program; 1991–1995 Conservation Reserve Program

AGENCY: Consolidated Farm Service Agency, Commodity Credit Corporation USDA.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule amends the regulations at 7 CFR Part 704 and 7 CFR Part 1410 to allow holders of Conservation Reserve Program (CRP) contracts the opportunity to request and receive early release from contracts or to reduce the amount of acreage subject to the contracts. The purpose of the early release of acreage by current contract holders is to allow enrollment of new acreage in CRP which will meet higher environmental and conservation criteria. This action is required to implement provisions announced by the Secretary of Agriculture on December 14, 1994.

DATES: Effective Date: Interim rule effective May 8, 1995. Comments: Comments must be received on or before June 7, 1995 in order to be assured of consideration.

ADDRESSES: Comments should be mailed to George T. Denley, Consolidated Farm Service Agency, P.O. Box 2415, Room 4714–S, Washington, DC 20013–2415; telephone 202–720–

6304. Comments received may be inspected between 9 a.m. and 4 p.m., Monday through Friday, except holidays, in room 4768, South Agriculture Building, United States Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: George T. Denley, Conservation and Environmental Protection Division, CFSA, P.O. Box 2415, Room 4768–S, Washington, DC 20013–2415.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This interim rule has been determined to be significant and was reviewed by OMB under Executive Order 12866.

Regulatory Flexibility Act

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule because neither CFSA nor the Commodity Credit Corporation (CCC) is required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

Environmental Evaluation

It has been determined by an environmental evaluation that this action will not adversely affect the environmental, historical, social, or economic resources of the Nation. Therefore, it has been determined that these actions will not require an Environmental Assessment or an Environmental Impact Statement.

Executive Order 12372

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

Federal Domestic Assistance Program

The title and number of the Federal Domestic Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, are the Conservation Reserve Program—10.069.

Paperwork Reduction Act

This interim rule amends the existing information collection as approved by the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.) under OMB control number 0560–0125 and has been submitted to OMB for clearance.

Executive Order 12778

This interim rule has been reviewed in accordance with Executive Order 12778. The provisions of this rule are not retroactive and preempt State and local laws to the extent such laws are inconsistent with the provisions of this rule. Before any action may be brought in a Federal court of competent jurisdiction, the administrative appeal rights afforded program participants at 7 CFR part 780 must be exhausted.

Request for Comments

Comments are requested with respect to this interim rule and such comments shall be considered in developing the final rule.

Background

The current regulations in 7 CFR Part 704 and 7 CFR Part 1410 implemented the CRP, which was authorized by Title XII of the Food Security Act of 1985, as amended.

The intent of CRP is to permit the CCC to enter into contracts with owners and operators of highly erodible and certain other cropland to assist such owners and operators in conserving and improving the Nation's soil and water resources and wildlife habitat. By entering into a contract, the owner or operator agrees to implement a conservation plan approved by the local Conservation District for converting highly erodible cropland normally devoted to the production of an agricultural commodity to a conserving use and to a reduction in certain crop acreage bases, allotments, or quotas. CCC provides (1) technical assistance by way of a conservation plan, (2) financial assistance for the costs of establishing the conservation practices required by the conservation plan, and (3) annual land rental payments to compensate the owner or operator for taking the cropland out of production.

Program Changes

On December 14, 1994, the Secretary of Agriculture announced that during calendar year 1995 the Department will take several actions regarding the CRP, including targeting the CRP to more environmentally sensitive acres. These actions will be implemented in two separate rules. This interim rule provides for considering requests from CRP participants to be released from CRP contracts or to modify current contracts to reduce the amount of acreage subject to the contracts. A subsequent proposed rule will address enrollment of acreage under new contracts which meets higher environmental and conservation criteria to ''replace'' the acreage that was released and to bring the amount of acres in the CRP to the statutory maximum of 38 million acres.

This interim rule provides CRP participants the option for early termination with an effective date not to exceed September 30, 1995, of certain acreage under CRP contract in whole or in part without penalty or obligation to refund previous payments issued under the contract, provided the acreage released, if farmed, is farmed under a basic conservation system as determined by the Natural Resources Conservation Service (NRCS) until the date the contract would have expired or, if hayed or grazed, is hayed or grazed in accordance with an approved haying or grazing plan as determined by NRCS.

Crop acreage bases, allotments, and quotas will be reinstated effective for the 1996 crop year.

Prior to this rule, participants requesting to release CRP acreage before contract termination were required to refund with interest annual rental and, in many cases, cost-share payments previously paid under the contract and to pay liquidated damages unless CCC determined that the release was in the public interest. If farmed, released acres were only required to be farmed according to an Alternative Conservation System to be eligible for certain USDA benefits. Further, the purpose of this early release option is to replace those acres released under this authority with acreage under new contracts. Acreage released either before or after this limited early release period cannot be replaced with other acreage. Producers who voluntarily terminated their contracts did so with the understanding that payments would have to be refunded and damages would have to be paid. This requirement was a term of all CRP contracts and participants were aware of this requirement before the contracts were entered into. To retroactively relieve these participants from this obligation would treat unfairly those participants who did not terminate their contracts because of the refund and penalty requirement. Accordingly, the early contract termination authority under this rule is not retroactive.

CRP contract acreage which is not eligible for early contract termination under this rule includes acreage within an average of 100 feet of a stream or other waterbody, acreage on which a CRP easement is filed, and acreage on which there exist the following practices installed or developed as a result of participation in the CRP: grass waterways, filter strips, shallow water areas for wildlife, bottomland timber established on wetlands, field

windbreaks, and shelterbelts. Exclusion of these areas will contribute to continued prevention of soil erosion and protection of water quality and certain wildlife habitat. Acreage enrolled in the CRP, however, may be devoted to one or more of many different conservation or wildlife practices which are designed to provide the highest benefits for the specific land in question. The broader expanse of environmental issues reflected in the CRP, ranging from reducing soil erosion to fostering diverse wildlife habitats to improving water quality, will be addressed in the subsequent proposed rule.

The acreage released under this voluntary opportunity to current contract holders will be replaced with acreage targeted to obtain enhanced environmental benefits such as wildlife habitat, water quality, or soil erosion.

CRP participants are not obligated to request early release from their contracts. All signatories to the CRP contract must agree to release of the acreage before it can be released from CRP.

Because CRP participants are making planting plans and wish to carry out these plans as early as possible, it is necessary that this regulation be effective upon publication. The purpose of the early release is to allow enrollment of replacement acreage in the CRP which will meet higher environmental and conservation criteria. In order to optimize the acreage released, this action must be effective immediately to provide CRP participants the opportunity to finalize their farming plans. Accordingly, good cause is shown for making this rule effective upon publication in the **Federal Register**.

List of Subjects

7 CFR Part 704

Administrative practices and procedures, Conservation System, Contracts, Technical assistance, Natural resources, Environmental indicators, and Base protection.

7 CFR Part 1410

Administrative practices and procedures, Conservation System, Contracts, Technical assistance, Natural resources, Environmental indicators, and Base protection.

Accordingly, 7 CFR Parts 704 and 1410 are amended as follows:

PART 704—1986–1990 CONSERVATION RESERVE PROGRAM

1. The authority citation for 7 CFR Part 704 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c; 16 U.S.C 3801–3847.

2. Section 704.20 is amended by adding paragraph (a)(4) to read as follows:

§ 704.20 Contract modifications.

(a) * * *

(4) Terminate certain contracts prior to the expiration date with an effective date no later than September 30, 1995, provided the acreage released, if farmed, is farmed under a basic conservation system as determined by the Natural Resources Conservation Service (NRCS) until the date the contracts would have expired or, if hayed or grazed, is hayed or grazed in accordance with an approved haying or grazing plan as determined by the NRCS. Annual payments will be prorated to the effective date of termination and will be made as otherwise provided in this part. Contract acreage located within an average of 100 feet of a stream or other waterbody, on which a CRP easement is filed, and contract acreage on which there exist the following practices installed or developed as a result of participation in the CRP are not eligible for termination prior to the expiration date of the contract as provided in this paragraph (a)(4): grass waterways, filter strips, shallow water areas for wildlife, bottomland timber established on wetlands, field windbreaks, and shelterbelts.

* * * * *

PART 1410—CONSERVATION RESERVE PROGRAM

1. The authority citation for 7 CFR Part 1410 continues to read as follows:

Authority: 15 U.S.C. 714b and 714c; 16 U.S.C. 3831–3847.

2. Section 1410.116 is amended by adding paragraph (a)(5) to read a follows:

§ 1410.116 Contract modifications.

(a) * * *

(5) Terminate certain contracts prior to the expiration date with an effective date no later than September 30, 1995, provided the acreage released, if farmed, is farmed under a basic conservation system as determined by the Natural Resources Conservation Service (NRCS) until the date the contracts would have expired or, if hayed or grazed, is hayed or grazed in accordance with an approved haying or grazing plan as determined by the NRCS. Payments will be prorated to the effective date of termination and will be made as otherwise provided in this part. Contract acreage located within an average of 100 feet of a stream or other waterbody, acreage on which a CRP easement is filed, and contract acreage on which there exist the following practices installed or developed as a result of participation in the CRP are not eligible for termination prior to the expiration date of the contract as provided in this paragraph (a)(5): grass waterways, filter strips, shallow water areas for wildlife, bottomland timber established on wetlands, field windbreaks, and shelterbelts.

* * * * *

Signed at Washington, DC, on May 3, 1995.

Grant Buntrock,

Acting Administrator, Consolidated Farm Service Agency and Acting Executive Vice President Commodity Credit Corporation.

[FR Doc. 95–11260 Filed 5–5–95; 8:45 am]

BILLING CODE 3410–05–P

7 CFR Parts 723 and 1464

RIN 0560–AD62

1995 Marketing Quota and Price Support for Flue-Cured Tobacco

AGENCIES: Consolidated Farm Service Agency and Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to codify determinations made by the Secretary of Agriculture (Secretary) with respect to the 1995 crop of flue-cured tobacco. In accordance with the Agricultural Adjustment Act of 1938, as amended, (1938 Act), the Secretary determined the 1995 marketing quota for flue-cured tobacco to be 934.6 million pounds. In accordance with the Agricultural Act of 1949, as amended, (1949 Act), the Secretary determined the 1995 price support level to be 159.7 cents per pound.

EFFECTIVE DATE: December 15, 1994.

FOR FURTHER INFORMATION CONTACT: Robert Miller, CFSA, USDA, room 3739, South Building, P.O. Box 2415, Washington, DC 20013–2415, on 202 720–8839.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This final rule has been determined to be significant for purposes of Executive Order 12866 and, therefore, has been reviewed by OMB under Executive Order 12866.

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance, to which this rule applies, are

Commodity Loans and Purchases—10.051.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778, Civil Justice Reform. The provisions of this rule do not preempt State laws, are not retroactive, and do not involve administrative appeals.

Paperwork Reduction Act

The amendments to 7 CFR parts 723 and 1464 set forth in this final rule do not contain any new or revised information collection requirements that require clearance through the Office of Management and Budget under the provisions of 44 U.S.C. chapter 35.

Statutory Background

This rule is issued pursuant to the provisions of the 1938 Act and the 1949 Act. Section 1108(c) of P.L. 99–272 provides that the determinations made in this rule are not subject to the provisions for public participation in rule making contained in 5 U.S.C. 553 or in any directive of the Secretary.

Proclamation

On December 15, 1994, the Secretary proclaimed the national marketing quota and announced the price support level for the 1995 crop of flue-cured tobacco.

A number of related determinations were made at the same time, which this final rule also affirms. The Secretary also announced that a marketing quota referendum would be conducted by mail ballot with respect to flue-cured tobacco.

During January 9–12, 1995, eligible flue-cured tobacco producers voted in a referendum to determine whether such producers disapprove marketing quotas for the 1995, 1996, and 1997 marketing years (MY's) for this kind of tobacco. Of the producers voting, 98.7 percent favored marketing quotas for flue-cured tobacco. Accordingly, quotas and price support are in effect for the 1995 MY.

Marketing Quota

Section 317(a)(1)(b) of the 1938 Act provides, in part, that the national marketing quota for a marketing year for flue-cured tobacco is the quantity of such tobacco that is not more than 103 percent nor less than 97 percent of the total of: (1) The amount of flue-cured tobacco that domestic manufacturers of cigarettes estimate they intend to purchase on U.S. auction markets or from producers, (2) the average quantity exported annually from the U.S. during the three marketing years immediately preceding the marketing year for which the determination is being made, and (3) the quantity, if any, that the Secretary, in the Secretary's discretion, determines necessary to adjust loan stocks to the reserve stock level.

Section 317(a)(1)(c) further provides that, with respect to the 1995 and 1996 marketing years, any reduction in the national marketing quota being determined shall not exceed 10 percent of the previous year's national marketing quota; except that, if actual loan stocks exceed the prescribed reserve stock level by 50 percent, the Secretary may set the quota according to the 3-component formula (plus or minus 3 percent). The reserve stock level is defined in section 301(b)(14)(C) of the 1938 Act as the greater of 100 million pounds or 15 percent of the national marketing quota for flue-cured tobacco for the marketing year immediately preceding the marketing year for which the level is being determined.

Section 320A of the 1938 Act provides that all domestic manufacturers of cigarettes with more than 1 percent of U.S. cigarette production and sales shall submit to the Secretary a statement of purchase intentions for the 1995 crop of flue-cured tobacco by December 1, 1994. Six such manufacturers were required to submit such a statement for the 1995 crop and the total of their intended purchases for the 1995 crop is 569.9 million pounds. The 3-year average of exports is 371.5 million pounds.

The national marketing quota for the 1994 crop year was 802.6 million pounds (59 FR 6865). Thus, in accordance with section 301(b)(14)(C), the reserve stock level for use in determining the 1995 marketing quota for flue-cured tobacco is 120.4 million pounds.

On December 1, 1994, the major cigarette manufacturers contracted with the Flue-cured Tobacco Stabilization Corporation to buy all 1990–1993 tobacco pledged as collateral for price support loans. Tobacco pledged as collateral for 1994 crop loans total 98.3 million pounds. Accordingly, the adjustment necessary to maintain loan stocks at the reserve supply level is an increase of 22.1 million pounds.

The total of the three marketing quota components for the 1995–96 marketing year is 963.5 million pounds. In addition, the discretionary authority to reduce the three-component total by 3 percent was used because it was determined that the 1995/96 supply would be more than ample. Accordingly, the national marketing quota for the marketing year beginning July 1, 1995, for flue-cured tobacco is 934.6 million pounds.

Section 317(a)(2) of the 1938 Act provides that the national average yield goal be set at a level that the Secretary determines will improve or ensure the usability of the tobacco and increase the net return per pound to the growers. Yields in crop year 1994 were up substantially from the previous year, but this was a result of exceptionally favorable growing conditions. Accordingly, the national average yield goal for the 1995–96 marketing year will be 2,088 pounds per acre, the same as last year's level.

In accordance with section 317(a)(3) of the 1938 Act, the national acreage allotment for the 1995 crop of flue-cured tobacco is determined to be 447,605.36 acres, derived from dividing the national marketing quota by the national average yield goal.

In accordance with section 317(e) of the 1938 Act, the Secretary is authorized to establish a national reserve from the national acreage allotment in an amount equivalent to not more than 3 percent of the national acreage allotment for the purpose of making corrections in farm acreage allotments, adjusting for inequities, and for establishing allotments for new farms. The Secretary has determined that a national reserve for the 1995 crop of flue-cured tobacco of 2,470 acres is adequate for these purposes.

In accordance with section 317(a)(4) of the 1938 Act, the national acreage factor for the 1995 crop of flue-cured tobacco for uniformly adjusting the acreage allotment of each farm is determined to be 1.16, which is the result of dividing the 1995 national allotment (447,605.36 acres) minus the national reserve (2,470 acres) by the total of allotments established for flue-cured tobacco farms in 1994 (383,737.39 acres).

In accordance with section 317(a)(7) of the 1938 Act, the national yield factor for the 1995 crop of flue-cured tobacco is determined to be 0.9284, which is the result of dividing the national average yield goal (2,088 pounds) by a weighted national average yield (2,249 pounds).

Price Support

Price support is required to be made available for each crop of a kind of tobacco for which quotas are in effect, or for which marketing quotas have not been disapproved by producers, at a level determined in accordance with a formula prescribed in section 106 of the 1949 Act.

With respect to the 1995 crop of flue-cured tobacco, the level of support is determined in accordance with sections 106 (d) and (f) of the 1949 Act. Section 106(f)(7)(A) of the 1949 Act provides

that the level of support for the 1995 crop of flue-cured tobacco shall be:

(1) The level, in cents per pound, at which the 1994 crop of flue-cured tobacco was supported, plus or minus, respectively,

(2) An adjustment of not less than 65 percent nor more than 100 percent of the total, as determined by the Secretary after taking into consideration the supply of the kind of tobacco involved in relation to demand, of:

(A) 66.7 percent of the amount by which:

(I) The average price received by producers for flue-cured tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period, is greater or less than:

(II) The average price received by producers for flue-cured tobacco on the United States auction markets, as determined by the Secretary, during the 5 marketing years immediately preceding the marketing year prior to the marketing year for which the determination is being made, excluding the year in which the average price was the highest and the year in which the average price was the lowest in such period; and

(B) 33.3 percent of the change, expressed as a cost per pound of tobacco, in the index of prices paid by the tobacco producers from January 1 to December 31 of the calendar year immediately preceding the year in which the determination is made.

The difference between the two 5-year averages (i.e., the difference between (A)(I) and (II)) is 0.9 cent per pound. The difference in the cost index from January 1 to December 31, 1994, is 4.7 cents per pound. Applying these components to the price support formula (0.9 cents per pound, two-thirds weight; 4.7 cents per pound, one-third weight) results in a weighted total of 2.2 cents per pound. As indicated, section 106 provides that the Secretary may, on the basis of supply and demand conditions, limit the change in the price support level to no less than 65 percent of that amount. In order to remain competitive in foreign and domestic markets, the Secretary used his discretion to limit the increase to 65 percent of the maximum allowable increase. Accordingly, the 1995 crop of flue-cured tobacco will be supported at 159.7 cents per pound, 1.4 cents higher than in 1994.

List of Subjects

7 CFR Part 723

Acreage allotments, marketing quotas, penalties, reporting and recordkeeping requirements, tobacco.

7 CFR Part 1464

Loan programs-agriculture, price support programs, tobacco, reporting and recordkeeping requirements, warehouses.

Accordingly, 7 CFR parts 723 and 1464 are amended as follows:

PART 723—TOBACCO

1. The authority citation for 7 CFR part 723 continues to read as follows:

Authority: 7 U.S.C. 1301, 1311–1314, 1314–1, 1314b, 1314b–1, 1314b–2, 1314c, 1314d, 1314f, 1314h, 1315, 1316, 1363, 1372–75, 1377–1379, 1421, 1445–1, and 1445–2.

2. Section 723.111 is amended by adding paragraph (c) to read as follows:

§ 723.111 Flue-cured (types 11–14) tobacco.

(a) * * *

(b) * * *

(c) The 1995 crop national marketing quota is 934.6 million pounds.

PART 1464—TOBACCO

3. The authority citation for 7 CFR part 1464 continues to read as follows:

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

4. Section 1464.12 is amended by adding paragraph (c) to read as follows:

§ 1464.12 Flue-Cured (types 11–14) tobacco.

(a) * * *

(b) * * *

(c) The 1995 crop national price support level is 159.7 cents per pound.

Signed at Washington, DC, on May 1, 1995.

Bruce R. Weber,

Acting Administrator, Consolidated Farm Service Agency and Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 95–11181 Filed 5–5–95; 8:45 am]

BILLING CODE 3410–05–P

Commodity Credit Corporation

7 CFR Part 1468

RIN 0560–AD68

Payment Programs for Shorn Wool, Wool on Unshorn Lambs, and Mohair (1991–1995)

AGENCY: Commodity Credit Corporation (CCC), USDA.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to adopt, with certain changes, the interim rule published in the **Federal Register** on September 16, 1994 (59 FR 47530). This final rule amends the regulations that set forth the 1991–1995 wool and mohair payment programs as authorized by the National Wool Act of 1954, as amended.

EFFECTIVE DATE: May 8, 1995.

FOR FURTHER INFORMATION CONTACT: Margie Hartman, Program Specialist, CFSA, USDA, P.O. Box 2415, Washington, D.C., 20013, telephone 202–720–6235.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This rule has been determined to be significant for purposes of Executive Order 12866 and therefore has been reviewed by OMB.

Environmental Evaluation

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

Federal Assistance Program

The title and number of the Federal Assistance Program, as found in the Catalog of Federal Domestic Assistance to which this rule applies are: National Wool Act Payments—10.059.

Executive Order 12778

This final rule has been reviewed in accordance with Executive Order 12778. The provisions of this final rule do not preempt State laws and are not retroactive to 1992 and prior crop years except as provided in Section 1468.18(d). Before any judicial action may be brought regarding the provisions of this regulation, the administrative appeal provisions set forth at 7 CFR 780 must be exhausted.

Executive Order 12372

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

Paperwork Reduction Act

The amendments to 7 CFR part 1468 set forth in this final rule do not impose any additional reporting or recordkeeping requirements which

require the approval of OMB under 44 U.S.C. 3501, et seq.

Comments

A general description of the statutory basis for this final rule was set forth in the interim rule published on September 16, 1994, (59 FR 47530). The interim rule provided 60 days for comments. No comments were received during the interim rule comment period of September 16 through November 15, 1994. This final rule provides that in determining net proceeds for shorn wool or mohair, effective for 1993 and subsequent marketing years, marketing charges for commissions, coring, or grading shall not be deducted. This rule provides authorized representatives of USDA and CCC access to the premises of buyers and sellers of wool and mohair in order to inspect their records for authenticity.

This provision had been accidentally omitted when the wool regulations and mohair regulations were combined in 1991. This final rule also clarifies the definition of nonmarketing charges to make it consistent with the calculation of net proceeds and net proceeds for payment purposes.

Section 1468.18(d) was inadvertently omitted from the interim rule. This provision was accidently omitted when the mohair regulations and the wool regulations were combined in 1991 (56 FR 40233, August 14, 1991). This final rule, in part, merely reinstates the omitted provision.

List of Subjects in 7 CFR Part 1468

Grant program-agriculture, Livestock, Mohair, Reporting and recordkeeping, Wool.

Accordingly, the interim rule amending 7 CFR part 1468 published on September 16, 1994, (59 FR 47530) is adopted as final with the following changes:

PART 1468—WOOL AND MOHAIR

1. The authority citation for 7 CFR part 1468 continues to read as follows:

Authority: 7 U.S.C. 1781–1787; 15 U.S.C. 714b and 714c.

2. In § 1468.3 the definition of ''Nonmarketing charges'' is revised to read as follows:

§ 1468.3 Definitions.

* * * * *

Nonmarketing charges means charges paid by or for the account of the producer that are not directly related to improving the marketability of the shorn wool or mohair, such as, but not limited to, storage bags, advances, interest on advances, shearing, and association dues, and are not deducted from the producer's gross proceeds to determine net proceeds for payment purposes and are deducted from gross proceeds to determine net proceeds.

* * * * *

3. Section 1468.18 is amended by adding paragraph (d) to read as follows:

§ 1468.18 Maintenance and inspection of records.

* * * * *

(d) At all times during regular business hours, authorized representatives of CCC or USDA shall have access to the premises of the applicant, of the marketing agency, and of the person who furnished evidence to an applicant for use in connection with the application, in order to inspect, examine, and make copies of the books, records, and accounts, and other written data as specified in paragraphs (a), (b), and (c) of this section.

Signed at Washington, DC, on May 1, 1995.

Bruce R. Weber,

Acting Executive Vice President, Commodity Credit Corporation.

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NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 51, and 54

RIN 3150–AF05

Nuclear Power Plant License Renewal; Revisions

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) has amended its regulations to revise the requirements that an applicant must meet for obtaining the renewal of a nuclear power plant operating license. The rule also clarifies the required information that must be submitted for review so that the agency can determine whether those requirements have been met and changes the administrative requirements that a holder of a renewed license must meet. These amendments are intended to provide a more stable and predictable regulatory process for license renewal.

EFFECTIVE DATE: June 7, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas G. Hiltz, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone: (301) 415–1105.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Final Action.
III. Principal Issues.
  a. Continued validity of certain findings in previous rulemaking.
  b. Reaffirmation of the regulatory philosophy and approach and clarification of the two principles of license renewal.
  c. Systems, structures, and components within the scope of license renewal.
  d. The regulatory process and aging management.
  e. Reaffirmation of conclusions concerning the current licensing basis and maintaining the function of systems, structures, and components.
  f. Integrated plant assessment.
  g. Time-limited aging analyses and exemptions.
  h. Standards for issuance of a renewed license and the scope of hearings.
  i. Regulatory and administrative controls.
IV. General Comments and Responses.
V. Public Responses to Specific Questions.
VI. Availability of Documents.
VII. Finding of No Significant Environmental Impact: Availability.
VIII. Paperwork Reduction Act Statement.
IX. Regulatory Analysis.
X. Regulatory Flexibility Act Certification.
XI. Non-Applicability of the Backfit Rule.

I. Background

The previous license renewal rule (10 CFR Part 54) was adopted by the Nuclear Regulatory Commission (NRC) on December 13, 1991 (56 FR 64943). This rule established the procedures, criteria, and standards governing the renewal of nuclear power plant operating licenses.

Since publishing the previous license renewal rule, the NRC staff has conducted various activities related to implementing this rule. These activities included: developing a draft regulatory guide, developing a draft standard review plan for license renewal, interacting with lead plant licensees, and reviewing generic industry technical reports sponsored by the Nuclear Management and Resources Council (now part of the Nuclear Energy Institute (NEI)).

In November 1992, the law firm of Shaw, Pittman, Potts, and Trowbridge submitted a paper to the NRC that presented the perspective of Northern States Power Company on the license renewal process. The paper included specific recommendations for making the license renewal process more workable. In addition, industry representatives provided the Commission with views on several key license renewal implementation issues. In late 1992, the NRC staff conducted a senior management review and discussed key license renewal issues with the Commission, industry groups,

and individual licensees. The NRC staff presented its recommendations regarding several of these key license renewal issues in two Commission policy papers: SECY–93–049, ''Implementation of 10 CFR Part 54, 'Requirements for Renewal of Operating Licenses for Nuclear Power Plants,' '' and SECY–93–113, ''Additional Implementation Information for 10 CFR Part 54, 'Requirements for Renewal of Operating Licenses for Nuclear Power Plants.' ''

In its staff requirements memorandum (SRM) of June 28, 1993, the Commission stated that it is essential to have a predictable and stable regulatory process clearly and unequivocally defining the Commission's expectations for license renewal. This process would permit licensees to make decisions about license renewal without being influenced by a regulatory process that is perceived to be uncertain, unstable, or not clearly defined. The Commission directed the NRC staff to convene a public workshop to evaluate alternative approaches for license renewal that best take advantage of existing licensee activities and programs as a basis for concluding that aging will be addressed in an acceptable manner during the period of extended operation. In particular, the Commission directed the NRC staff to examine the extent to which greater reliance can be placed on the maintenance rule (10 CFR 50.65, ''Requirements for Monitoring the Effectiveness of Maintenance at Nuclear Power Plants'') as a basis for concluding that the effects of aging will be effectively managed during the license renewal term.

On September 30, 1993, the NRC staff conducted a public workshop in Bethesda, Maryland, that was attended by over 180 people. Attendees included nuclear utilities, industry organizations, public interest groups, architect and engineering firms, consultants and contractors, and Federal and State governments. In December 1993, the NRC staff forwarded SECY–93–331, ''License Renewal Workshop Results and Staff Proposals for Revision to 10 CFR Part 54, 'Requirements for Renewal of Operating Licenses for Nuclear Power Plants,' '' to the Commission. The NRC staff recommended that the Commission amend 10 CFR Part 54.

In its SRM of February 3, 1994, the Commission agreed with the NRC staff's conceptual approach (explained in SECY–93–331) for performing license renewal reviews and directed the staff to proceed with rulemaking to amend 10 CFR Part 54. The Commission believes that the license renewal process should focus on the management of the effects of aging on certain systems, structures, and components during the period of extended operation. An objective for the amendment is to establish a more stable and predictable license renewal process. The amendment will identify certain systems, structures, and components [1] that require review in order to provide the necessary assurance that they will continue to perform their intended function for the period of extended operation.

On May 23, 1994, the NRC staff provided the Commission with its proposed amendment to the license renewal rule in SECY–94–140, ''Proposed Amendment to the Nuclear Power Plant License Renewal Rule (10 CFR Part 54).'' In the SRM of June 24, 1994, the Commission approved the publication of the proposed rule amendment for a 90-day public comment period. In the SRM, the Commission directed the staff to (1) ensure consistency in the use of the terms ''structures, systems, and components'' and ''structures and components,'' (2) solicit comments on the ability of existing programs to detect failures in redundant structures and components before there is a loss of intended system or structure function, (3) address the need for § 54.4(a)(3) in the statements of consideration for the proposed rule, and (4) review the necessity of retaining § 54.4(a)(4) and include the rationale for its conclusions in the proposed rule.

On September 9, 1994, (59 FR 46574) the proposed revisions to the license renewal rule were published in the **Federal Register** for a 90-day public comment period. The public comment period ended on December 9, 1994. The Commission received 42 separate responses concerning the proposed rulemaking for license renewal. In early April 1995, after reviewing SECY–95–067, ''Final Amendment to the Nuclear Power Plant License Renewal Rule (10 CFR Part 54),'' the Nuclear Energy Institute and Yankee Atomic Electric Company provided additional comments. All comments received have been considered in developing this final rule.

Comments on the proposed rule came from a variety of sources. These included: a private citizen, 3 public interest groups (Sierra Club—Atlantic Chapter, Public Citizen, and the Ohio Citizens for Responsible Energy Inc.), 1 Federal organization (Department of Energy (DOE)), 4 State organizations (Illinois Department of Nuclear Safety (Illinois), Connecticut Department of Public Utility Control (Connecticut), New Jersey Department of Environmental Protection (New Jersey), and Nevada Agency for Nuclear Projects, Nuclear Waste Project Office (Nevada)), 2 industry organizations (NEI and Nuclear Utility Group on Equipment Qualification (NUGEQ)), 2 vendor owners groups (Babcock and Wilcox (B & W) Owners Group and Westinghouse Owners Group), 2 vendors/consultants (B & W Nuclear Technologies and Westinghouse Electric Corporation), and 27 separate nuclear power plant licensees. All 27 licensees endorsed the comments provided by NEI, and some utilities also provided additional comments.

The Commission specifically solicited responses to five questions in the proposed rule. The questions and the responses to them can be found in Section V of the Supplementary Information also known as the Statement of Considerations (SOC).

Many of the letters contained similar comments, which were grouped together and are addressed on an issue basis. The NRC has responded to all of the significant points raised by the commenters. Those comments that are applicable to a specific issue discussed in a specific section of the Supplementary Information portion of this document are discussed within that section. Comments received that are not responsive to a particular issue are addressed in Section IV. Public comments received on the proposed rule are available for inspection and copying for a fee at the Commission's Public Document Room located at 2120 L Street NW. (Lower Level), Washington, DC.

[1] Throughout the Statement of Considerations, the phrases, ''systems, structures, and components'' and ''structures and components'' are used. As a matter of clarification, the Commission intends that the phrase, ''systems, structures, and components'' applies to the matters involving the discussions of the overall renewal review, the specific license renewal scope (§ 54.4), time-limited aging analyses (§ 54.21(c)), and the license renewal finding (§ 54.29). The phrase, ''structures and components'' applies to matters involving the integrated plant assessment (IPA) required by § 54.21(a) because the aging management review required within the IPA should be a component and structure level review rather than a more general system level review. The phrase systems, structures, and components applies to the evaluation of time-limited aging analyses required by § 54.21(c) because such plant-specific analyses may have been carried out, for the initial operating term, for either systems, structures, or components. Reevaluation for the renewal term is intended to focus on the same systems, structures, or components subject to the initial term time-limited aging analyses. The finding required by § 54.29 considers both the results of the integrated plant assessment and the time-limited aging analyses and, therefore, the phrase system, structures, and components is applicable to this section.

II. Final Action

The final rule revises certain requirements contained in 10 CFR Part 54 and establishes a regulatory process that is simpler, more stable, and more predictable than the previous license renewal rule. The final rule continues to ensure that continued operation beyond the term of the original operating license will not be inimical to the public health and safety. The more significant changes made to the previous license renewal rule are as follows:

(1) The intent of the license renewal review has been clarified to focus on the adverse *effects* of aging rather than identification of all aging *mechanisms*. The final rule is intended to ensure that important systems, structures, and components will continue to perform their intended function in the period of extended operation. Identification of individual aging mechanisms is not required as part of the license renewal review. The definitions of age-related degradation, age-related degradation unique to license renewal, aging mechanisms, renewal term, and effective program have been deleted.

(2) The definitions of integrated plant assessment (IPA) (§ 54.3) and the IPA process (§ 54.21(a)) have been clarified to be consistent with the revised focus in item (1) on the detrimental effects of aging.

(3) A new § 54.4 has been added to replace the definition of systems, structures, and components ''important to license renewal'' in § 54.3. Section 54.4 defines those systems, structures, and components within the scope of the license renewal rule and identifies the important functions (intended functions) that must be maintained. The requirement to include systems, structures, and components that have limiting conditions for operation in facility technical specifications within the scope of license renewal has been deleted.

(4) In § 54.21(a), the IPA process has been simplified. The wording has been changed to resolve any ambiguity associated with the use of the terms systems, structures, and components (SSCs) and structures and components (SCs). A simplified methodology for determining whether a structure or component requires an aging management review for license renewal has been delineated. Only passive, long-lived structures and components are subject to an aging management review for license renewal. Sections 54.21 (b) and (d) have been deleted, and a new § 54.21(c) dealing with time-limited aging analyses (TLAA) and § 54.21(d) dealing with requirements for the final safety analysis report (FSAR) supplement have been added. The requirement in § 54.21(c) of the previous rule to review any relief from codes and standards has been deleted, and the requirement in § 54.21(c) of the previous rule to review exemptions from regulatory requirements has been clarified and linked with the time-limited aging analyses.

(5) In § 54.22, the requirement to include detailed justification for certain technical specification changes in the FSAR supplement has been modified to require that the detailed justification be included in the license renewal application.

(6) In § 54.29, the standards for issuance of a renewed license have been changed to reflect the revised focus on the detrimental effects of aging concerning structures and components requiring an aging management review for license renewal and any time-limited issues (including exemptions) applicable for the renewal term. A new § 54.30 has been added to distinguish between those issues identified during the license renewal process that require resolution during the license renewal process and those issues that require resolution during the current license term.

(7) In § 54.33, requirements for continuation of the current licensing basis (CLB) and conditions of renewed licenses have been changed to delete all reference to age-related degradation unique to license renewal (ARDUTLR). Section 54.33(d) of the previous rule, which requires a specific change control process, has been deleted.

(8) In § 54.37, additional records and recordkeeping requirements have been changed to be less prescriptive. Section 54.37(c) has been deleted.

III. Principal Issues

a. Continued Validity of Certain Findings in Previous Rulemaking

The principal purpose of this final rule is to simplify and clarify the previous license renewal rule. Unless otherwise clarified or reevaluated, either directly or indirectly, in the discussion for this final rule, the conclusions in the SOC for the previous license renewal rule remain valid (56 FR 64943; December 13, 1991).

One commenter stated that the previous license renewal rule has been substantially modified in the proposed rule so as to constitute a ''recision'' of the previous rule.

The Commission does not believe that this final rule represents a recision of the previous license renewal rule, 10 CFR Part 54. As stated in the SOC for the proposed rule, ''[u]nless otherwise clarified or reevaluated, either directly or indirectly, in the discussion for this proposed rule, the conclusions in the SOC for the current license renewal rule remain valid * * *'' September 9, 1994 (59 FR 46576). Some of the subjects resolved in the previous Part 54 rulemaking that remain unaffected by this final rule include the concept of the CLB, the nature of the current regulatory process, the regulatory process for assuring compliance with the CLB, form of the renewed license, the term of the renewed license, antitrust considerations, and the applicability of the provisions of the Price-Anderson Act.

Furthermore, regardless of whether this final rule constitutes a recision of the previous rule, the Commission agrees with the commenter that the Administrative Procedure Act (APA) requires the Commission to provide a ''reasoned analysis'' for the changes to Part 54 that are being adopted in this final rule. The Commission takes issue with the commenter with regard to whether the SOC for the proposed and for the final rule adequately explain the bases for the changes. The Commission believes that this SOC provides a detailed discussion setting forth the perceived problems with the previous license renewal rule as well as a discussion of the bases for this final rule. In sum, the Commission has fulfilled its obligation under the APA to provide the bases for this rule, regardless of whether the changes that are being adopted in this final rule constitute a recision of the previous license renewal rule.

b. Reaffirmation of the Regulatory Philosophy and Approach and Clarification of the Two Principles of License Renewal

(i) Regulatory Philosophy

In developing the previous license renewal rule, the Commission concluded that issues material to the renewal of a nuclear power plant operating license are to be confined to those issues that the Commission determines are uniquely relevant to protecting the public health and safety and preserving common defense and security during the period of extended operation. Other issues would, by definition, have a relevance to the safety and security of the public during current plant operation. Given the Commission's ongoing obligation to oversee the safety and security of operating reactors, issues that are relevant to current plant operation will be addressed by the existing regulatory

process within the present license term rather than deferred until the time of license renewal. Consequently, the Commission formulated two principles of license renewal.

The first principle of license renewal was that, with the exception of age-related degradation unique to license renewal and possibly a few other issues related to safety only during the period of extended operation of nuclear power plants, the regulatory process is adequate to ensure that the licensing bases of all currently operating plants provides and maintains an acceptable level of safety so that operation will not be inimical to public health and safety or common defense and security. Moreover, consideration of the range of issues relevant only to extended operation led the Commission to conclude that the detrimental effects of aging is probably the only issue generally applicable to all plants. As a result, continuing this regulatory process in the future will ensure that this principle remains valid during any period of extended operation if the regulatory process is modified to address age-related degradation that is of unique relevance to license renewal. Consequently, the previous license renewal rule focused the Commission's review on this one safety issue.

The second and equally important principle of license renewal holds that the plant-specific licensing basis must be maintained during the renewal term in the same manner and to the same extent as during the original licensing term. This principle would be accomplished, in part, through a program of age-related degradation management for systems, structures, and components that are important to license renewal as defined in the previous rule.

The Commission still believes that mitigation of the detrimental effects of aging resulting from operation beyond the initial license term should be the focus for license renewal. After further consideration and experience in implementing the previous rule, the Commission has, however, determined that the requirements for carrying out the license renewal review can and should be simplified and clarified. The Commission has concluded that, for certain plant systems, structures, and components, the existing regulatory process will continue to mitigate the effects of aging to provide an acceptable level of safety in the period of extended operation.

The objective of a license renewal review is to determine whether the detrimental effects of aging, which could adversely affect the functionality of systems, structures, and components that the Commission determines require review for the period of extended operation, are adequately managed. The license renewal review is intended to identify any additional actions that will be needed to maintain the functionality of the systems, structures, and components in the period of extended operation. The Commission has determined that it can generically exclude from the IPA aging management review for license renewal (1) those structures and components that perform active functions and (2) structures and components that are replaced based on qualified life or specified time period. However, all systems, structures, and components evaluated based on time-limited aging analyses would be subject to a license renewal evaluation. Structures or components may have active functions, passive functions, or both. Detailed discussions concerning determination of those systems, structures, and components requiring a license renewal review are contained in Section III.c of this SOC; detailed discussions of those structures and components subject to an aging management review are in Section III.f of this SOC; and detailed discussions of systems, structures, and components requiring a license renewal evaluation are contained in Section III.g of this SOC.

This final rule focuses the license renewal review on certain systems, structures, and components that the Commission has determined require evaluation to ensure that the effects of aging will be adequately managed in the period of extended operation. This change is viewed as a modification consistent with the first principle of license renewal established in the previous rule. In view of this final rule, the first principle can be revised to state that, with the possible exception of the detrimental effects of aging on the functionality of certain plant systems, structures, and components in the period of extended operation and possibly a few other issues related to safety only during extended operation, the regulatory process is adequate to ensure that the licensing bases of all currently operating plants provides and maintains an acceptable level of safety so that operation will not be inimical to public health and safety or common defense and security. As modified, the Commission affirms its support of the first principle of license renewal, as well as the (unmodified) second principle.

(ii) Deletion of the term ''Age-Related Degradation Unique to License Renewal''

The use of the term ''age-related degradation unique to license renewal'' in the previous license renewal rule caused significant uncertainty and difficulty in implementing the rule. A key problem involved how ''unique'' aging issues were to be identified and, in particular, how existing licensee activities and Commission regulatory activities would be considered in the identification of systems, structures, and components as either subject to or not subject to ARDUTLR. The difficulty in clearly establishing ''uniqueness'' in connection with the effects of aging is underscored by the fact that aging is a continuing process, the fact that many licensee programs and regulatory activities are already focused on mitigating the effects of aging to ensure safety in the current operating term of the plant, and the fact that no new aging phenomena have been identified as potentially occurring only during the period of extended operation.

The final rule eliminates both the definition of ARDUTLR and use of the term in codified regulatory text. Thus, confusion regarding the detailed definition of ARDUTLR in the rule and questions regarding which structures and components could be subject to ARDUTLR have been eliminated.

Public Citizen noted that deletion of the term ARDUTLR represents alteration of the ''original premise'' of the rule and this change ''has not been precipitated by any realization about reactor aging and safety.'' Under both the previous renewal rule as well as this final rule, the objective was to supplement the regulatory process, if warranted, to provide sufficient assurance that adequate safety will be assured during the extended period of operation. The Commission has concluded that the only issue where the regulatory process may not adequately maintain a plant's current licensing basis concerns the detrimental effects of aging on the functionality of certain systems, structures, and components in the period of extended operation. While the objective and conclusion has remained the same in the two rulemakings, the first principle of license renewal has been revised consistent with the deletion of ARDUTLR. The Commission recognizes that the concept of ARDUTLR has been removed inasmuch as the term ''ARDUTLR'' has been deleted from the first principle and from the rule language itself. However, consistent with the focus of the previous rule, the final rule will ensure that the

effects of aging in the period of extended operation are adequately managed.

The Commission disagrees with the commenter's statement that this change was arrived at without regard to reactor aging and safety. As discussed above, greater understanding that (1) aging is a continuous process and (2) that the actual effects of aging are not explicitly linked, from a technical perspective, to the term of an operating license, led the Commission to consider deleting ARDUTLR. The Commission's current determination that a narrower set of systems, structures, and components than that of the previous license renewal rule should require evaluation to ensure that the effects of aging will be adequately managed in the period of extended operation recognizes that many licensee programs and regulatory activities will continue to adequately manage the adverse effects of aging during the period of extended operation. Therefore, the Commission believes that this alteration is firmly based on an appropriate consideration of reactor safety and aging. The final rule reflects a greater understanding of effective aging management (focus on effects rather than mechanisms) and more realistic expectations of aging in the extended period of operation.

c. Systems, Structures, and Components Within the Scope of License Renewal

(i) Scope of the License Renewal Review and Elimination of the Technical Specification Limiting Conditions for Operation Scoping Category

In the final rule, the Commission has deleted the definition (in § 54.3) of systems, structures, and components important to license renewal and replaced it with a new section entitled § 54.4 Scope. This new section continues to define the set of plant systems, structures, and components that would be the initial focus of a license renewal review. From this set of systems, structures, and components, a license renewal applicant will determine those systems, structures, and components that require review for license renewal. The intent of the definition of systems, structures, and components important to license renewal (i.e., to initially focus the review on important systems, structures, and components) remains intact in the new § 54.4.

In the SOC for the previous license renewal rule, the Commission concluded that applicants for license renewal should focus on the management of aging for those systems, structures, and components that are of principal importance to the safety of the plant. The Commission also believed that the focus of an aging evaluation for license renewal cannot be limited to only those systems, structures, and components that the Commission has traditionally defined as safety-related. Therefore, the Commission determined that, in order to ensure the continued safe operation of the plant during the renewal term, the initial focus of license renewal should be (1) safety-related systems, structures, and components, (2) nonsafety-related systems, structures, and components that directly support the function of a safety-related system, structure, or component or whose failure could prevent the performance of a required function of a safety-related system, structure, or component, (3) systems, structures, and components relied upon to meet a specific set of Commission regulations, and (4) systems, structures, and components subject to the operability requirements contained in the facility technical specification limiting conditions for operation.

Since publishing the previous rule, the Commission has gained considerable preapplication rule implementation experience and gained a better understanding of aging management, in part, through the development of a regulatory guide to implement the maintenance rule, 10 CFR 50.65. The Commission now believes that (1) by appropriately crediting existing licensee programs that manage the effects of aging and (2) by appropriately crediting the continuing regulatory process, it can more narrowly define those systems, structures, and components within the scope of license renewal and more narrowly focus the license renewal review.

The Commission continues to believe that the initial scope for the license renewal review should not be limited to only those systems, structures, or components that the Commission has traditionally defined as safety-related. However, as discussed below (see Justification for the Elimination of the Technical Specification Limiting Conditions for Operation Scoping Category) the Commission determined that the requirement to consider additional systems, structures, and components subject to the operability requirements contained in the facility technical specification limiting conditions for operation is unnecessary and has been deleted.

The first two categories of systems, structures, and components discussed in the new scope section (§ 54.4(a)(1) and (a)(2)) are the same categories defined in the previous definition of systems, structures, and components important to license renewal. These scoping categories concern (1) all safety-related systems, structures, and components and (2) all nonsafety-related systems, structures, and components that support the function of a safety-related system, structure, or component or whose failure could prevent a safety-related system, structure, or component from satisfactorily fulfilling its intended function(s). These two categories are meant to capture, as a minimum, automatic reactor shutdown systems, engineered safety feature systems, systems required for safe shutdown (achieve and maintain the reactor in a safe shutdown condition), and nonsafety-related systems, such as auxiliary systems, necessary for the function of safety-related systems.

The third category of systems, structures, and components discussed in the new scope section (§ 54.4(a)(3)) are those systems, structures, and components whose functionality may be relied on in safety analyses or plant evaluations to perform a function that demonstrates compliance with the Commission's regulations for 10 CFR 50.48 (Fire Protection), 10 CFR 50.49 (Environmental Qualification), 10 CFR 50.61 (Pressurized Thermal Shock), 10 CFR 50.62 (Anticipated Transients Without Scram), and 10 CFR 50.63 (Station Blackout). This category is also specified in the previous definition of systems, structures, and components important to license renewal and included those systems, structures, and components relied upon to meet certain regulations. This category was developed to ensure that important systems, structures, and components that may be considered outside the traditional definition of safety-related and outside of the first two categories in § 54.4, would be included within the initial focus of license renewal. Through evaluation of industry operating experience and through continuing regulatory analysis, the Commission has reaffirmed that systems, structures, and components required to comply with these regulations are important to safe plant operation because they provide substantial additional protection to the public health and safety or are an important element in providing adequate protection to the public health and safety. The Commission, therefore, concludes that these systems, structures, and components should be included as part of the initial scope of the license renewal review.

In their comments on the proposed revision to the rule, NUGEQ noted that there is substantial overlap between the

equipment that would be identified in § 54.4(a) and the electrical equipment important to safety identified in § 50.49(b). To provide clarity and consistency and minimize the potential that a licensee will be required to reassess the entire scope of § 50.49 equipment, NUGEQ suggests that § 54.4(a)(3) be modified to include only the additional electric equipment identified in § 50.49(b)(3). The Commission concludes that the rule modification proposed by NUGEQ is not necessary. However, the Commission agrees that for purposes of § 54.4, the scope of § 50.49 equipment to be included within § 54.4 is that equipment already identified by licensees under 10 CFR 50.49(b). Licensees may rely upon their listing of 10 CFR 50.49 equipment, as required by 10 CFR Part 50.49(d), for purposes of satisfying § 54.4 with respect to equipment within the scope of § 50.49.

Justification for the Elimination of the Technical Specification Limiting Conditions for Operation Scoping Category

In the previous license renewal rule, the Commission established a fourth category of systems, structures, and components to be the focus of the initial license renewal review. In this category, the Commission included all systems, structures, and components that have operability requirements in the plant technical specifications limiting conditions for operation. As defined in Standard Technical Specifications, ''a system, subsystem, train, component, or device shall be operable when it is capable of performing its specified safety function(s) and when all necessary attendant instrumentation, controls, normal or emergency electrical power, cooling and seal water, lubrication, and other auxiliary equipment that are required for the system, subsystem, train, component, or device to perform its specified safety function(s) are also capable of performing their related support function(s).'' This was intended to include (1) all systems, structures, and components specifically identified in the technical specification limiting conditions for operation, (2) any system, structure or component for which a functional requirement is specifically identified in the technical specification limiting conditions for operation, and (3) any necessary supporting system, structure or component that must be operable or have operability in order for a required system, structure, or component to be operable.

The Commission previously considered the technical specification limiting conditions for operation scoping category to be consistent with the Commission's intent not to re-examine the entire plant for license renewal but to ensure that all systems, structures, and components of principal importance to safe plant operation were identified and, if necessary, evaluated. However, existing technical specifications for many plants have functional requirements on certain systems, structures, and components with low or indirect safety significance. Preapplication rule implementation experience has indicated that this category of systems, structures, and components, as defined in the previous rule, could lead to an unwarranted re-examination of plant systems, structures, and components that are not of principal importance for license renewal.

For example, limiting conditions for operation are frequently included in technical specifications for plant meteorological and seismic monitoring instrumentation, main turbine bypass systems, and traversing incore probes. These requirements, while important for certain aspects of power plant operation, have little or no direct bearing on protection of public health and safety. Recognizing this, the Commission concludes that current activities for such systems, structures, and components, including licensee programs and the NRC regulatory process, are sufficient and that no additional evaluation is necessary for license renewal. The technical specification category would only add (i.e., not captured by § 54.4(a)(1)–(3)) nonsafety-related systems, structures, and components that do *not* support safety-related systems, structures, and components. As discussed in greater detail below, the Commission concludes that these additional nonsafety-related systems, structures, and components should not be the subject of license renewal.

Relationship Between Improved Technical Specifications and License Renewal Scoping

While it is not the Commission's intent to require applicants for license renewal to ''improve'' their technical specifications, it remains the Commission's intent to focus the license renewal review on those systems, structures, and components that are of principal importance to safety. Therefore, a license renewal scoping category that requires wholesale consideration of systems, structures, and components within the scope of technical specifications may not appropriately focus licensee and NRC resources on those systems, structures, and components that are of principal importance to safety.

In its ''Final Policy Statement on Technical Specifications Improvements for Nuclear Power Reactors'' (58 FR 39132; July 22, 1993), the Commission identified four criteria for defining the scope of improved technical specifications. The four criteria are as follows:

Criterion 1: Installed instrumentation that is used to detect, and indicate in the control room, a significant abnormal degradation of the reactor coolant pressure boundary.

Criterion 2: A process variable, design feature, or operating restriction that is an initial condition of a Design Basis Accident or Transient analysis that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.

Criterion 3: A structure, system, or component that is part of the primary success path and which functions or actuates to mitigate a Design Basis Accident or Transient that either assumes the failure of or presents a challenge to the integrity of a fission product barrier.

Criterion 4: A structure, system, or component which operating experience or probabilistic safety assessment has shown to be significant to public health and safety.

Nuclear power plant licensees that voluntarily choose to ''improve'' their technical specifications based on this Commission policy may submit changes to the Commission for review and approval that will remove systems, structures, and components from their technical specifications before conducting license renewal (experience shows that approximately 40 percent of limiting conditions for operation and surveillance requirements could be deleted).

After considering the substantial overlap between the four criteria for defining the scope of technical specifications and the first three scoping categories for license renewal, the Commission concluded that the number of additional systems, structures, and components that would be considered as a result of applying the technical specification scoping category to improved technical specifications is small. These additional systems, structures, and components most likely would result from differences in each plant's current licensing basis and from the application of these criteria and categories on a plant-specific bases.

The Commission cannot make conclusions in this rulemaking about the appropriateness of whether these

additional systems, structures, and components should be included in an individual plant's technical specifications. However, the Commission can conclude that these additional systems, structures, and components are of a relatively lower safety significance because they are, by exclusion, nonsafety-related systems, structures, and components whose failure cannot prevent the performance or reduce the availability of a safety-related system, structure, or component. Additionally, the Commission believes that the existing regulatory process for these additional nonsafety-related systems, structures, and components is adequate to ensure that age degradation will not result in a loss of functionality in accordance with the CLB.

The Commission believes that there is sufficient experience with its policy on technical specifications to apply that policy generically in revising the license renewal rule consistent with the Commission's desire to credit existing regulatory programs. Therefore, the Commission concludes that the technical specification limiting conditions for operation scoping category is unwarranted and has deleted the requirement that identifies systems, structures, and components with operability requirements in technical specifications as being within the scope of the license renewal review.

(ii) Intended Function

The previous license renewal rule required an applicant for license renewal to identify, from systems, structures, and components important to license renewal, those structures and components that contribute to the performance of a ''required function'' or could, if they fail, prevent systems, structures, and components from performing a ''required function.'' This requirement initially posed some difficulty in conducting pre-application reviews of proposed scoping methodologies because it was not clear what was meant by ''required function.'' Most systems, structures, and components have more than one function and each could be regarded as ''required.'' Although the Commission could have required a licensee to ensure all functions of a system, structure, or component as part of the aging management review, the Commission concluded that this requirement would be unreasonable and inconsistent with the Commission's original intent to focus only on those systems, structures, and components of primary importance to safety. Consideration of ancillary functions would expand the scope of the license renewal review beyond the Commission's intent. Therefore, the Commission determined that ''required function'' in the previous license renewal rule refers to those functions that are responsible for causing the systems, structures, and components to be considered important to license renewal.

To avoid any confusion with the previous rule, the Commission has changed the term ''required function'' to ''intended function'' and explicitly stated in § 54.4 that the intended functions for systems, structures, and components are the same functions that define the systems, structures, and components as being within the scope of the final rule.

(iii) Bounding the Scope of Review

Pre-application rule implementation has indicated that the description of systems, structures, and components subject to review for license renewal could be broadly interpreted and result in an unnecessary expansion of the review. To limit this possibility for the scoping category relating to nonsafety-related systems, structures, and components, the Commission intends this nonsafety-related category (§ 54.4(a)(2)) to apply to systems, structures, and components whose failure would prevent the accomplishment of an intended function of a safety-related system, structure, and component. An applicant for license renewal should rely on the plant's CLB, actual plant-specific experience, industry-wide operating experience, as appropriate, and existing engineering evaluations to determine those nonsafety-related systems, structures, and components that are the initial focus of the license renewal review. Consideration of hypothetical failures that could result from system interdependencies that are not part of the CLB and that have not been previously experienced is not required.

Likewise, to limit the potential for unnecessary expansion of the review for the scoping category concerning those systems, structures, and components whose function is relied upon in certain plant safety analyses to demonstrate compliance with the Commission regulations (i.e., environmental qualification, station blackout, anticipated transient without scram, pressurized thermal shock, and fire protection), the Commission intends that this scoping category include all systems, structures, and components whose function is relied upon to demonstrate compliance with these Commission's regulations. An applicant for license renewal should rely on the plant's current licensing bases, actual plant-specific experience, industry-wide operating experience, as appropriate, and existing engineering evaluations to determine those systems, structures, and components that are the initial focus of the license renewal review. Consideration of hypothetical failures that could result from system interdependencies, that are not part of the current licensing bases and that have not been previously experienced is not required.

Several commenters noted that the word ''directly'' did not precede the phrase ''prevent satisfactory accomplishment of any of the functions identified in paragraphs (a)(1)(i), (ii), or (iii) of this section'' in § 54.4(a)(2) and concluded that, in the absence of the word ''directly,'' the license renewal review could cascade into a review of second-, third-, or fourth-level support systems. The Commission reaffirms its position that consideration of hypothetical failures that could result from system interdependencies that *are not part of the CLB* and that have not been previously experienced is not required. However, for some license renewal applicants, the Commission cannot exclude the possibility that hypothetical failures that *are part of the CLB* may require consideration of second-, third-, or fourth-level support systems. In these cases the word ''directly'' may cause additional confusion, not clarity, regarding the systems, structures and components required to be within the scope of license renewal. In removing the word ''directly'' from this scoping criterion, the Commission believes it has (1) achieved greater consistency between the scope of the license renewal rule and the scope of the maintenance rule (§ 50.65) regarding nonsafety-related systems whose failure could prevent satisfactory accomplishment of safety-related functions and thus (2) promoted greater efficiency and predictability in the license renewal scoping process.

The inclusion of nonsafety-related systems, structures, and components whose failure could prevent other systems, structures, and components from accomplishing a safety function is intended to provide protection against safety function failure in cases where the safety-related structure or component is not itself impaired by age-related degradation but is vulnerable to failure from the failure of another structure or component that may be so impaired. Although it may be considered outside the scope of the maintenance rule, the Commission intends to include equipment that is not seismically qualified located near seismically qualified equipment (i.e.,

Seismic II/I equipment already identified in a plant CLB) in this set of nonsafety-related systems, structures and components.

In one of its comments, the Sierra Club indicated that all nonsafety-related equipment and required functions should be considered because failures could go unnoticed for a long period of time and start a chain reaction that could lead to catastrophic events. Nevada also proposed a fuel life-cycle approach to license renewal that would consider the plant operations as an ''Integrated Operating System.'' The Commission disagrees with the Sierra Club comment and the Commission concludes that the license renewal approach proposed by Nevada would result in the consideration of issues outside the scope of this rule and result in consideration of additional systems, structures, and components that are not directly related to the safe operation of the plant for the period of extended operation. The Commission has reviewed its scoping criteria and determined that the criteria (1) reflect an appropriate consideration of the existing regulatory process, (2) properly focus the initial license renewal review on those systems, structures, and components that are most important to safety and (3) will not result in an unwarranted re-examination of the entire plant.

One commenter indicated that the scope of systems, structures, and components considered for license renewal could be further reduced by identifying and addressing the very few issues in which a plant's design must specifically consider 40 years of degradation. In one of its comments, Illinois suggested that those systems, structures and components required to mitigate a sequence leading to core damage, as determined by plant-specific probabilistic analyses, and those systems, structures, and components required to make protective action recommendations for the protection of the public, should also be included in the scope of this rulemaking.

As the commenter suggested, the Commission did consider further limiting the scope of license renewal to certain issues in a plant's design that were specifically based on a time period bounded by the current license term (40 years). As a result, the Commission explicitly identified the need to review time-limited aging analyses and incorporated this requirement into the final rule. However, as discussed in Section III.d and III.f of this SOC, the Commission determined that, at this time, there was not an adequate basis to generically exclude passive, long-lived structures and components from an aging management review. Therefore, the Commission believes it is inappropriate to further reduce the systems, structures, and components within the scope of license renewal.

Regarding the use of probabilistic analyses in the license renewal scoping process, a separate Section III.c(iv) has been added to the SOC, to discuss the role of probabilistic risk assessment in license renewal. Regarding systems, structures, and components required to make protective action recommendations, the Commission thoroughly evaluated emergency planning considerations in the previous license renewal rulemaking. These evaluations and conclusions are still valid and can be found in the SOC for the previous license renewal rule (56 FR 64943 at 64966). Therefore, the Commission concludes that systems, structures, and components required for emergency planning, unless they meet the scoping criteria in § 54.4, should not be the focus of a license renewal review.

(iv) Use of Probabilistic Risk Assessment in License Renewal

Several comments from Illinois concerned the use of probabilistic analysis techniques in the license renewal process. Illinois indicated that the NRC should require rigorous probabilistic analyses, require these analyses to be used in appropriate regulatory applications, and require these probabilistic analyses to be updated, as needed. In addition, Illinois noted that the previous rule and the proposed rule did not require consideration of individual plant examination (IPE) results.

The Commission is finalizing a policy statement regarding the increased use of probabilistic risk assessment (PRA) methods in nuclear regulatory activities (59 FR 63389; December 8, 1994). However, there is currently no additional guidance for licensees to conduct more rigorous probabilistic analyses beyond the guidance for an IPE and an IPE External Events (IPEEE) (Generic Letter 88–20). The Commission's consideration of regulatory requirements associated with developing, maintaining, or using probabilistic analyses is beyond the scope of this rulemaking.

The CLB for currently operating plants is largely based on deterministic engineering criteria. Consequently, there is considerable logic in establishing license renewal scoping criteria that recognize the deterministic nature of a plant's licensing basis. Without the necessary regulatory requirements and appropriate controls for plant-specific PRAs, the Commission concludes that it is inappropriate to establish a license renewal scoping criterion, as suggested by Illinois, that relies on plant-specific probabilistic analyses. Therefore, within the construct of the final rule, PRA techniques are of very limited use for license renewal scoping.

In license renewal, probabilistic methods may be most useful, on a plant-specific basis, in helping to assess the relative importance of structures and components that are subject to an aging management review by helping to draw attention to specific vulnerabilities (e.g., results of an IPE or IPEEE). Probabilistic arguments may assist in developing an approach for aging management adequacy. However, probabilistic arguments alone will not be an acceptable basis for concluding that, for those structures and components subject to an aging management review, the effects of aging will be adequately managed in the period of extended operation.

Illinois also indicated that as probabilistic insights are more fully integrated with our traditional deterministic methods of regulation, they may define a narrower safety focus. Thus, the use of probabilistic insights could reduce the scope of the very programs that the license renewal rule credits for monitoring and identifying the effects of aging.

The Commission reaffirms its previous conclusion (see 56 FR 64943 at 64956) that PRA techniques are most valuable when they focus the traditional, deterministic-based regulations and support the defense-in-depth philosophy. In this regard, PRA methods and techniques would focus regulations and programs on those items most important to safety by eliminating unnecessary conservatism or by supporting additional regulatory requirements. PRA insights would be used to more clearly define a proper safety focus, which may be narrower or may be broader. In any case, PRA will not be used to justify poor performance in aging management or to reduce regulatory or programmatic requirements to the extent that the implementation of the regulation or program is no longer adequate to credit for monitoring or identifying the effects of aging.

d. The Regulatory Process and Aging Management

(i) Aging Mechanisms and Effects of Aging

The license renewal review approach discussed in the SOC accompanying the December 13, 1991, rule emphasized the

identification and evaluation of aging mechanisms for systems, structures, and components within the scope of the rule. Primarily through pre-application implementation experience associated with the previous license renewal rule and the evaluation of comments resulting from the September 1993 license renewal workshop, the Commission determined that an approach to license renewal that focuses only on the identification and evaluation of aging mechanisms could constitute an open-ended research project. Ultimately, this type of approach may not provide reasonable assurance that certain systems, structures, and components will continue to perform their intended functions. The Commission believes that regardless of the specific aging mechanism, only aging degradation that leads to degraded performance or condition (i.e., detrimental effects) during the period of extended operation is of principal concern for license renewal. Because the detrimental effects of aging are manifested in degraded performance or condition, an appropriate license renewal review would ensure that licensee programs adequately monitor performance or condition in a manner that allows for the timely identification and correction of degraded conditions. The Commission concludes that a shift in focus to managing the detrimental effects of aging for license renewal reviews is appropriate and will provide reasonable assurance that systems, structures, and components are capable of performing their intended function during the period of extended operation.

This shift in focus of the license renewal review has resulted in several proposed changes to the license renewal rule. These changes include deleting the definitions of aging mechanism and age-related degradation and replacing the requirement to manage ARDUTLR in the IPA with a requirement to demonstrate that the effects of aging will be adequately managed for the period of extended operation.

Illinois commented that additional research should be undertaken to ensure all aging effects are understood. Mitigating the effects of aging cannot be completely divorced from understanding the aging mechanisms. Illinois indicated that the effects of aging on a system, structure, and component cannot be managed without some consideration of all the aging mechanisms causing the effects. As some aging mechanisms are not well understood, research will still need to be performed, and the regulatory process will still need to be adequate to address aging uncertainties.

When the Commission concluded that the proper approach for a license renewal review was one that focused on mitigating the detrimental effects of aging regardless of the mechanisms causing the effects, the intent was to concentrate efforts on identification of functional degradation; that is, except for well-understood aging mechanisms, the straightforward approach to detecting and mitigating the effects of aging begins with a process that verifies that the intended design functions of systems, structures, and components have not been compromised or degraded. Once functional degradation is identified through performance or condition monitoring, corrective actions can be applied. The Commission agrees that adverse aging effects cannot be completely divorced from an understanding of the aging mechanisms. The corrective actions that should be taken following identification of functional degradation logically include determination of the cause of the degradation, which could involve mechanisms other than aging (e.g., faulty manufacturing processes, faulty maintenance, improper operation, or personnel errors). If one or more aging mechanisms are the cause of functional degradation, corrective actions should focus, as appropriate, on prevention, elimination, or management of the effects caused by the mechanism(s) in the future. Licensees are required by current regulations to develop and implement programs that ensure that conditions adverse to quality, including degraded system, structure, and component function, are promptly identified and corrected.

(ii) Regulatory Requirements and Reliance on the Regulatory Process for Managing the Effects of Aging

Commercial nuclear power plants have been performing a variety of maintenance activities that function effectively as aging management programs since plants were initially constructed. The Commission also recognizes that both the industry and the NRC have acquired extensive experience and knowledge in the area of nuclear power plant maintenance. Regarding the need for a maintenance rule, the results of the Commission's maintenance team inspections (MTIs) indicated that licensees generally have adequate maintenance programs in place and have exhibited an improving trend in implementing them (56 FR 31307; July 10, 1991). However, the Commission determined that a maintenance rule was needed, in part because the MTIs identified some common maintenance-related weaknesses, such as inadequate root-cause analysis leading to repetitive failures, lack of equipment performance trending, and lack of appropriate consideration of plant risk in the prioritization, planning, and scheduling of maintenance.

The Commission amended its regulations, at 10 CFR 50.65, on July 10, 1991 (56 FR 31306), to require commercial nuclear power plant licensees to monitor the effectiveness of maintenance activities for safety-significant plant equipment to minimize the likelihood of failures and events caused by the lack of effective maintenance. The maintenance rule and its implementation guidance (1) Provide for continued emphasis on the defense-in-depth principle by including selected balance-of-plant (BOP) systems, structures, and components, (2) integrate risk consideration into the maintenance process, (3) provide an enhanced regulatory basis for inspection and enforcement of BOP maintenance-related issues, and (4) provide a strengthened regulatory basis for ensuring that the progress achieved to date is sustained in the future. The requirements of the maintenance rule must be implemented by each licensee by July 10, 1996.

In June 1993, the NRC issued Regulatory Guide 1.160, ''Monitoring the Effectiveness of Maintenance at Nuclear Power Plants.'' The regulatory guide provides an acceptable method for complying with the requirements of the maintenance rule and states that a licensee can use alternative methods if the licensee can demonstrate that these alternative methods satisfy the requirements of the rule. Because aging is a continuing process, the Commission has concluded that existing programs and regulatory requirements that continue to be applicable in the period of extended operation and provide adequate aging management for systems, structures, and components should be credited for license renewal. Accordingly, the amendment to the license renewal rule focuses the renewal review on plant systems, structures, and components for which current activities and requirements may not be sufficient to manage the effects of aging in the period of extended operation.

Since publishing the license renewal rule on December 13, 1991, the regulatory process (e.g., regulatory requirements, aging research, inspection requirements, and inspection philosophy) for managing the detrimental effects of aging for important systems, structures, and

components has continued to evolve. The changes in the regulatory process and initial experience with the license renewal rule have had a direct bearing on the Commission's conclusions regarding the appropriate focus of aging management review for systems, structures, and components that are within the scope of the license renewal rule, and how these systems, structures, and components are treated in the IPA process.

(iii) Maintenance Rule Requirements and Implementation

As discussed in the regulatory analysis for the maintenance rule and in Regulatory Guide 1.160, the Commission's determination that a maintenance rule was needed arose from the conclusion that proper maintenance was essential to plant safety. A clear link exists between effective maintenance and safety as it relates to factors such as the number of transients and challenges to safety-related systems and the associated need for operability, availability, and reliability of safety-related systems, structures, and components. In addition, good maintenance is important to providing assurance that failures of other than safety-related systems, structures, and components that could initiate or adversely affect a transient or accident are minimized. Minimizing challenges to safety-related systems is consistent with the Commission's defense-in-depth philosophy. Therefore, nuclear power plant maintenance is clearly important to protecting the public health and safety.

The maintenance rule requires that power reactor licensees monitor the performance or condition of systems, structures, and components against licensee-established goals in a manner sufficient to provide reasonable assurance that these systems, structures, and components are capable of fulfilling their intended functions. Performance and condition monitoring against licensee-established goals is not required, where it can be demonstrated that the performance or condition of systems, structures, and components is being effectively controlled through the performance of appropriate preventive maintenance. Performance and condition-monitoring activities and associated goals and preventive maintenance activities must be evaluated once every refueling cycle, provided the interval between evaluations does not exceed 24 months.

As discussed in Regulatory Guide 1.160, the extent of monitoring may vary from system to system, depending on the system's importance to risk. Some monitoring at the component level may be necessary, although, most of the monitoring could be done at the plant, system, or system train level. For systems, structures, and components that fall within the requirements of § 50.65(a)(1), licensees must establish goals and monitor performance against these goals. These goals should be derived from information in the CLB and should be established commensurate with safety significance of the systems, structures, or components. These goals may be performance-oriented (reliability, unavailability) or condition-oriented (pump flow, pressure, vibration, valve stroke time, current, electrical resistance). An effective preventive maintenance program is required under § 50.65(a)(2) if monitoring under § 50.65(a)(1) is not performed.

The SOC for the maintenance rule (56 FR 31308; July 10, 1991) states that the scope of § 50.65(a)(2) includes those systems, structures, and components that have ''inherently high reliability'' without maintenance. It is expected that many long-lived, passive structures and components could be considered inherently reliable by licensees and not be monitored under 10 CFR 50.65(a)(1). There may be few, if any, actual maintenance activities (e.g., inspection or condition monitoring) that a licensee conducts for such structures and components. Further, experience gained under the previous license renewal rule, staff review of industry reports, NRC aging research, and operating experience indicate that such structures and components should be reviewed for license renewal if they are passive and long-lived. Therefore, the Commission believes that such structures and components that are technically within the scope of the maintenance rule should not be generically excluded from review for license renewal on the basis of their inherent reliability.

Although the maintenance rule does not become effective and enforceable until July 10, 1996, the Commission believes that crediting the rule (along with the entire regulatory program) is acceptable to support managing the effects of aging for certain systems, structures, and components. As discussed in Regulatory Guide 1.160, implementation of the maintenance rule relies extensively on existing maintenance programs and activities. The industry has developed guidance for complying with the maintenance rule and the NRC staff has reviewed this guidance and found it acceptable. Many utilities are expected to follow the industry guidance in implementing the maintenance rule. Furthermore, the failure of any licensee to comply with the maintenance rule is enforceable by the Commission after July 10, 1996.

One commenter stated that reliance on the maintenance rule is inappropriate because the NRC does not plan to scrutinize every system, structure, and component and how it is monitored in assuring compliance with the maintenance rule. According to the commenter, if there are uncertainties in the maintenance rule or its implementation, then there is uncertainty in the license renewal rule. The commenter also stated that the aging management analyses and measurements required by the license renewal rule for the period of extended operation should commence for all operating reactors when the maintenance rule goes into effect. The NRC disagrees with the commenter that the 100-percent inspection of all systems, structures, and components is necessary to verify compliance with NRC requirements, including the maintenance rule. The Commission disagrees with the commenter that the licensees should be required to commence aging management reviews required for license renewal when the maintenance rule becomes effective.

As discussed in the SOC for the previous rule (56 FR at 64951), the NRC inspection methodology utilizes a sampling technique. When problems are identified, the inspection sample size is broadened to determine the extent of the problem. Additionally, while the maintenance rule does not require licensees to submit their maintenance programs to the NRC for review and approval, compliance with the requirements of the maintenance rule will be verified through the NRC inspection process. The NRC will be conducting inspections on a routine basis onsite to verify licensee compliance with the maintenance rule. Furthermore, as discussed in Section III(d)(iv) of this SOC, the maintenance rule allows for monitoring at a train, system, or plant level, and that goals should be commensurate with safety. If performance problems arise, corrective action requirements of 10 CFR 50, Appendix B, and the maintenance rule require effective corrective actions to preclude repetition of the failure.

Passive, long-lived structures and components that are the focus of the license renewal rule are also within the requirements of the maintenance rule, as discussed in the SOC Section III(d)(iv). Treatment of these structures and components, however, under the maintenance rule is likely to involve minimal preventive maintenance or monitoring to maintain functionality of

such structures and components in the original operating period. Consequently, under the license renewal rule, the Commission did not allow for a generic exclusion of passive, long-lived structures and components based solely on maintenance activities associated with implementing the requirements of the maintenance rule. It also would be inappropriate to require that all licensees perform an aging management review required for license renewal when some licensees may not seek license renewal and do not intend to operate beyond the end of their current operating license. Furthermore, if aging issues are identified during the license renewal review that apply to the current operating term, licensees are required to take measures under their current license to ensure that the intended function of systems, structures, and components will be maintained in accordance with the CLB throughout the term of the current license. In addition, if aging issues are identified during the license renewal review that apply to the current operating term, the NRC will evaluate these issues for generic applicability as part of the regulatory process.

Therefore, the Commission believes that with the additional experience it has gained with age-related degradation reviews and with the implementation of the maintenance rule, there is a sufficient basis for concluding that current licensee programs and activities, along with the regulatory process, will be adequate to manage the effects of aging on the active functions of all systems, structures, and components within the scope of license renewal during the period of extended operation so that the CLB will be maintained. The bases for this conclusion are discussed further in the following sections.

(iv) Integration of the Regulatory Process and the Maintenance Rule With the License Renewal Rule

Because of the resultant insight and understanding that the NRC gained in developing the implementation guidance for the maintenance rule, the Commission is now in a position to more fully integrate the maintenance rule and the license renewal rule. Because the intent of the license renewal rule and the maintenance rule is similar (ensuring that the detrimental effects of aging on the functionality of important systems, structures, and components are effectively managed), the Commission has determined that the license renewal rule should credit existing maintenance activities and maintenance rule requirements for most structures and components. Recognition that licensee activities associated with the implementation of the maintenance rule will continue throughout the renewal period and are consistent with the first principle of license renewal is fundamental to establishing credit for the existing programs and the requirements of the maintenance rule. As a result, the requirements in this rule reflect a greater reliance on existing licensee programs that manage the detrimental effects of aging on functionality, including those activities implemented to meet the requirements of the maintenance rule.

Two commenters stated that it is inappropriate for the license renewal rule to rely on the maintenance rule implementation because 10 CFR 50.65 will not be in effect until July 10, 1996. The Commission disagrees with the commenters. As discussed in Section III.d. (ii) and (iii) of this SOC, the results of the Commission's MTIs indicate that licensees have adequate maintenance programs in place and have exhibited an improving trend in implementing them. Nuclear power plants have been performing a variety of maintenance activities since plants were initially constructed. The need for a maintenance rule arose primarily because the MTIs identified three common maintenance-related weaknesses (inadequate root-cause analysis, lack of equipment performance trending, and lack of appropriate consideration of plant risk in the prioritization, planning, and scheduling of maintenance). Additionally, the SOC for the maintenance rule (56 FR 31310) states that ''[T]he focus of the rule is on the results achieved through maintenance, and, in this regard, it is not the intent of the rule that existing licensees necessarily develop new maintenance programs.'' Furthermore, as stated in Regulatory Guide 1.160, it is intended that activities currently being conducted by licensees, such as technical specification surveillance testing, can satisfy monitoring requirements. Such activities could be integrated with, and provide the basis for, the requisite level of monitoring. Finally, at the time of this rulemaking, nine licensees volunteered to participate in an NRC pilot inspection effort to review implementation of the maintenance rule. Five pilot inspections had been completed at nuclear power plants. The pilot inspections involved a step-by-step review of the implementation of the maintenance rule. In general, the pilot inspections found that licensees were able to utilize existing maintenance activities in complying with requirements of the maintenance rule. Therefore, for these reasons and as discussed in Section III.(d) of this SOC, the Commission continues to believe that there is a sufficient basis for concluding that current licensee programs and activities, along with the regulatory process, will be adequate to manage the effects of aging on the active functions of all systems, structures, and components within the scope of license renewal during the period of extended operation so that the CLB will be maintained.

In addition to the maintenance rule, the Commission has many individual requirements relative to maintenance throughout its regulations. These include 10 CFR 50.34(a)(3)(i); 50.34(a)(7); 50.34(b)(6) (i), (ii), (iii), and (iv); 50.34(b)(9); 50.34(f)(1) (i), (ii), (iii); 50.34(g); 50.34a(c); 50.36(a); 50.36(c) (2), (3), (5), and (7); 50.36a(a)(1); 50.49(b); 50.55a(g); Part 50, Appendix A, Criteria 1, 13, 18, 21, 32, 36, 37, 40, 43, 45, 46, 52, 53; and Part 50, Appendix B.

(v) Excluding Structures and Components With Active Functions

Performance and condition monitoring for systems, structures, and components typically involves functional verification, either directly or indirectly. Direct verification is practical for active functions such as pump flow, valve stroke time, or relay actuation where the parameter of concern (required function), including any design margins, can be directly measured or observed. For passive functions, the relationship between the measurable parameters and the required function is less directly verified. Passive functions, such as pressure boundary and structural integrity are generally verified indirectly, by confirmation of physical dimensions or component physical condition (e.g., piping structural integrity can be predicted based on measured wall thickness and condition of structural supports, but its seismic resistance capability cannot be verified by inspection alone). Although the requirements of the maintenance rule apply to systems, structures, and components that perform both active and passive functions, the Commission has determined that performance and condition-monitoring programs for structures and components that perform passive functions present limitations that should be considered in determining that structures and components can be generically excluded from an aging management review for license renewal.

On the basis of consideration of the effectiveness of existing programs which monitor the performance and condition of systems, structures, and components

that perform active functions, the Commission concludes that structures and components associated only with active functions can be generically excluded from a license renewal aging management review. Functional degradation resulting from the effects of aging on active functions is more readily determinable, and existing programs and requirements are expected to directly detect the effects of aging. Considerable experience has demonstrated the effectiveness of these programs and the performance-based requirements of the maintenance rule delineated in § 50.65 are expected to further enhance existing maintenance programs. For example, many licensee programs that ensure compliance with technical specifications are based on surveillance activities that monitor performance of systems, structures, and components that perform active functions. As a result of the continued applicability of existing programs and regulatory requirements, the Commission believes that active functions of systems, structures, and components will be reasonably assured in any period of extended operation. Further discussion and justification for excluding structures and components that perform active functions and are within the scope of the license renewal rule, but outside the scope of the maintenance rule, are presented in Section (vi).

One commenter argued that the Commission should not exclude active components because aging can be discontinuous, leading to catastrophic failures. Examples of catastrophic failures provided by the commenter included overstretching of metal, bending of beams, and embrittlement. In their supplemental comments, NEI and Yankee Atomic Electric Company indicated that the use of the term ''portions of'' could be misinterpreted and lead to an unnecessary evaluation of all passive subcomponents of active structures and components.

The commenters appear to have misunderstood the Commission's intent with regard to ''active'' and ''passive'' functions. Passive parts of structures and components that only perform active functions do not require an aging management review. Structures and components that perform both passive and active functions require an aging management review for their intended passive function only. The exclusion regarding active components is focused on active functions rather than on an exclusion of the entire component. For example, diesel generators and air compressors (excluding structural supports) perform active functions and can be excluded from an aging management review. The examples given by the commenter for catastrophic failures are those related to ''passive'' intended functions (e.g., structural integrity, pressure boundary). It is the Commission's intent to include these ''passive'' functions in the license renewal review, irrespective of the components ''active'' function. For example, a safety system pump casing (i.e., pressure boundary function) would be required to be reviewed, while the pump (i.e., the active pumping function) would not. The Commission believes that considerable experience has demonstrated that its regulatory process, including the performance-based requirements of the maintenance rule, provide adequate assurance that degradation due to aging of structures and components that perform active functions will be appropriately managed to ensure their continued functionality during the period of extended operation. In addition, to address the NEI and Yankee Atomic Electric Company comments, the Commission has removed the words ''portions of'' and similar wording from the Statement of Considerations when it could be misinterpreted to mean a subcomponent piece-part demonstration.

A commenter argued that the Commission should not exclude from review manual valves that are rarely operated during the life of the plant, some of which are relied on as part of contingency actions in plant emergency operating procedures. The commenter argued that because these valves are rarely ''officially'' exercised, there is insufficient evidence that the active functions will be maintained in the renewal period. The Commission disagrees with the commenter's assertion that there is insufficient evidence that the active functions will be maintained in the renewal period. Such valves are within the scope of various regulatory programs, including the maintenance rule. Consequently, the ability of the valves to perform their intended function must be assured through either (1) effective preventive maintenance or (2) performance or condition monitoring.

(vi) Excluding Fire Protection Components With Active Functions

The scope of the maintenance rule does not generally include installed fire protection systems, structures, and components because performance and condition monitoring is required by § 50.48. Therefore, for the purposes of license renewal, installed structures and components that perform active functions can be generically excluded from an aging management review because they are either within the scope of § 50.65 or § 50.48. Compliance with § 50.48 is verified through the NRC inspection program.

The fire protection rule (§ 50.48) requires each nuclear power plant licensee to have in place a fire protection plan (FPP) that satisfies 10 CFR Part 50, Appendix A, Criterion 3. Licensees are required by § 50.48 to retain the FPP and each change to the plan until the Commission terminates the reactor license. The NRC reviews each licensee's total FPP as described in the licensee's safety analysis report (SAR), using basic review guidance described in § 50.48, as applicable to each plant.

The FPP establishes the fire protection policy for the protection of systems, structures, and components important to safety at each plant and the procedures, equipment, and personnel requirements necessary to implement the program at the plant site. The FPP is the integrated effort that involves systems, structures, and components, procedures, and personnel to carry out all activities of fire protection. The FPP includes system and facility design, fire prevention, fire detection, annunciation, confinement, suppression, administrative controls, fire brigade organization, inspection and maintenance, training, quality assurance, and testing.

The FPP is part of the CLB and contains maintenance and testing criteria that provide reasonable assurance that fire protection systems, structures, and components are capable of performing their intended function. The Commission concludes that it is appropriate to allow license renewal applicants to take credit for the FPP as an existing program that manages the detrimental effects of aging. The Commission concludes that installed fire protection components that perform active functions can be generically excluded from an aging management review on the basis of performance or condition-monitoring programs afforded by the FPP that are capable of detecting and subsequently mitigating the detrimental effects of aging.

(vii) Future Exclusion of Structures and Components on the Basis of NRC Requirements

As part of the ongoing regulatory process, the NRC evaluates emerging technical issues and, when warranted, establishes new or revised regulatory requirements as part of the resolution of a new technical issue, subject to the provisions of the backfit rule (§ 50.109). Increasing experience with aging

nuclear power plants has led to the imposition or consideration of additional requirements. For example, at this time the Commission is considering rulemaking activities associated with steam generator performance and containment inspections. For steam generators, the Commission is considering the need for a performance-based rule to address steam generator tube integrity. To address concerns regarding containments and liners, the Commission is considering amending § 50.55(a) to incorporate the most recent version of Subsections IWE and IWL in the American Society of Mechanical Engineers (ASME) Code, Section XI.

These new requirements, if implemented, would be relevant to both aging management and the structures and components subject to an aging management review for license renewal (i.e., passive, long-lived structures and components). As a result, as part of relevant future rulemakings, the Commission intends to evaluate whether these new requirements can be considered effective in continuing to manage the effects of aging through any renewal term. A positive conclusion could establish the bases for further limiting the license renewal review.

e. Reaffirmation of Conclusions Concerning the Current Licensing Basis and Maintaining the Function of Systems, Structures, and Components

(i) Current Licensing Basis

As defined in § 54.3 of the rule, the CLB is the set of NRC requirements applicable to a specific plant and a licensee's written commitments for ensuring compliance with and operation within applicable NRC requirements and the plant-specific design basis (including all modifications and additions to such commitments over the life of the license) that are docketed and are in effect. A detailed explanation of the CLB, the regulatory processes underlying the CLB, compliance with the CLB, and consideration of the CLB is contained in the SOC for the previous license renewal rule (56 FR 64949: December 13, 1991). In summary, the conclusions made in the SOC for the previous rule remain valid. The CLB represents the evolving set of requirements and commitments for a specific plant that are modified as necessary over the life of a plant to ensure continuation of an adequate level of safety. The regulatory process is the means by which the Commission continually assesses the adequacy of and compliance with the CLB. Compilation of the CLB is unnecessary to perform a license renewal review.

One commenter argued that the definition of CLB in § 54.3 should be clarified. Specifically, the commenter interprets that licensee written commitments made in docketed licensing correspondence such as responses to bulletins, generic letters, and enforcement actions and commitments in safety evaluations and licensee event reports (items in the third sentence of the definition) should be considered as part of the CLB only to the extent that these commitments reflect compliance with more formal requirements and regulations. These would include those elements of NRC requirements and regulations identified in the first two sentences of the definition. All other licensee commitments identified in those document types listed in the third sentence should not be considered CLB commitments if they are not otherwise necessary to demonstrate compliance with NRC requirements and regulations.

The Commission is aware of public concerns associated with the definition of CLB in § 54.3. Some of these concerns can be explicitly linked to what is meant by the term ''written commitments'' as it relates to the CLB. These concerns relate to ongoing consideration of the regulatory and licensee processes for defining, identifying, tracking, and validating licensee commitments. Although identified in the license renewal rulemaking process, many of these concerns are not directly associated with license renewal, but are relevant to current commitment management methods and practices. Therefore, the Commission is evaluating concerns associated with the definition of CLB in the context of currently operating reactors and may, in the future, determine that the definition of CLB needs to be clarified. Thus, the Commission concludes that, at this time, a revision to the definition of CLB is premature and will not be considered as part of this rulemaking.

In addition, the Commission concludes that, for the licensee renewal review, consideration of written commitments only need encompass those commitments that concern the capability of systems, structures, and components, identified in § 54.21(a), integrated plant assessment and § 54.21(c) time-limited aging analyses, to perform their intended functions, as delineated in § 54.4(b).

For the previous rule as well as for this rulemaking, commenters argued that the CLB of a number of plants is inadequate. Multiple examples of operational concerns and issues at specific plants were identified to demonstrate the inadequacy of the CLBs. One commenter stated that the Yankee Rowe reactor pressure vessel problem (the plant was removed from service rather than show compliance with its CLB for its reactor pressure vessel) demonstrates the inadequacy of CLBs. The commenter stated that ''the Rowe experience demonstrated that examination of the licensing basis for extended operation could jeopardize the remaining years on the current license.''

The Commission did not agree with the comments on the previous rule in this area and comments received for this rulemaking did not provide compelling reasons to alter the previous Commission determinations. The examples cited were all identified by the NRC through the inspection and oversight processes. The identification of these issues through the regulatory process demonstrates that the Commission's programs are effective in identifying and resolving new technical and safety issues and areas of noncompliance in a timely fashion. In each example provided by the commenters, appropriate corrective action was taken or is being taken on a plant-specific or on an industry-wide basis to either modify the CLB to resolve the concern or to ensure the continued compliance with the present CLB. The Commission agrees that the Yankee Rowe case demonstrated that the regulatory process can jeopardize current operation during license renewal activities. The decision to retire the Yankee Rowe plant was a utility economic decision when faced with the prospect of demonstrating continued compliance with its CLB. Non-compliance with the CLB, while not shown in the Rowe example, is one of the reasons that justifies the existence of the regulatory process.

Public Citizen stated that the Commission's contention that all reactors are in compliance with their CLBs is both arbitrary and capricious and neither stands the test of logic nor reality. The commenter continued by stating that the ''NRC's assumption is based upon the specious argument that having operated without a meltdown for a finite period of time means that safety is adequate.''

The Commission does not contend that all reactors are in full compliance with their respective CLBs on a continuous basis. Rather, as discussed in the SOC for the previous rule, the regulatory process provides reasonable assurance that there is compliance with the CLB. The NRC conducts its inspection and enforcement activities

under the presumption that non-compliances will occur.

The Commission does not believe that an absence of accidents over a given period of time equates to adequate safety. Neither does the Commission believe that all risk can be eliminated. Adequate safety is a subjective term that cannot be directly measured. The Commission's performance indicators demonstrate that, while not quantifiable, relative safety levels are increasing. An absence of accidents over a finite period of time can be considered as just one safety performance indicator. Despite improving performance indicators, the Commission intends to continue the meticulous process of insuring and maintaining an adequate level of protection.

Commenters for both the previous rule and for this rulemaking argued that the plant-specific CLB should be compiled and the NRC should verify compliance with the CLB as part of the license renewal process. Public Citizen stated that ''The NRC must review the documents which make up the current licensing basis and examine the plant itself in order to determine whether the licensee has complied with the current licensing basis,'' and further, submission of the documents, and NRC verification of the licensee's compliance with its CLB is necessary to avoid ''fraud and abuse.'' Public Citizen also contends that ''[a]bsent the submission of the documents the public and the Commission are left to examine the reactor's license renewal application and the IPA in a vacuum.''

The Commission disagrees with the commenter, and points out that the proposed rule did not explicitly require the renewal applicant to compile the CLB for its plant. The Commission rejected a compilation requirement for the previous license renewal rule for the reasons set forth in the accompanying SOC (56 FR at 64952). The Commission continues to believe that a prescriptive requirement to compile the CLB is not necessary. Furthermore, submission of documents for the entire CLB is not necessary for the Commission's review of the renewal application. As stated in section III.b(i) of this SOC, the Commission has determined that the single issue generic to all plants with regard to license renewal is the effects of age-related degradation during the period of extended operation. As explained in the SOC for the previous rule, section IV.c(i) (56 FR at 64948), the CLB of any plant is comprised of numerous regulations, license conditions, the design basis, etc. As discussed in III(e)(ii), ''Maintaining the function of systems, structures, and components,'' the portion of the CLB that can be impacted by the detrimental effects of aging is the design basis. Thus, there is no compelling reason to consider, for license renewal, any portion of the CLB other than that which is associated with the structures and components of the plant (i.e., that part of the CLB that can suffer detrimental effects of aging). All other aspects of the CLB have continuing relevance in the license renewal period as they do in the original operating term, but without any association with an aging process that may cause invalidation. From a practical standpoint, an applicant must consult the CLB for a structure or component in order to perform an aging management review. The CLB for the structure or component of interest contains the information describing the functional requirements necessary to determine the presence of any aging degradation.

The definition of CLB in § 54.3(a) states that a plant's CLB consists, in part, of ''a licensee's written commitments * * * that are docketed * * *'' Because these documents have already been submitted to the NRC and are in the docket files for the plant, they are not only available to the NRC for use in the renewal review, they are also available for public inspection and copying in the Commission's public document rooms. Furthermore, the NRC may review any supporting documentation that it may wish to inspect or audit in connection with its renewal review. If the renewed license is granted, those documents continue to remain subject to NRC inspection and audit throughout the term of the renewed license. The Commission continues to believe that resubmission of the documents constituting the CLB is unnecessary. With respect to the commenter's argument that the CLB needs to be verified, the Commission had concluded when it adopted the previous license renewal rule that a reverification of CLB compliance as part of the renewal review was unnecessary (56 FR at 64951–52). Public Citizen presented no information questioning the continuing soundness of the Commission's rationale, and the Commission reaffirms its earlier conclusion that a special verification of CLB compliance in connection with the review of a license renewal application is unnecessary. The Commission intends, as stated by the commenter, to examine the plant-specific CLB as necessary to make a licensing decision on the continued functionality of systems, structures, and components subject to an aging management review and a license renewal evaluation. This activity will likely include examination of the plant itself to understand and verify licensee activities associated with aging management reviews and actions being taken to mitigate detrimental effects of aging.

After consideration of all comments concerning the compilation of the CLB, the Commission has reconfirmed its conclusion made for the previous rule that it is not necessary to compile, review, and submit a list of documents that comprise the CLB in order to perform a license renewal review.

(ii) Maintaining the Function of Systems, Structures, and Components

As discussed in the SOC for the previous license renewal rule, the Commission stated that continued safe operation of a nuclear power plant requires that systems, structures, and components that perform or support safety functions continue to perform in accordance with the applicable requirements in the licensing basis. In addition, the Commission stated that the effects of ARDUTLR must be mitigated to ensure that the aged systems, structures, and components will adequately perform their designed safety or intended function.

In developing this final rule, a key issue that the Commission considered was whether or not a focus on ensuring a system's, structure's or component's function through performance or condition monitoring is a sufficient basis for concluding that the CLB will be maintained throughout the period of extended operation. The Commission considered whether the regulatory process and a focus on functionality during the license renewal review for the period of extended operation are sufficient to provide reasonable assurance that an acceptable level of safety (i.e., the CLB) will be maintained.

Continued safe operation of a commercial nuclear power plant requires that systems, structures, and components that perform or support safety functions continue to function in accordance with the applicable requirements in the licensing basis of the plant and that others do not substantially increase the frequency of challenges to those required for safety. As a plant ages, a variety of aging mechanisms are operative, including erosion, corrosion, wear, thermal and radiation embrittlement, microbiologically induced aging effects, creep, shrinkage, and possibly others yet to be identified or fully understood. However, the detrimental effects of aging mechanisms can be observed by detrimental changes in the performance

characteristics or condition of systems, structures, and components if they are properly monitored.

Aging can affect all systems, structures, and components to some degree. Generally, the changes resulting from detrimental aging effects are gradual. Licensees have ample opportunity to detect these degradations through performance and condition monitoring programs, technical specification surveillances required by § 50.36, and other licensee maintenance activities. Except for some well-understood aging mechanisms such as neutron embrittlement and intergranular stress corrosion cracking, the straightforward approach to detecting and mitigating the effects of aging begins with a process that verifies that the intended design functions of systems, structures, and components have not been compromised or degraded. Licensees are required by current regulations to develop and implement programs that ensure that conditions adverse to quality, including degraded system, structure, or component function, are promptly identified and corrected. The licensees' programs include self-inspection, maintenance, and technical specification surveillance programs that monitor and test the physical condition of plant systems, structures, and components.

For example, technical specifications include limiting conditions for operation (LCOs), which are the lowest functional capability or performance levels of equipment required for safe operation of the facility. Technical specifications also require surveillance requirements relating to test, calibration, or inspection to verify that the necessary quality of systems, structures, and components is maintained, that facility operation is within safety limits, and that LCOs continue to be met. Furthermore, § 50.55a requires, in part, that systems, structures, and components be tested and inspected against quality standards commensurate with the importance of the safety function to be performed, such as inservice testing (IST) and inservice inspections (ISIs) of pumps and valves.

Elements for timely mitigation of the effects of age-related degradation include activities that provide reasonable assurance that systems, structures, and components will perform their intended functions when called on. Through these programs, licensees identify the degradation of components resulting from a number of different environmental stressors as well as degradation from inadequate maintenance or errors caused by personnel. Once a detrimental performance or condition caused by aging or other factors is revealed, mitigating actions are taken to fully restore the condition to its original design basis. As a result of these programs, degradation due to aging mechanisms (detrimental aging effects) is currently being adequately managed, either directly or indirectly, for most systems, structures, and components.

Consequently, there is considerable logic in ensuring that the design basis (as defined in § 50.2) of systems, structures, and components is maintained through activities that ensure continued functionality. This process, including surveillance, is relied on in the current term to ensure continued operability, (i.e., to the greatest extent practicable, the intended design functions will be properly performed). The focus on maintaining functionality results in the continuing capability of systems, structures, and components, including supporting systems, structures, and components, to perform their intended functions as designed.

A key element of the 10 CFR 54 definition of the CLB is the plant-specific design-basis information defined in 10 CFR 50.2. According to this definition, ''[d]esign bases means that information which identifies the specific functions to be performed by a structure, system, or component of a facility, and the specific values or ranges of values chosen for controlling parameters as reference bounds for design.'' In addition, design bases identify specific functions to be performed by a system, structure, and component, and design-basis values may be derived for achieving functional goals. For plant systems, structures, and components that are not subject to performance or condition-monitoring programs or for those on which the detrimental effects of aging may not be as readily apparent, verification of specific design values (e.g., piping wall thickness) or demonstration by analysis can be a basis for concluding that the required function(s) will be maintained in the period of extended operation.

When the design bases of systems, structures, and components can be confirmed either indirectly by inspection or directly by verification of functionality through test or operation, a reasonable conclusion can be drawn that the CLB is or will be maintained. This conclusion recognizes that the portion of the CLB that can be impacted by the detrimental effects of aging is limited to the design-bases aspects of the CLB. All other aspects of the CLB, e.g., quality assurance, physical protection (security), and radiation protection requirements, are not subject to physical aging processes that may cause noncompliance with those aspects of the CLB.

Although the definition of CLB in Part 54 is broad and encompasses various aspects of the NRC regulatory process (e.g., operation and design requirements), the Commission concludes that a specific focus on functionality is appropriate for performing the license renewal review. Reasonable assurance that the function of important systems, structures, and components will be maintained throughout the renewal period, combined with the rule's stipulation that all aspects of a plant's CLB (e.g., technical specifications) and the NRC's regulatory process carry forward into the renewal period, are viewed as sufficient to conclude that the CLB (which represents an acceptable level of safety) will be maintained. Functional capability is the principal emphasis for much of the CLB and is the focus of the maintenance rule and other regulatory requirements to ensure that aging issues are appropriately managed in the current license term.

An example of performance verification activities that must be performed by licensees is the loss of coolant accident (LOCA)/loss of offsite power (LOOP) integrated tests. This technical specification surveillance is typically required to be performed at least once every 18 months. This test simulates a coincident LOCA/LOOP (design-basis accident) for each train or division of emergency alternating current (ac) power source (e.g., emergency diesel generators), the associated emergency core cooling systems (e.g., safety injection subsystems), and other electrically driven safety components (e.g., containment isolation valves, emergency ventilation/filtration components, and auxiliary feedwater components). All engineered safety features required to actuate for an actual LOCA/LOOP are required to actuate for the test and either duplicate the LOCA/LOOP function completely (e.g., electric loads are sequenced onto emergency busses, containment isolation valves actually shut from fully open positions) or approximate the actual function to the greatest extent practicable (e.g., safety injection pumps start and run in recirculation mode instead of actually injecting water into the reactor coolant system). Design-basis values that can only be measured during this testing, such as load sequence times and emergency bus voltage response to the sequenced loads, are directly verified.

Between integrated tests, monthly and quarterly surveillances verify specific component performance criteria such as emergency diesel generator start times or pump flow values. The acceptance criteria stated in the surveillance requirements are derived from design-basis values with appropriate conservatisms built in to account for any uncertainties or measurement tolerances. Satisfactory accomplishment and periodic repetition of these types of surveillance provide reasonable assurance that system, structure, and component functions will be performed as designed.

f. Integrated Plant Assessment

The previous license renewal rule required license renewal applicants to perform a systematic screening of plant systems, structures, and components to ultimately determine if aging would be adequately managed in the period of extended operation. This IPA process would begin broadly and consider all plant systems, structures, and components. The IPA would then focus on only those that are important to license renewal and finally on only those structures and components that could be subject to ARDUTLR. For those structures and components subject to ARDUTLR, the IPA process required an evaluation and demonstration that either (1) new programs or licensee actions would be implemented to prevent or mitigate any ARDUTLR during the period of extended operation or (2) justifies that no actions are necessary.

On the basis of experience gained from implementation of the previous license renewal rule, the Commission determined that the previous rule required the evaluation of an unnecessarily large number of plant systems, structures, and components to establish appropriate aging management in the period of extended operation. This experience, further consideration of existing activities, and the recent adoption of the maintenance rule have led the Commission to conclude that many of these systems, structures, and components are already subject to activities that ensure their function through any period of extended operation. Therefore, the Commission is amending the IPA process in this rulemaking to more efficiently focus the license renewal review on certain structures and components for which the regulatory process and existing licensee programs and activities may not adequately manage the detrimental effects of aging in the period of extended operation.

The approach reflected in this rule maintains the requirement for each renewal applicant to address possible detrimental effects of aging for certain systems, structures and components during the period of extended operation through the IPA process. The rule will simplify the IPA process consistent with (1) the Commission's determination that the aging management review should focus on ensuring that structures and components perform their intended function(s) and (2) the additional experience the Commission has gained related to aging management review since publishing the current license renewal rule.

The IPA process continues to require an initial review of all plant systems, structures, and components to identify the scope of structures and components requiring aging management review for license renewal. The principal differences between the IPA process in the previous license renewal rule and the IPA process in this rule is—

(1) The determination of the reduced set of structures and components that must undergo an aging management review;

(2) The form of the aging management review (managing the effects of aging on functionality versus managing aging mechanisms); and

(3) The elimination of the term, ''ARDUTLR''.

(i) Determination of Structures and Components Requiring Aging Management Review for License Renewal

In the SOC for the previous license renewal rule, the Commission stated that, as it gains more experience with age-related degradation reviews, it may revisit the need for such a disciplined review process and may narrow the scope of the safety review. The Commission now believes that after reviewing its recent implementation experience, a narrower scope of review is warranted. The Commission concludes that a generic exclusion from aging management review is appropriate for those categories of structures and components subject to existing programs and activities that the Commission believes are sufficient to provide reasonable assurance of continued function in the period of extended operation.

As discussed in Section III.d of this SOC, the Commission has determined that the existing regulatory process, existing licensee programs and activities, and the maintenance rule provide the basis for generically excluding structures and components that perform active functions from an aging management review. However, the Commission does not believe that it can generically exclude structures and components that—

(1) Do not have performance and condition characteristics that are as readily monitorable as active components; and

(2) Are not subject to periodic, planned replacement.

Unlike the extensive experience associated with the performance and condition monitoring of the active functions of structures and components, little experience has been gained from the evaluation of long-term effects of aging on the passive functions of structures and components. The Commission considers that the detrimental effects of aging affecting passive functions of structures and components are less apparent than the detrimental effects of aging affecting the active functions of structures and components. Therefore, the Commission concludes that a generic exclusion for passive structures and components is inappropriate at this time. The Commission also concludes that an aging management review of the passive functions of structures and components is warranted to provide the reasonable assurance that their intended functions are adequately maintained during the period of extended operation. Additional experience with managing the effects of aging on the function of these structures and components may narrow the selection of structures and components requiring an aging management review for license renewal in the future.

New Jersey commented that since so much of original plant design assumed 40 years of service, utilities should be required to determine the actual conditions of systems, structures, and components at the 40-year point ''license renewal milestone.''

The focus of the license renewal rule on passive, long-lived structures and components conforms to the commenter's concern. For a licensee to perform an effective aging management review of long-lived, passive structures and components identified in the IPA, a logical starting point for a given structure or component may be to assess its current condition against the CLB via a ''one time'' inspection. Although this assessment is not specifically required by the rule, the licensee must demonstrate that the effects of aging will be managed so that the intended function(s) will be maintained for the period of extended operation. If a licensee chooses not to perform a ''one time'' inspection or similar assessment for a particular structure or component,

the aging management review must still adequately demonstrate that detrimental effects of aging will be managed during the period of extended operation.

(a) ''Passive'' Structures and Components

In Section III.d of this SOC, the Commission concluded that structures and components that perform active functions can be generically excluded from an aging management review on the basis of performance or condition-monitoring programs. The Commission recognizes that structures and components that have passive functions generally do not have performance and condition characteristics that are as readily monitorable as those that perform active functions. Therefore, the Commission concludes that an aging management review is required for structures and components within the scope of the license renewal rule that perform passive intended functions.

The Commission has reviewed several industry concepts of ''passive'' structures and components and has determined that they do not accurately describe the structures and components that should be subject to an aging management review for license renewal. Accordingly, the Commission has developed a description of ''passive'' characteristics of structures and components. Furthermore, the Commission has directly incorporated these characteristics into the IPA process to avoid the creation of a new term, ''passive.'' This SOC uses the term ''passive'' for convenience. Furthermore, the description of ''passive'' structures and components incorporated into § 54.21(a) should be used only in connection with the IPA review in the license renewal process.

The Commission has determined that passive structures and components for which aging degradation is not readily monitored are those that perform an intended function without moving parts or without a change in configuration or properties. For example, a pump or valve has moving parts, an electrical relay can change its configuration, and a battery changes its electrolyte properties when discharging. Therefore, the performance or condition of these components is readily monitored and would not be captured by this description. Further, the Commission has concluded that ''a change in configuration or properties'' should be interpreted to include ''a change in state,'' which is a term sometimes found in the literature relating to ''passive.'' For example, a transistor can ''change its state'' and therefore would not be screened in under this description.

Structures or components may have active functions, passive functions, or both. For example, although a pump or a valve has some moving parts, a pump casing or valve body performs a pressure-retaining function without moving parts. A pump casing or a valve body meets the Commission's description and would therefore be considered for an aging management review. However, the moving parts of the pump, such as the pump impeller, would not be subject to aging management review. Additionally, the maintenance rule implementation guidance (Regulatory Guide 1.160) contains a provision by which licensees may classify certain systems, structures, and components (e.g., raceways, tanks, and structures) as, ''inherently reliable.'' Inherently reliable systems, structures, and components by definition generally do not require any continuing maintenance actions and should be considered as ''passive.''

As examples of the implementation of this screening requirement, the Commission considers structures and components meeting the passive description as including, but not limited to, the reactor vessel, the reactor coolant system pressure boundary, steam generators, the pressurizer, piping, pump casings, valve bodies, the core shroud, component supports, pressure retaining boundaries, heat exchangers, ventilation ducts, the containment, the containment liner, electrical and mechanical penetrations, equipment hatches, seismic Category I structures, electrical cables and connections, cable trays, and electrical cabinets.

Additionally, the Commission determined that structures and components that perform active functions are not subject to an aging management review (e.g., pumps (except casing), valves (except body), motors, diesel generators, air compressors, snubbers, the control rod drive, ventilation dampers, pressure transmitters, pressure indicators, water level indicators, switchgears, cooling fans, transistors, batteries, breakers, relays, switches, power inverters, circuit boards, battery chargers, and power supplies). However, pressure-retaining boundaries (e.g., pump casings, valve bodies, fluid system piping) and structural supports (e.g., diesel generator structural supports) that are necessary for the structure or component to perform its intended function meet the description of passive, and will be subject to an aging management review.

A commenter requested clarification as to whether the Commission intended pressure boundaries, other than the reactor coolant pressure boundary, to be included in an aging management review (e.g., pressurized water reactor main steam lines). The Commission does not limit the consideration of pressure boundaries for an aging management review to only the reactor coolant pressure boundary. All pressure retaining boundaries necessary for the performance of the intended functions delineated in § 54.4 would be subject to an aging management review. For example, those portions of a plant's main steam lines that meet the intended function criteria of § 54.4 would be included in an aging management review.

One commenter expressed a belief that cables were prematurely included as ''passive'' and should not be subject to an aging management review. The commenter stated that the only aging effects of cables are shorting and loss of continuity, and for cables not in a harsh environment, these effects would be immediately detected during normal operation or functional testing. The Commission considers the examples of electrical components (e.g., electrical cables, connections, and electrical penetrations) listed in 10 CFR 54.21(a)(1)(i) and Section III.f(i)(a) of the SOC to be properly categorized as ''passive'' because they perform their intended function without moving parts or without a change in configuration or properties and the effects of aging degradation for these components are not readily monitorable. The Commission also believes that this categorization is not premature as stated by the commenter.

The Commission disagrees with the commenter's assertion that the aging effects of cable make it easy to monitor functional degradation. Although there have been significant advances in this area, there is no single method or combination of methods that can provide the necessary information about the condition of electrical cable currently in service regarding the extent of aging degradation or remaining qualified life. Degradation due to aging of electrical cables caused by elevated temperature and radiation can cause embrittlement in the form of cracking of insulation and jacket materials. The cracks degrade the electrical properties of the insulation materials. The major concern is that failures of deteriorated cable systems (cables, connections, and penetrations) might be induced during accident conditions. Because these components are relied on to remain functional during and following design-basis events (including conditions of normal operation) and there are currently no known effective methods

for continuous monitoring of cable systems, these examples of passive electrical components subject to an aging management review will remain in 10 CFR 54.21(a)(1)(i) and Section III f(i)(a) of the SOC.

(b) ''Long-Lived'' Structures and Components

The Commission recognizes that, as a general matter, the effects of aging on a structure or component are cumulative throughout its service life. One way to effectively mitigate these effects is to replace that structure or component, either (i) on a specified interval based upon the qualified life of the structure or component or (ii) periodically in accordance with a specified time period to prevent performance degradations leading to loss of intended function during the period of operation.

Where a structure or component is replaced based upon a qualified life (appropriately determined), it follows that the replaced structure or component will not experience detrimental effects of aging sufficient to preclude its intended function. This is because the purpose of qualification of the life of a structure or component is to determine the time period for which the intended function of that structure or component can be reasonably assured.

Where a structure or component is replaced periodically in accordance with a specified time period, the regulatory process will ensure that degraded performance of the structure or component experienced during the replacement interval will be adequately addressed and the established replacing interval will be appropriate. Thus, there is a high likelihood that the detrimental effects of aging will not accumulate during the subsequent period such that there is a loss of intended function.

In sum, a structure or component that is not replaced either (i) on a specified interval based upon the qualified life of the structure or component or (ii) periodically in accordance with a specified time period, is deemed by § 54.21(a)(1)(ii) of this rule to be ''long-lived,'' and therefore subject to the § 54.21(a)(3) aging management review.

It is important to note, however, that the Commission has decided not to generically exclude passive structures and components that are replaced based on performance or condition from an aging management review. Absent the specific nature of the performance or condition replacement criteria and the fact that the Commission has determined that components with ''passive'' functions are not as readily monitorable as components with active functions, such generic exclusion is not appropriate. However, the Commission does not intend to preclude a license renewal applicant from providing site-specific justification in a license renewal application that a replacement program on the basis of performance or condition for a passive structure or component provides reasonable assurance that the intended function of the passive structure or component will be maintained in the period of extended operation.

A commenter recommended that the Commission exclude specific components from an aging management review if they have been replaced in the later years of the original license or if they are subject to routine testing. The Commission believes that one-time component replacements and replacements based on routine testing are essentially replacements based on performance or condition. Absent the specific nature of the performance or condition replacement criteria (e.g., routine testing program) it is not appropriate for the Commission to generically exclude all such replacement programs of passive structures and components. However, the Commission does not preclude a license renewal applicant from providing a plant-specific justification in a license renewal application that a one-time replacement program or replacement program on the basis of routine testing of passive structures and components provides reasonable assurance that functionality will be maintained in the period of extended operation.

A commenter requested that the Commission provide an example of a performance- or condition-based replacement program that could be used to justify that aging effects will be adequately managed during the period of extended operation. While an exact application of a performance or condition replacement is necessarily dependent on plant-specific situations and their respective aging effects of concern, the Commission would generally expect that such a replacement program would have defined performance or condition measuring methods (e.g., wall thickness of heat exchanger tubes), an established monitoring frequency that supports timely discovery of degraded conditions (e.g., every refueling outage), and an appropriate replacement criterion (e.g., upon reaching a specified number of tubes plugged).

One commenter stated that the Commission should consider dividing long-lived passive structures and components into two categories: those that have a less rigorous approach to oversight and maintenance and those that have a sufficiently high level of licensee programs and regulatory oversight. The commenter then suggests that the rule should recognize the quality and effectiveness of the programs in the second category and appropriately credit them relative to an aging management review. Specifically, the commenter provided the reactor coolant pressure boundary as an example of a passive, long-lived component for which rigorous programs and regulatory oversight currently exist to adequately manage the effects of aging. Currently, the Commission believes it would be too difficult to further divide the structures and components required for an aging management review into those passive, long-lived structures and components ''rigorously'' managed and those ''not as rigorously'' managed. The variations among plant specific designs and programs make such a determination unmanageable at present. However, as the Commission gains more experience with industry activities for management of passive, long-lived structures and components, it may consider further narrowing the scope of those structures and components requiring an aging management review. With regard to the commenter's specific example of the reactor coolant pressure boundary, because of its high-risk significance, the differences in plant-specific design and operational histories, and the lack of operating experience beyond the original operating terms, the Commission does not believe it appropriate to generically exclude the reactor coolant pressure boundary from an aging management review.

(ii) The IPA Process

The Commission revised and simplified the IPA requirements (§ 54.21(a)) as follows:

First, instead of listing those systems, structures, and components that are important to license renewal, only a list is required (from those systems, structures, and components within the scope of license renewal) of structures and components that a licensee determines to be subject to an aging management review for the period of extended operation. A licensee has the flexibility to determine the set of structures and components for which an aging management review is performed, provided that this set encompasses the structures and components for which the Commission has determined an aging management review is required for the period of extended operation.

Therefore, a licensee's aging management review must include structures and components—

(1) That were not subject to replacement based on a qualified life or a specified time period; and

(2) That perform an intended function (§ 54.4) without moving parts or without a change in configuration or properties.

In establishing this flexibility, the Commission recognizes that licensees may find it preferable to not take maximum advantage of the Commission's generic conclusion regarding structures and components that do not require an aging management review, and may undertake a broader scope of review than is minimally required. For example, a licensee may desire to review all ''passive'' structures and components. This set of structures and components would be acceptable because it includes ''long-lived'' as well as periodically replaced structures and components and, therefore, encompasses all structures and components that would be identified through criteria (1) and (2) above.

Second, the IPA must contain a description of the methodology used to determine those systems, structures, and components within the scope of license renewal and those structures and components subject to an aging management review.

Third, the IPA must contain a demonstration, for each structure and component subject to an aging management review, that the effects of aging will be managed so that the intended function(s) will be maintained for the period of extended operation. This demonstration must include a description of activities, as well as any changes to the CLB and plant modifications that are relied on to demonstrate that the intended function(s) will be adequately maintained despite the effects of aging in the period of extended operation.

A commenter suggested that the regulatory text include a more comprehensive list of components subject to an aging management review in order to clarify its intent. The Commission decided that not to include a more detailed list of components subject to an aging management review. Components subject to an aging management review are highly plant specific and the Commission does not intend to establish plant-specific lists by regulation. However, the Commission will include additional clarification and examples of components requiring an aging management review in its implementation guidance for the rule.

DOE commented that the wording in § 54.21(a)(3), requiring a demonstration that the effects of aging will be managed so that the intended function(s) will be maintained, could be interpreted too restrictively. Specifically, DOE asserts that the IPA process serves to demonstrate that a structure or component will perform in a manner consistent with the CLB rather than to provide ''absolute'' assurance that the structure or component will not fail. Therefore, DOE recommends revising § 54.21(a)(3) to include requiring a demonstration that the effects of aging are ''adequately managed'' and that the intended functions are maintained, ''to the extent required by the CLB.''

The Commission agrees with DOE that the IPA process is not intended to demonstrate absolute assurance that structures or components will not fail, but rather that there is reasonable assurance that they will perform such that the intended functions, as delineated in § 54.4, are maintained consistent with the CLB. The Commission has clarified the wording in § 54.21(a)(3) to require a demonstration that the effects of aging be adequately managed so that the intended function(s) will be maintained consistent with the CLB.

One commenter suggested that the amendment provides more uncertainty as to which structures and components should be considered for an aging management review. Specifically, the commenter cited fasteners as an example of what is important but appears not to be considered in the proposed rule. The commenter states that the NRC should provide more detailed guidance.

The Commission does not agree that the rule provides more uncertainty with regard to what structures and components should be considered. In fact, the rule provides clear criteria for what types of structures and components must be subject to an aging management review—namely passive, long-lived structures and components from those determined to be within the scope of license renewal. With regard to the specific example of fasteners cited by the commenter, the rule would require an aging management review for fasteners because fasteners are considered to be passive and if the fasteners (1) were determined to be within the scope of license renewal as defined in § 54.4 and (2) were determined not to be subject to periodic replacement or replacement based on a qualified fastener life. As in the previous rule, this rule does not delineate a comprehensive list of the specific structures and components that must be considered for an aging management review.

g. Time-Limited Aging Analyses and Exemptions

(i) Time-Limited Aging Analyses

The definition of ARDUTLR in the previous license renewal rule requires a licensee evaluation and NRC approval of previous time-limited aging analyses for systems, structures, and components within the scope of license renewal that either were based on an assumed service life or a period of operation defined by the original license term. For example, certain plant-specific safety analyses may have been based on an explicitly assumed 40-year plant life (e.g., aspects of the reactor vessel design). As a result, an evaluation for license renewal would be required. Those time-limited aging analyses that need to be evaluated for renewal are limited to those analyses with (i) time-related assumptions, (ii) utilized in determining the acceptability of systems, structures, and components within the scope of license renewal (as defined in Section 54.4), (iii) which are based upon a period of plant operation equal to or greater than the current license term, but less than the cumulative period of plant operation (*viz.*, the existing license term plus the period of extended operation requested in the renewal application). Time-limited aging analyses based on an assumed period of plant operation short of the current operating term should be addressed within the original license and need not be reviewed for license renewal.

Because the Commission deleted the term of ARDUTLR, this license renewal rule identifies these explicit time-limited analyses as issues that must be clearly addressed within the license renewal process. This rule explicitly requires that—

(1) Applicants perform an evaluation of time-limited aging issues relevant to systems, structures, and components within the scope of license renewal in the license renewal application; and

(2) The adequate resolution of time-limited aging analysis issues as part of the standards for issuance of a renewed license.

The time-limited provisions or analyses of concern are those that—

(1) Involve the effects of aging;

(2) Involve time-limited assumptions defined by the current operating term, for example, 40 years;

(3) Involve systems, structures, and components within the scope of license renewal;

(4) Involve conclusions or provide the basis for conclusions related to the

capability of the system, structure, and component to perform its intended functions;

(5) Were determined to be relevant by the licensee in making a safety determination; and

(6) Are contained or incorporated by reference in the CLB.

The applicant for license renewal will be required in the renewal application to—

(1) Justify that these analyses are valid for the period of extended operation;

(2) Extend the period of evaluation of the analyses such that they are valid for the period of extended operation, for example, 60 years; or

(3) Justify that the effects of aging will be adequately managed for the period of extended operation if an applicant cannot or chooses not to justify or extend an existing time-limited aging analysis.

The Commission considers analyses to be ''relevant'' if the analyses provided the basis for the licensee's safety determination and, in the absence of the analyses, the licensee may have reached a different safety conclusion. Time-limited aging analyses that need to be addressed in a license renewal evaluation are not necessarily those analyses that have been previously reviewed or approved by the Commission. The following examples illustrate time-limited aging analyses that need to be addressed and were not previously reviewed and approved by the Commission.

(1) The FSAR states that the design complies with a certain ASME Code requirement. A review of the ASME Code requirement reveals that a time-limited aging analysis is required. The actual calculation was performed by the licensee to meet code requirements. The specific calculation was not referenced in the FSAR and the NRC had not reviewed the calculation.

(2) In response to a generic letter, a licensee submitted a letter to the NRC committing to perform a time-limited aging analysis that would address the concern in the generic letter. The NRC had not documented a review of the licensee's response and had not reviewed the actual analysis.

The Commission expects that the number of time-limited aging analyses that need to be addressed in a license renewal evaluation is relatively small. Although the number and type will vary depending on the plant-specific CLB, these analyses could include reactor vessel neutron embrittlement (pressurized thermal shock, upper-shelf energy, surveillance program), concrete containment tendon prestress, metal fatigue, environmental qualification (EQ) of electrical equipment, metal corrosion allowance, inservice flaw growth analyses that demonstrate structural stability for 40 years, inservice local metal containment corrosion analyses, and high-energy line-break postulation based on fatigue cumulative usage factor.

Three issues were raised by five commenters relating to time-limited aging analyses in the proposed rule.

(1) The proposed rule contains a definition of time-limited aging analyses in § 54.3 which is further discussed in the proposed SOC. However, the proposed rule definition appeared to contain two criteria in defining time-limited aging analyses while the discussion in the proposed SOC appeared to contain six criteria. Three commenters indicated that there may be potential inconsistencies between the proposed rule definition and the proposed SOC. The commenters recommended various methods for incorporating the SOC language in the rule.

The proposed SOC discussion was intended to further clarify the criteria contained in the proposed rule definition. After reviewing the comments, the Commission has decided to replace the proposed definition of time-limited aging analyses in § 54.3 with the six criteria in the proposed SOC as recommended.

(2) One commenter recommended reconsideration of all proposed plant modifications which were not imposed by the Commission due to a cost-benefit analysis that had time-dependent factors. The commenter suggested that this should include any backfits which the Commission declined to impose, as well as potential plant modifications to reduce risk identified in programs such as the individual plant examination (IPE) and the individual plant examination of external events (IPEEE) for severe accident vulnerabilities.

The Commission does not regard such reconsideration to be necessary to provide reasonable assurance that there is no undue risk to the public health and safety for the period of extended operation of nuclear power plants.

As discussed in the SOC for the previous license renewal rule (56 FR 64943 at 64948), in NUREG–0933, A Prioritization of Generic Safety Issues, the NRC examined 249 generic safety issues (GSIs) that had been resolved through October 1990, in order to identify possible cases where consideration of the additional period of operation during the renewal term might have altered the NRC's regulatory decision not to undertake additional action. Of the 139 GSIs resolved through October 1990 that did not result in backfits, the Commission found that only 3 issues for which a reexamination of the backfit determination appeared to be prudent. In two instances, the reexamination confirmed the appropriateness of the no backfit conclusion for an additional 20 years of operation beyond the original 40-year license term. The third issue (GSI Item III.A.1.3 ''Maintain Supply of Thyroid Blocking Agent'') had been placed in the resolution process for reasons apart from license renewal. Thus, cost-benefit analyses of the resolved GSIs were relatively insensitive to consideration of the period of extended operation. The cost-benefit methodologies utilized in resolution of GSIs are the same as those used by the NRC in conjunction with the full gamut of regulatory actions involving nuclear power plants, including rulemaking and enforcement. Since the methodologies are the same, the Commission believes that the results of NUREG–0933 can be reasonably extrapolated to other regulatory assessments where backfits were not imposed on the basis of cost-benefit analyses limited to 40 years of operation. Furthermore, cost-benefit considerations simply do not come into play in backfit determinations involving adequate protection—except in selecting among different ways of achieving adequate protection, as is acknowledged in 10 CFR 50.109(a)(7). The IPE and IPEEE are licensees' studies to search for plant vulnerabilities to internal and external events. As such, the IPE and IPEEE are not intended to identify or address matters involving adequate protection and, to date, no such issues have been identified.

(3) Two commenters recommended clarifying that the requirement of time-limited aging analyses does not apply to a component that is replaced based on a qualified life less than the full original license term. The commenters cited the EQ of electrical equipment pursuant to § 50.49 as a specific example. This type of equipment is replaced during the current license term and will continue to be replaced during the renewal term based on its qualified life.

The Commission's intent for the requirement of time-limited aging analyses is to capture, for renewal review, certain plant-specific aging analyses that are explicitly based on the duration of the current operating license of the plant. The Commission's concern is that these aging analyses do not cover the period of extended operation. Unless these analyses are evaluated, the Commission does not have assurance that the systems, structures, and components addressed by these

analyses can perform their intended function(s) during the period of extended operation. The periodic replacement program discussed in the previous paragraph would ensure that the subject component can perform its intended function(s) during the period of extended operation. Thus, the Commission agrees with the commenters that components replaced based on qualified lives less than the duration of the current license term need not be addressed under time-limited aging analyses for renewal if the scheduled replacement continues to be performed in the period of extended operation. This is consistent with the definition of time-limited aging analyses in § 54.3.

(ii) Exemptions

The previous license renewal rule required that an applicant for license renewal provide a list of all plant-specific exemptions granted under 10 CFR 50.12. An evaluation that justifies the continuation of the exemptions for the renewal term must be provided for exemptions that were either granted on the basis of an assumed service life or a period of operation bounded by the original license term of the facility or otherwise related to systems, structures, or components subject to ARDUTLR.

With the deletion of the definition of ARDUTLR and the corresponding addition of a separate time-limited aging analysis requirement, the Commission has included this exemption review with the separate time-limited aging analysis requirement in § 54.21(c). This change is consistent with the Commission's intent to review exemptions based on time-limited aging analyses under the current rule.

Two commenters questioned the proposed requirement to list and evaluate all granted exemptions, including those that are no longer in effect. One commenter recommended that only exemptions in effect at the time of renewal application and continuing into the period of extended operation should be considered for renewal. Further, the other commenter indicated that requiring a listing of all exemptions is inconsistent with the removal of other lists currently required in 10 CFR 54, such as the list of systems, structures, and components important to license renewal, to provide applicants flexibility in developing suitable methodologies to implement the requirements of § 54.21. The Commission agrees with the commenters. Exemptions that have expired are no longer part of the CLB for that plant. Further, a requirement to list all exemptions in effect is unnecessary because the only exemptions of concern for license renewal are those that have time-limited aging analyses.

Thus, the Commission has revised § 54.21(c)(2) to require a listing of only those exemptions in effect at the time of renewal application that are based on time-limited aging analyses as defined in § 54.3.

The Commission will rely on explicit wordings in the granted exemptions to determine if an exemption is in effect at the time of renewal application. The Commission will not require an exemption to be considered for license renewal if the exemption was granted with an explicit expiration date that has passed prior to the renewal application. However, the Commission will require exemptions granted without explicit expiration dates to be considered for renewal. If an applicant believes that a certain exemption has expired and yet the supporting documentation does not have a clearly stated expiration date, the applicant should update its CLB prior to submitting its renewal application to clearly indicate that the exemption has expired.

h. Standards for Issuance of a Renewed License and the Scope of Hearings

Section 54.29 of the previous license renewal rule provided that the Commission may issue a renewed license if—

(a) Actions have been identified and have been or will be taken with respect to age-related degradation unique to license renewal of systems, structures, and components important to license renewal, such that there is reasonable assurance that the activities authorized by the renewed license will be conducted in accordance with the current licensing basis, and that any changes made to the plant's current licensing basis in order to comply with this paragraph are otherwise in accord with the Act and the Commission's regulations.

(b) Any applicable requirements of subpart A of 10 CFR Part 51 have been satisfied.

(c) Any matters raised under 10 CFR 2.758 have been addressed as required by that (section).

Issues that were material to the findings in § 54.29 of the previous rule, as well as matters approved by the Commission for hearing under § 2.758, were within the scope of a hearing on a renewed license. The previous license renewal rule modified § 2.758 to clarify that challenges to the license renewal rule in an adjudicatory hearing on a renewal application would be considered by the Commission only in the following limited circumstances:

(1) That there are special circumstances with respect to age-related degradation unique to license renewal or environmental protection so that application of either 10 CFR Part 54 or 10 CFR Part 51 would not serve the purpose for which these rules were intended; or

(2) Because of circumstances unique to the period of extended operation, there would be noncompliance with the plant's CLB or operation that is inimical to the public health and safety during the period of extended operation.

The intent of those provisions in the previous rule was to clarify that safety and environmental matters not unique to the period of extended operation would not be the subject of the renewal application or the subject of a hearing in a renewal proceeding absent specific Commission direction. Rather, issues that represent a current problem for operation would have been addressed in accordance with the Commission's regulatory process and procedures. Thus, under the previous rule, a member of the public who believed that a current problem exists with a license or a matter exists that is not adequately addressed by current NRC regulations would have either petitioned the NRC to take appropriate action under § 2.206, or petitioned the NRC to institute rulemaking to address the issue under § 2.802.

The Commission continues to believe that aging management of certain important systems, structures, and components during this period of extended operation should be the focus of a renewal proceeding and that issues concerning operation during the currently authorized term of operation should be addressed as part of the current license rather than deferred until a renewal review (which would not occur if the licensee chooses not to renew its operating license). However, in this final rule, the Commission has narrowed the scope of structures and components that will require an aging management review for the period of extended operation and identification and evaluation of time-limited aging analyses by the applicant. Accordingly, conforming changes in § 54.29 have been made to reflect the refocused renewal review. Specifically, § 54.29 has been revised to delete the term ''age-related degradation unique to license renewal,'' and substitute the findings (required for consistency with the revised § 54.21 (a)(3) and (c)) with respect to aging management review and time-limited aging analyses evaluation for the period of extended operation. Furthermore, § 2.758 has similarly been revised to delete the terms ''age-related

degradation unique to license renewal'' and ''unique to the requested term.'' The elimination of ARDUTLR requires elimination of the concept that the renewal review or hearing must be confined to aging issues that are ''unique'' to license renewal. Instead, limits on the scope of renewal review and hearing are based on careful review of the sufficiency of the NRC regulatory process to resolve issues not considered in renewal.

Section 54.29 of the proposed rule (59 FR 46579) was intended to accomplish several things. Proposed § 54.29(a) was intended to define the findings that the Commission must make in order to issue a renewed operating license to a nuclear power plant and the scope of any hearing on the renewal application.[2] By contrast, proposed § 54.29 (b) and (c) were intended to identify the issues that were NOT to be part of the renewal review and to re-emphasize the renewal applicant's obligation under its current operating license to address, in the context of that license, those aging matters identified in the course of its renewal review that may reasonably be expected to cause a loss of function for systems, structures, or components during the current term of operation. Both DOE and NEI commented that by combining these purposes into a single section, the proposed rule could be erroneously interpreted as requiring a general demonstration of compliance with the CLB as a prerequisite for issuing a renewed license. While the Commission believes that the proposed rule was sufficiently clear in distinguishing between the issues that must be addressed as part of the renewal review versus those which must be addressed in the context of the current license, the Commission has considered the comments of DOE and NEI as evidence that the language of the proposed rule could be further improved. Upon review of NEI's and DOE's proposals, the Commission has decided to adopt an approach similar to the DOE proposal, which narrows § 54.29 to the findings to be made for issuance of a renewed license, and describes in a new section, 54.30, the licensee's responsibilities for addressing safety matters under its current license, that are not within the scope of the renewal review. Separating the subjects into two different sections should minimize any possibility of misinterpreting the scope of the renewal review and finding.

Section 54.29(a) of the proposed rule set forth the three findings, in paragraphs (a)(1), (a)(2) and (a)(3), which the NRC must make in order to issue a renewed license. The first finding in paragraph (a)(1) was divided into two numbered paragraphs (1)(i) and (1)(ii). DOE commented that numbering the clauses could lead to an erroneous interpretation that two separate, parallel conditions must be met in order to make the first finding. To avoid the potential misinterpretation, DOE recommended a revised numbering scheme. The Commission agrees that separately numbering clauses (i) and (ii) in paragraph (a)(1) could lead to an erroneous interpretation that two parallel conditions must be met in order to make the finding in paragraph (a)(1). Therefore, the Commission has adopted an approach similar to the DOE proposal.

i. Regulatory and Administrative Controls

Certain regulatory and administrative controls in the previous license renewal rule were imposed to specify the circumstances and requirements necessary to make changes relating to the determination and management of ARDUTLR and the recordkeeping and reporting requirements relating to the renewal application. In view of the greater reliance on existing programs in the license renewal process, as discussed in Section III.d of this SOC, the Commission has determined that many of these requirements are no longer necessary. Therefore, the Commission has decreased the recordkeeping and reporting burden on the applicant for license renewal in the level of detail in the application, requirements for supplementing the FSAR, and in recordkeeping requirements.

The Commission seeks to ensure that, in general, only the information needed to make its safety determination is submitted to the NRC for license renewal review and that regulatory controls imposed by the license renewal rule are consistent with existing regulatory controls on similar information that may be developed by a licensee during the current operating term.

(i) Controls on Technical Information in an Application

In § 54.21, the previous license renewal rule requires that an application include a supplement to the FSAR that presents the information required by this section. This information included the IPA lists of systems, structures, and components, justification for assessment methods, and descriptions of programs to manage ARDUTLR.

The simplification of the IPA process (Section III.f of this SOC) and the clarification of the concept of ARDUTLR (Section III.b of this SOC) have resulted in a potential inconsistency regarding the treatment of information associated with the IPA. The Commission has determined that there is no need to include the entire IPA in an FSAR supplement because only the information associated with the IPA regarding the basis for determining that aging effects are managed during the period of extended operation requires the additional regulatory oversight afforded by placing the information in the FSAR. Therefore, only a summary description of the programs and activities for managing the effects of aging during the period of extended operation for those structures and components requiring an aging management review needs to be included in the FSAR supplement. The IPA methodology and the list of structures and components need not appear in an FSAR supplement, although this information will still be required in the application for license renewal.

The Commission has also eliminated § 54.21 (b) and (d) of the previous rule. These sections concern CLB changes associated with ARDUTLR and plant modifications necessary to ensure that ARDUTLR is adequately managed during the period of extended operation. This information is now required as part of § 54.21 (a)(3) and (c). Relevant information concerning changes to the CLB and plant modifications required to demonstrate that aging effects for systems, structures, and components requiring an aging management review for license renewal must be described in the application for license renewal (§ 54.21 (a)(3) and (c)). If a license renewal applicant or the Commission determines that CLB changes or plant modifications form the basis for an IPA conclusion regarding structures and components requiring an aging management review, then an appropriate description of the CLB change or plant modification must be included in the FSAR supplement. Subsequent changes are controlled by § 50.59.

Section 54.21(c) of the previous license renewal rule required that an applicant for license renewal submit (1) a list of all plant-specific exemptions granted pursuant to 10 CFR 50.12 and each relief granted pursuant to 10 CFR

[2] The scope of Commission review determines the scope of admissible contentions in a renewal hearing absent a Commission finding under 10 CFR 2.758.

50.55a and (2) an evaluation if the exemption or relief was related to a system, structure, or component that was subject to ARDUTLR or a time-limited function. These lists and evaluations were to be included in the supplement to the FSAR. At that time, the Commission determined that these requirements were necessary to make an independent assessment that all exemptions and reliefs had been evaluated as part of the license renewal process. The Commission determined that these requirements were important because they provided a summary of the instances in the licensing basis for the period of extended operation in which the staff determined that strict compliance with existing regulatory requirements is not needed to ensure that the public health and safety is adequately protected.

The Commission continues to believe that the rationale and basis for requiring the information to be submitted are still valid for exemptions. The Commission has relocated the requirement to list and evaluate certain exemptions to proposed § 54.21(c). Thus, these exemptions can, therefore, be considered a subset of time-limited aging issues.

Consistent with the Commission's rationale for including only a summary description of programs and activities in the FSAR supplement, the Commission concludes that only a summary description of the evaluation of time-limited aging analyses, including a summary of the bases for exemptions that are based on time-limited aging analyses, needs to be included in the FSAR supplement. The Commission concludes that no needs exist to establish additional requirements that place the list of exemptions or specific exemption evaluations into the FSAR supplement, although this information must still be contained in the application for license renewal.

A relief from Codes need not be evaluated as part of the license renewal process. A relief granted pursuant to 10 CFR 50.55a is specifically envisioned by the regulatory process. A relief expires after a specified time interval (not to exceed 10 years) and a licensee is required to rejustify the basis for the relief. At that time, the NRC performs another review and may or may not grant the relief. Because a relief is, in fact, an NRC-approved deviation from the Codes and subject to a periodic review, the Commission concludes that reliefs are adequately managed by the existing regulatory process and should not require an aging management review and potential rejustification for license renewal. Therefore, the Commission has deleted the requirement to list and evaluate reliefs from § 54.21(c).

In its comments, NEI noted that the requirement contained in § 54.22 of the proposed rule requiring justification for technical specifications changes that are necessary to manage the effects of aging in the period of extended operation be placed in the FSAR supplement is not generally consistent with current regulatory practices. NEI states that the basis for such technical specification changes only should be required to be documented in the bases section of the technical specifications. The Commission agrees with NEI concerning the requirement to include the justification for technical specifications in the FSAR supplement and has clarified the requirement in § 54.22 to be more consistent with § 50.36. Section 54.22 now states that the justification for changes or additions to the technical specifications must be contained in the license renewal application.

(ii) Conditions of Renewed License

Section 54.33 of the previous rule required that, upon renewal, a licensee maintain the programs and procedures, which would have been reviewed and approved by the NRC staff, for managing ARDUTLR. In addition, § 54.33 established requirements for making changes to previously approved programs and procedures to manage ARDUTLR consistent with the rule changes that delete the term ''ARDUTLR.''

Considering the proposed amendments associated with the elimination of the term ''ARDUTLR,'' the rule requires programs and procedures to manage the effects of aging for certain systems, structures, and components. However, the Commission will not approve specific programs and procedures as envisioned by the previous license renewal rule (e.g., effective programs). The Commission will review programs and procedures described in the license renewal application and determine whether these programs and procedures provide reasonable assurance that the functionality of systems, structures, and components requiring review will be maintained in the period of extended operation. The license renewal review that would be conducted under this rule may consider all programs and activities to manage the effects of aging that ensure functionality for these systems, structures, and components. A summary description of the programs and activities for managing the effects of aging for the period of extended operation or evaluation of time-limited aging analyses, as appropriate, for these systems, structures, and components will be placed into the FSAR supplement. License conditions and limitations determined to be necessary as part of the license renewal review will continue to be required by the Commission in accordance with § 54.33(b).

The regulatory process will continue to ensure that proposed changes to programs and activities that may affect descriptions in the FSAR will receive adequate review by the licensee and, if appropriate, by the NRC. Therefore, the Commission has deleted the § 54.33(d) requirements for making changes to previously approved programs and procedures to manage ARDUTLR.

(iii) Additional Records and Recordkeeping Requirements

Section 54.37 of the previous rule required that the, § 50.71(e) required, periodic FSAR update:

(1) Include any systems, structures, and components newly identified as important to license renewal after the renewed license is issued;

(2) Identify and provide justification for any systems, structures, and components deleted from the list of systems, structures, and components important to license renewal; and

(3) Describe how ARDUTLR will be managed for those newly identified systems, structures, and components.

The Commission reviewed the requirements for updating the FSAR (§ 54.37(b)) and determined that the requirements needed to be modified. As discussed in Section III.i.(i) of this SOC, the requirement to list systems, structures, and components that are ''important to license renewal'' in the FSAR supplement that accompanies the renewal application has been deleted. Therefore, in order to be consistent with the controls on technical information discussed in Section III.i.(i), the Commission has revised the requirements for information to be included in the periodic FSAR supplement. For example, the previous requirement to identify and provide justification, in the periodic FSAR update, for any systems, structures, and components deleted from the aforementioned list is no longer necessary and has been deleted from the final rule. In addition, the previous rule's requirement to describe how ARDUTLR will be managed for those newly identified systems, structures and components has been modified. For newly identified systems, structures, and components that would have required either an aging management review or a time-limited aging analysis, the final rule requires that the licensee

describe in the periodic FSAR update how the effects of aging will be managed to ensure that the systems, structures, and components perform their intended function during the period of extended operation.

Two commenters indicated that the level of detail required by § 54.37(b) (a description of how the effects of aging will be managed in the period of extended operation) is greater than, and therefore inconsistent with, the level of detail required in the FSAR supplement required by § 54.21(d) (a summary description of the programs and activities necessary for managing the effects of aging). The Commission believes that it is important to note that the systems, structures, and components discussed in § 54.37(b) are those *newly identified* systems, structures, and components that would have been subject to an aging management review in the license renewal process. If identified as part of the license renewal process, information concerning the aging management for these structures and components would have been contained in the application for license renewal. During the license renewal process, the application and the FSAR supplement, together, provide the necessary information and administrative controls to evaluate and help ensure the efficacy of aging programs for these structures and components. After a renewed license is issued, the information in the FSAR supplement serves the dual purposes of (1) Assuring that the licensee has considered relevant technical information regarding the evaluation of aging effects for these newly identified systems, structures, and components and (2) establishing appropriate administrative and regulatory controls on the programs that manage aging for these newly identified systems, structures, and components. Therefore, the Commission concludes that the characterization of the level of detail required in the FSAR supplement for newly identified systems, structures, and components by § 54.37(b) is appropriate.

Section 54.37(c) of the previous rule required that a licensee do the following:

(1) Submit to the NRC at least annually a list of all changes made to programs for management of ARDUTLR that do not decrease the effectiveness of ''effective'' programs, with a summary of the justification and

(2) Maintain documentation for any changes to ''effective'' programs that are determined not to reduce the effectiveness of the program.

Under this rule, the Commission will review aspects of programs and procedures described in the license renewal application and determine whether these programs and procedures will provide reasonable assurance that the functionality of systems, structures, and components requiring review will be maintained in the period of extended operation. The license renewal review that would be conducted under this rule may consider all programs and activities that manage the effects of aging and ensure functionality for these certain systems, structures, and components. The existing regulatory process, existing licensee oversight activities, and the additional regulatory controls associated with placing a summary description of activities to manage the effects of aging into the FSAR are sufficient to ensure that changes to programs that could decrease the overall effectiveness of the programs to manage the effects of aging and the evaluation of time-limited aging analyses for the systems, structures, and components requiring license renewal review will receive appropriate review by the licensee. Therefore, the Commission has deleted § 54.37(c).

IV. General Comments and Responses

(1) One commenter recommended that the NRC perform a full economic analysis for the period of extended operation. The commenter indicated that topics such as the expense involved in monitoring and/or replacing components, the increase in decommissioning costs as plants are operated longer and waste is accumulated, a comparison of the costs for operating the plant for the additional time versus the cost of other sources of power need to be addressed.

The economics of electrical power generation is the responsibility of the individual utility and the Federal or State agencies that are given that authority and responsibility. Generally, a State public utility commission or the Federal Energy Regulatory Commission, along with the utility, have the responsibility and the authority to address economic issues associated with power generation. Furthermore, the Commission's regulatory responsibility (as defined by the Atomic Energy Act, the NRC's organic statute) does not confer upon the Commission primary authority for regulating the economics of nuclear power generation. Under these circumstances, the Commission does not believe that it should perform economic analyses of nuclear power generation as a basis for informing the Commission's licensing decisions. While it is true that the Commission currently addresses the economics of operating a nuclear power plant in the context of an environmental impact statement (EIS), it should be recognized that these analyses have been conducted in the context of EISs as part of the Commission's process for complying with the mandates of the National Environmental Policy Act (NEPA). However, NEPA does not require such economic analyses. In a separate rulemaking (59 FR 37724) the Commission is considering whether the Commission's current analytical approach should be altered by moving away from economic analyses in EISs and redirecting the NEPA evaluation to focus on environmental impacts. In sum, the Commission is not statutorily required, and does not believe it is necessary, to perform economic analyses of extended operation of nuclear power plant licenses.

(2) NEI commented that an aging management review that involves an issue that is being addressed by the NRC as a GSI or an unresolved safety issue (USI) should not hold up the issuance of a renewed license pending the resolution of the issue.

Resolution of a USI or GSI generically for the set of applicable plants is not necessary for the issuance of a renewed license. GSIs and USIs that do not contain issues related to the license renewal aging management review or time-limited aging evaluation are *not* a subject of review or finding for license renewal. However, designation of an issue as a GSI or USI does not exclude the issue from the scope of the aging management review or time-limited aging evaluation.

For an issue that is both within the scope of the aging management review or time-limited aging evaluation *and* within the scope of a USI or GSI, there are several approaches which can be used to satisfy the finding required by section 54.29. If an applicable generic resolution has been achieved before issuance of a renewed license, implementation of that resolution could be incorporated within the renewal application. An applicant may choose to submit a technical rationale which demonstrates that the CLB will be maintained until some later point in time in the period of extended operation, at which point one or more reasonable options (e.g., replacement, analytical evaluation, or a surveillance/maintenance program) would be available to adequately manage the effects of aging. (An applicant would have to describe its basis for concluding that the CLB is maintained, in the license renewal application, and briefly describe options that are technically feasible during the period of extended

operation to manage the effects of aging, but would not have to preselect which option would be used.) Another approach could be for an applicant to develop an aging management program which, for that plant, incorporates a resolution to the aging effects issue.

Another option could be to propose to amend the CLB (as a separate action outside of the license renewal application) which, if approved, would revise the CLB such that the intended function is no longer within the CLB.

(3) Several commenters suggested that as plants age, the regulatory requirements need to be strengthened rather than relaxed. These commenters indicated that the proposed license renewal rule is a relaxation of the previous rule, serving only to provide incentives for applicants, rather than an enhancement to public safety.

The Commission does not agree that regulations must be strengthened simply because a plant ages. The Commission believes that additional regulations should be imposed when there is some reason to believe that current regulation are inadequate. The Commission's regulatory process continuously assesses the need for additional oversight and implements appropriate regulations to ensure public health and safety. Equally important, however, is the Commission's policy to ensure that its regulations promote a stable, efficient, and predictable regulatory environment. Therefore, where the Commission recognizes a more efficient and stable means of achieving a particular level of safety, it strives to implement that approach.

The Commission implemented a license renewal rule because existing regulations did not contain clear guidance on renewals and, further, the Commission believed that current regulations were inadequate to address the effects of aging in the period of extended operation. Upon implementation of the previous license renewal rule, however, the Commission determined that the rule could be amended to create a more efficient and stable license renewal process, while retaining the same degree of safety provided by the previous rule.

(4) Nevada commented that the Commission should be analyzing whether there was any condition, act, or practice that occurred during the period of initial licensing that would affect the period of extended operation. In a broad sense, the regulatory process continuously evaluates the safety status of licensed plants and modifies licensing bases as necessary to ensure that plant operation is not inimical to the public health and safety. As discussed in the SOC of the previous rule (56 FR at 64951), the Commission's inspection program obtains sufficient information on licensee performance, through direct observation and verification of licensee activities, to determine whether the facility is being operated safely and whether the licensee management control program is effective and to ascertain whether there is a reasonable assurance that the licensee is in compliance with regulatory requirements. Further, as discussed in the SOC for the previous rule (56 FR at 64947), the Commission has a program for the review of operating events at nuclear power plants. The total program offers a high degree of assurance that events that are potentially risk significant or precursors to significant events are being reviewed and resolved expeditiously. Response to events may result in minor followup inspection activities at a single plant up to generic safety improvements at all plants—regardless of license terms. Thus, the Commission continuously analyzes conditions, acts, and practices that could affect safe operation of plants and takes appropriate action.

(5) One commenter asked whether the original rules concerning emergency preparedness are still in effect, even though the proposed rule changes did not mention any revisions to emergency preparedness requirements. The Commission's response is; yes, the previous rules provisions on emergency preparedness are still in effect.

(6) One commenter stated that the rule should be written in language that the average, literate citizen can comprehend. The commenter further states that technical terms, or specialized phraseology whose purpose is to express a precise meaning, legal or otherwise, can and should be fully explained. The Commission agrees with the commenter to the extent that NRC documents should be written so that as many people as possible can comprehend them. The expectation is for all Commission documents to be written as clearly as possible so that they can be easily comprehended. The Commission has taken steps to clarify technical terms and phraseology in the final rule and SOC. For example: the phrase ''age-related degradation unique to license renewal'' was not well understood and not easily explained; in part because of this the Commission has removed this phrase from the rule.

(7) One commenter claimed that the Commission did not consult with either any environmental group or any members of the general public when the Commission was seeking advice during a public workshop on the proposed changes to the license renewal rule. Rather, the Commission relied solely on the expertise of representatives of nuclear utilities, industry organizations, architects and engineering firms, consultants and contractors, and Federal and State agencies.

The Commission disagrees. Consistent with the Commission's policy of seeking input from the entire spectrum of the public, the Commission provided ample opportunity for public comment. The Commission held a public workshop on September 30, 1993, to discuss alternative approaches to the license renewal rule. A notice of the public workshop was published in the **Federal Register** on August 12, 1993. In addition to the **Federal Register** notice, the NRC explicitly contacted four public interest groups that had previously indicated interest in license renewal. The NRC staff contacted representatives from the Union of Concerned Scientists, the Nuclear Information and Resource Service, the Natural Resources Defense Council, and the Public Citizen Litigation Group. Representatives from the Nuclear Information and Resource Service and the Public Citizen Litigation Group attended the workshop. Written comments from the Ohio Citizens for Responsible Energy, Inc. were also received. The proposed changes to the license renewal rule were published in the **Federal Register** on September 9, 1994, for public comment. Three public interest groups provided comments: the Public Citizen, the Ohio Citizens for Responsible Energy, Inc., and the Sierra Club. During the upcoming development of implementation guidance (a standard review plan for license renewal and a regulatory guide for license renewal), external NRC meetings will be open to the public and the draft standard review plan for license renewal and the draft regulatory guide for license renewal will be made available for public comment.

(8) NEI stated that 10 CFR 54.23 requires an ''environmental report that complies with the requirements of 10 CFR Part 51.'' 10 CFR 51.53 requires a supplemental environmental report. The wording should be consistent between Parts 51 and 54. The Commission agrees and the Part 54 wording will be changed to be consistent with Part 51.

(9) Two commenters encouraged the creation of implementation guidance in the form of a regulatory guide and a standard review plan. The current NRC effort is focused on the completion of this license renewal rule and the review of the initial license renewal submittals. The NRC intends to develop and issue guidance in the future in the form of a regulatory guide and a standard review

plan, however, the guidance may not be issued prior to the NRC review of a number of submittals.

(10) One commenter suggested that the NRC should require an update of plant environs for parameters such as population density to assure that the original licensing basis is still valid prior to license renewal.

The Commission does not agree that a review of plant environs is necessary as a precondition for license renewal. Aside from such a review being beyond the scope of license renewal, the Commission's regulations in 10 CFR 50.71(e) require a licensee to ensure that the FSAR contains the latest and most accurate information. This requirement includes parameters on plant environs such as population density, which is normally contained in Chapter 2 of the FSAR.

V. Public Response to Specific Questions

In the Notice of Proposed Rule (59 FR at 46589), the Commission requested public comment on five specific questions. The Commission appreciates the public's comments on these five questions.

Discussion. An aging management review is required for a small subset of structures and components within the scope of license renewal. As described in Section III.f of this SOC, the Commission believes, on the basis of existing regulatory requirements and operating experience, that the aging management review can be limited to ''passive,'' ''long-lived'' structures and components.

1. Should additional structures and components within the scope of license renewal be explicitly required to receive an aging management review?

2. If so, what would be the bases for requiring such additional structures and components to be subject to an aging management review?

Commenters responded to questions 1 and 2 by stating that additional structures and components not included in the proposed rule require an aging management review, no additional structures and components require an aging management review, and structures and components requiring an aging management review under the proposed rule should be excluded. The Commission has responded to the individual comments on requiring an aging management review for additional structures and components in Section III(d)(v) of this SOC. Comments stating that additional structures and components should be generically excluded from an aging management review are answered in response to question 3 in this Section.

Discussion. The IPA in the proposed amendment to the license renewal rule contains a process to narrow the focus of the aging management review to encompass those structures and components that are ''long-lived'' and ''passive'' (see § 54.21(a)(1) (i) and (ii)).

In SECY–94–140, the Commission considered the possibility that *redundant,* long-lived, passive structures and components could be generically excluded from an aging management review for license renewal. The basis for this consideration was that redundancy is one aspect of a defense-in-depth design philosophy that could provide reasonable assurance that certain single failures would not render systems, structures, or components incapable of performing their intended function(s). The staff reasoned that although simultaneous failures of redundant structures and components are hypothetically possible, the physical variables and the differences in operational and maintenance histories that will influence the incidence and rates of aging degradation between otherwise identical structures and components make simultaneous failures of redundant equipment unlikely. In addition, existing programs and requirements (i.e., maintenance rule and 10 CFR Part 50, Appendix B) would result in activities to determine the root causes for failures and mitigate future occurrences of them.

On further consideration, however, the Commission has recognized, because it cannot generically determine that all licensees have processes, programs, or procedures in place for the timely detection of degraded conditions as a result of aging during the period of extended operation for passive, long-lived structures and components, that the potential exists for reduced reliability and failure of *redundant,* long-lived, passive structures and components. If the condition of these structures and components were degraded below their CLB (i.e., design bases, including seismic design), without detection and corrective action, a failure of *redundant,* passive structures and components is possible given, for example, the occurrence of a design-basis seismic event, such that the system may not be able to perform its intended functions. Therefore, without readily monitorable performance and/or condition characteristics to reveal degradation that exceeds CLB levels (as in the case of passive, long-lived structures and components) the Commission believes it inappropriate to permit generic exclusion of *redundant,* long-lived, passive structures and components. If, however, an applicant, in the site-specific renewal application, can demonstrate that their facility has specific programs or processes in place to detect ongoing degradation such that failure of *redundant,* long-lived, passive structures and components is avoided, the Commission may be able to credit such programs and allow *redundant,* long-lived, passive structures and components to be generically excluded from further aging management review.

3. Is there additional information for the Commission to consider that would satisfy the Commission's concern relative to the detection of degradation in *redundant,* long-lived, passive structures and components such that failures that might result in loss of system function are unlikely, and to warrant a generic exclusion?

One commenter stated that ''built in'' redundancy is an essential safety feature and suggested that redundant, passive, long-lived structures and components should not be excluded from an aging management review.

Industry commenters, on the other hand, attempted to provide sufficient justification for generically excluding from an aging management review those components whose failure will not result in a loss of system function. The industry divided these components into two categories: (1) redundant components and (2) small components that can be isolated, such as instrument lines. The industry believes that passive, long-lived components that have designed redundancy are subject to extensive licensee programs that verify structural integrity and functional capability. These extensive programs, together with the established redundancy, ensure that the effects of aging will be detected so that corrective action can be taken before a loss of the system's intended function. The industry believes that the stringent seismic design requirements coupled with current plant programs provides greater assurance that structural integrity and capability of passive components will be maintained during an earthquake. Moreover, the industry believes that the slow, long-term characteristics of the aging process and the fact that this aging process is not occurring at an identical rate in redundant trains, allows degraded conditions to become self-revealing before a loss of the intended system function.

As discussed in the proposed rule amendment, the Commission concluded that passive, long-lived components should be subject to an aging management review because, in general,

functional degradation of these components is not as readily revealable so that the regulatory process and existing licensee programs may not adequately manage the detrimental effects of aging in the period of extended operation. In their comments on the proposed rule amendment, the industry provided some examples of how aging effects of certain passive structures and components could be considered by the Commission to be adequately managed during the period of extended operation. However, the basis for the aging management programs described in the examples relies on individual licensee programs rather than on design redundancy.

While the industry examples may be a basis for determining that aging of a structure or component is adequately managed in a plant-specific application, a generic determination of acceptability is difficult given the variations among plant designs and programs. However, as the NRC gains more experience with the effects of aging during the period of extended operation and can better define the boundary of adequate aging management for passive, long-lived structures and components, the Commission may consider further narrowing the scope of passive, long-lived structures and components requiring an aging management review.

Additionally, the industry did not adequately address the Commission's concern relative to aging degradation below design bases occurring simultaneously in redundant trains such that an initiating event (e.g., a seismic event) may lead to failure of the intended system function. The industry's argument that aging will not occur at identical rates and that a failure in one redundant train will lead to investigative and corrective actions before the remaining component fails, is not compelling. Absent more detailed information, the Commission cannot preclude the possibility of common mode failures of redundant, passive structures and components. Further, the Commission believes that crediting a regulatory requirement (i.e., redundancy) as a surrogate for an aging management program to ensure a system's intended function exploits the Commission's defense-in-depth philosophy. In addition, this argument is circular because the established redundancy would, in essence, be used to assure continued redundancy in the period of extended operation.

The industry also proposed that the Commission generically exclude from an aging management review certain portions of systems whose failure can either be isolated or whose failure will not result in the loss of the associated system's intended function. The industry cites small instrument lines and sensors that can be isolated (i.e., manual isolation by operator action) as examples of components that could be excluded from an aging management review using these criteria.

The Commission cannot generically exclude these components from consideration for an aging management review for several reasons. The Commission does not deem it appropriate to generically credit operator action (e.g., manual component isolation), exclusively as adequate aging management for portions of systems that would otherwise require an aging management review. Such an exclusion necessarily presumes that manual valve isolation would occur—a presumption the Commission cannot make. In addition, all ''passive'', ''long-lived'' portions of systems that perform an intended function as specified in § 54.4(b) require an aging management review. Instrument lines, for example, typically are ''passive'', ''long-lived'' and form part of a system's pressure boundary. The Commission cannot generically exclude these portions of systems from an aging management review because failure of these portions of systems *may* result in the loss of the system's intended function (e.g., required instrumentation, pressure boundary, flowrate). Therefore, an applicant for license renewal will be required to perform an aging management review for these portions of systems. However, an applicant for license renewal may perform, or may have performed, additional plant-specific analyses that adequately demonstrate that failure of these non-redundant portions of systems *will not* result in the loss of any of the associated systems' intended functions. In this case, these plant-specific analyses could provide the basis for a license renewal applicant to conclude that these non-redundant portions of systems do not meet the functional scoping criteria of § 54.4(b) and, therefore, are not subject to an aging management review.

Discussion. The Commission concluded in the SOC for the current license renewal rule (56 FR 64963; December 13, 1991) that 20 years of operational and regulatory experience provides a licensee with substantial amounts of information and would disclose any plant-specific concerns with regard to age-related degradation. In addition, a license renewal decision with approximately 20 years remaining on the operating license would be reasonable considering the estimated time necessary for utilities to plan for replacement of retired nuclear power plants. One utility has recently indicated that decisions regarding license renewal made earlier in the current license term may create substantial current-day economic advantages while still providing sufficient plant-specific history. This utility suggested that the earliest date for filing a license renewal application be changed so that a license renewal application can be submitted earlier than 20 years before expiration of the existing operating license. The term of the renewed license would still be limited to 40 years.

4. Is there a sufficient plant-specific history before 20 years of operation as specified in the current rule that provides reasonable assurance that aging concerns would be identified? If not, can reliance on industry-wide experience be used as a basis for considering an application for license renewal before 20 years of operation? What should be the earliest time an applicant can apply for a renewed license?

The NRC received six responses to the question. Four of the six commenters opposed consideration of license renewal applications prior to 20 years of operation. These comments included arguments such as:

(1) Early applications may not allow for the effects of deterioration due to aging to appear in sufficient diversity or intensity for management to acquire a full range of experience in dealing with these problems;

(2) Licensees might apply for renewal over a shorter period before the effects of aging are apparent;

(3) Early applications could negatively impact the review schedule for older plants; and

(4) There is a lack of experience with the maintenance rule. One of these commenters suggested the possibility of approving a license renewal contingent on imposing certain special testing requirements during the final years of the original license term to ensure that substantial physical degradation of passive, long-lived safety-related equipment had not occurred. NEI, while not specifically favoring a rule change allowing early applications, stated that depending on the individual plant and its operating history, there may be sufficient operating history available to provide reasonable assurance that aging concerns can be identified and, therefore, an applicant may request an exemption. One commenter (DOE) was in favor of a rule change allowing an early application. DOE stated that, in general, aging effects are apparent after only a few years of operation and that

industry-wide data provides a sound basis to understand and address the effects of aging, even at a plant that has operated only a few years. DOE foresees no technical impediment to license renewal prior to 20 years of operation.

Based on the general nature of the information provided by the commenters, no change to the final rule will be made. The Commission is willing to consider, however, plant-specific exemption requests by those applicants who believe that they may have sufficient information available to justify applying for a renewal license prior to 20 years from the expiration date of the current license.

5. What additional safety, environmental, or economic benefits or concerns, if any, would result from a decision about license renewal made before the 20th year of current plant operation?

The NRC received two responses to this question. NEI felt that a significant economic benefit would likely be derived from license renewal decisions made before the 20th year of operation. However, they stated that the industry cannot estimate the exact benefit because it is likely to vary considerably from plant to plant. NEI also stated that it is clear that knowledge gained from license renewal will enhance the utility's ability to engage in long-range planning and may enable the utility to modify its electrical rates accordingly. DOE added that they were unaware of any safety or environmental concerns that would result from a license renewal decision before the 20th year of operation, other than those issues that would be considered for any license renewal.

No new specific information concerning additional safety, environmental, or economic benefits of license renewal applications before the 20th year was provided by any commenters. Therefore, the Commission has determined not to change Section 54.17.

VI. Availability of Documents

Copies of all documents cited in the Supplementary Information section are available for inspection and/or for reproduction for a fee in the NRC Public Document Room, 2120 L Street N.W. (Lower Level), Washington, DC 20555.

In addition, copies of NUREGs cited in this document may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Mail Stop SSOP, Washington, DC 20402–9328. Copies are also available for purchase from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

VII. Finding of No Significant Environmental Impact: Availability

The NRC prepared a draft environmental assessment (EA) for the proposed rule pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended; the regulations issued by the Council on Environmental Quality (40 CFR 1500–1508), and the NRC's regulations (Subpart A of 10 CFR 51). Under NEPA and the NRC's regulations, the Commission must consider, as an integral part of its decisionmaking process on the proposed action, the expected environmental impacts of promulgating the proposed rule and the reasonable alternatives to the action. The NRC concluded that promulgation of the proposed rule would not significantly affect the environment and, therefore, a full environmental impact statement would not be required and a finding of no significant impact (FONSI) could be made. The basis for these conclusions and the finding are summarized below.

The NRC previously assessed the environmental impacts from promulgation of a license renewal rule in NUREG–1398, ''Environmental Assessment for the Final Rule on Nuclear Power Plant License Renewal.'' In this assessment, the NRC concluded that the promulgation of 10 CFR 54 will have no significant impact on the environment. With this assessment as a baseline, the NRC's approach for assessing the environmental impact of the proposed rule centered on analyzing any differences in the expected rule-related actions from the previous rule compared to those under the proposed rule.

The requirements for a renewed license under both the previous rule and the proposed rule are similar. Both approaches could result in the operation of plants up to 20 years beyond the expiration of the initial license. An emphasis would be placed on certain systems, structures, and components undergoing a specific aging management review to provide assurance that the effects of aging are adequately managed, thus ensuring functionality during the period of extended operation. Under both approaches, license renewal applicants must screen plant systems, structures, and components through an IPA to determine which systems, structures, and components will be subject to a license renewal review and then determine whether additional actions are required to manage the effects of aging so that the intended function is maintained. The principal differences between the proposed rule and the previous rule are in (1) the screening of systems, structures, and components to identify those that must undergo a plant-specific aging management review and (2) the form of this aging management review.

Under the screening of systems, structures, and components that must be further reviewed, the proposed rule effectively narrows the scope of systems, structures, and components subject to an aging management review. In general, the previous rule contained a definition of ARDUTLR that would cause many systems, structures, and components to require further aging management review but would allow existing licensee programs and activities (including the maintenance rule) to serve as a basis for concluding that ARDUTLR will be adequately managed in the period of extended operation. The proposed rule would retain the screening of systems, structures, and components but would reduce the scope of systems, structures, and components requiring review to a narrowly defined group based on an NRC determination, in this rulemaking, of the effectiveness of current licensee programs and activities and NRC requirements that will continue into the period of extended operation. Because the proposed rule has essentially the same results with respect to management of aging effects in the period of extended operation as the previous rule, but provides a more efficient process to achieve these results, the environmental impacts of the proposed rule would be similar to those under the previous rule.

With respect to the form of the aging management review, the proposed rule would establish a clear focus on managing the functionality of systems, structures, and components in the face of detrimental aging effects as opposed to identification and mitigation of aging mechanisms. The Commission concluded that the focus on identification of aging mechanisms is not necessary because regardless of the aging mechanism, only those that lead to degraded component performance or condition (i.e., potential loss of functionality) are of concern. Therefore, the Commission concluded that an aging management review that seeks to ensure a component's functionality is a more efficient and appropriate review. This change only improves the efficiency of the licensee's aging management review. Therefore, the environmental impacts would be similar to those under the previous rule.

The ultimate licensee actions to manage aging in the renewal term under the proposed rule are expected to be similar to those under the previous rule. However, the required activities to

manage the effects of aging will be arrived at more efficiently under the proposed rule. Therefore, the environmental impact of license renewal under the proposed rule would be similar to that for license renewal under the previous rule. Hence, the Commission concluded that the proposed rule would not significantly impact the environment.

The Commission's EA and FONSI for the proposed rule were issued in draft and public comments were solicited. Several public comments were received and are addressed below.

Two commenters stated that the NRC should be required to prepare an EIS for license renewal. In general, these commenters believed that the EIS should include a discussion on the following issues:

(a) A full description of proposed mitigation measures to counteract reactor degradation due to aging;

(b) The cumulative effects of an added 20 years of discharge of radioactive cooling waters and/or steam;

(c) The environmental impacts of prolonged stockpiling of high-level and low-level waste; and

(d) Plans for public involvement from the first scoping session, through subsequent public hearing.

The Commission has undertaken a review of the environmental impacts of license renewal from two different perspectives. First, for the purposes of evaluating the environmental impacts of a formal regulatory process for license renewal, the NRC prepared NUREG–1398. This environmental assessment served to assess the degree to which the renewal of operating licenses via a formal regulatory process would differ from renewal of operating licenses under existing regulations that do not specify standards for license renewal applications. The environmental assessment discussed the issues of additional waste generation, activities required to address aging degradation in the renewal period, and impacts of radioactive discharges. The Commission concluded in that environmental assessment that a formal license renewal regulation establishing the standards for license renewal applications would result in no significant impact from those impacts expected from renewal without a formal license renewal process. The staff performed an additional environmental assessment for the proposed amendments to the previous license renewal rule and concluded, consistent with the previous environmental assessment, that the amended rule would result in no significant impact.

Second, for the purpose of evaluating the environmental impacts associated with granting a renewed license, the NRC is preparing ''Generic Environmental Impact Statement for License Renewal of Nuclear Plants'' (GEIS), NUREG–1437, as part of its amendments to 10 CFR 51. The GEIS addresses, in generic fashion, the impacts associated with continued operation of a nuclear plant beyond its original license, including the impacts of activities to counter the effects of aging, the impacts of high-level and low-level waste, and the effects of radioactive discharges. In addition, the Commission has proposed amendments to 10 CFR 51 that would require that a supplement to the GEIS be prepared for individual license renewal applications to address those impacts that could not be generically evaluated in the GEIS. This supplement would be issued in draft for public comment.

One commenter stated that the draft FONSI for the proposed rule is inappropriate. The commenter stated that the NRC is creating incentives for the licensees to seek license renewal by easing rules. The commenter stated that the reduction in review of the new rule will result in significant environmental impacts. The Commission disagrees. The FONSI for the proposed rule was based on the FONSI from the previous license renewal rule (see NUREG–1398) and an analysis of the difference between the previous rule and the proposed rule. As discussed in the EA for the proposed rule, the amended rule will result in the same activities required to adequately manage the effects of aging in the period of extended operation as in the previous rule; however, the method for arriving at these activities will be more efficient. This efficiency is gained because the NRC is generically crediting, in this rule, the existing aging management programs for which the applicant would have had to describe and justify under the previous rule. The Commission does not agree with the commenter that the amendments to the previous rule represent any less stringent a review. The environmental impacts from the amendments to the license renewal rule are expected to be the same as the previous rule because the ultimate actions to manage aging will be the same. Therefore, consistent with the finding of no significant impact for the previous rule, the Commission finds this final rule will result in no significant impact.

One comment stated that the waste confidence decision assumptions can not be transferred to license renewal. The waste confidence decision is not relevant to 10 CFR 54 or any of its amendments. The formal requirements that an applicant for renewal must meet and the information that must be submitted for the NRC to conduct a license renewal review are established in 10 CFR 54. The environmental assessment for the previous license renewal rule (NUREG–1398) assessed the degree to which the renewal of operating licenses via a formal regulatory process would differ from renewal of operating licenses under existing regulations that did not specify standards for license renewal. The Commission concluded, in that environmental assessment, that the impacts from spent fuel storage under a formal license renewal process would not differ from the spent fuel impacts from license renewal under existing regulations that did not specify standards for renewals. This conclusion does not rely on the Commission's waste confidence decision.

Upon considering these comments, the Commission has determined that the commenter's concerns do not alter the proposed finding in the EA for the proposed rule. Consequently, the Commission has determined under the NEPA, and the Commission's regulations in Subpart A of 10 CFR Part 51, that this rule is not a major Federal action significantly affecting the quality of the human environment; therefore, an environmental impact statement is not required. This is because this rule will result in the same activities to adequately manage the effects of aging in the period of extended operation as in the previous rule, although, it arrives at these activities in a more efficient manner. The EA and FONSI on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street N.W. (Lower Level), Washington, DC. Single copies of the environmental assessment may be obtained from John P. Moulton, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 415–1106.

VIII. Paperwork Reduction Act Statement

This final rule amends information collection requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). These requirements were approved by the Office of Management and Budget, approval number 3150–0155.

The public reporting burden for this collection of information is estimated to average 94,000 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the

data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Information and Records Management Branch (T6 F33), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; and to the Desk Officer, Office of Information and Regulatory Affairs, NEOB–10202, (3150–0155), Office of Management and Budget, Washington, DC 20503.

IX. Regulatory Analysis

The NRC prepared a draft regulatory analysis of the values and impacts of the proposed rule and of a set of significant alternatives. The draft regulatory analysis was placed in the Commission's public document room for review by interested members of the public. In addition, a summary of the findings and conclusions of the regulatory analysis were published in the **Federal Register** (59 FR 46591, September 9, 1994) concurrent with the proposed rule. No comments were received on the regulatory analysis. The regulatory analysis has been finalized and is available for inspection in the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington DC. Single copies of the analysis may be obtained from Joseph J. Mate, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington DC 20555, (301) 415–1109.

X. Regulatory Flexibility Act Certification

As required by the Regulatory Flexibility Act of 1980, (5 U.S.C. 605 (b)), the Commission certifies that this final rule does not have a significant economic impact upon a substantial number of small entities. The final rule sets forth the application procedures and the technical requirements for renewed operating licenses for nuclear power plants. The owners of nuclear power plants do not fall within the definition of small business entities as defined in Section 3 of the Small Business Act (15 U.S.C. 632), the Small Business Size Standards of the Small Business Administration (13 CFR Part 121), or the Commission's Size Standards (56 FR 56671; November 6, 1991).

XI. Non-Applicability of the Backfit Rule

This rule, like the previous license renewal rule, addresses the procedural and technical requirements for obtaining a renewed operating license for nuclear power plants. Although this amendment constitutes a change to an existing regulation, the NRC has determined that the backfit rule, 10 CFR 50.109, does not apply because this amendment only affects prospective applicants for license renewal. The primary impetus for the backfit rule was ''regulatory stability.'' Once the Commission decides to issue a license, the terms and conditions for operating under that license would not be changed arbitrarily post hoc. As the Commission expressed in the preamble for 10 CFR 52, which prospectively changed the requirements for receiving design certifications, the backfit rule—

> [W]as not intended to apply to every regulatory action which changes settled expectations. Clearly, the backfit rule would not apply to a rule which imposed more stringent requirements on all future applicants for construction permits, even though such a rule might arguably have an adverse impact on a person who was considering applying for a permit but had not done so yet. In this latter case, the backfit rule protects the construction permit holder, but not the perspective applicant, or even the present applicant. (54 FR 15385–86; April 18, 1989).

Regulatory stability from a backfitting standpoint is not a relevant issue with respect to this rule. There are no licensees currently holding renewed nuclear power plant operating licenses who would be affected by this rule. No applications for license renewal have been docketed. It is also unlikely that any license renewal applications will be submitted before this rule becomes effective. Consequently, there are no valid licensee or applicant expectations that may be changed regarding the terms and conditions for obtaining a renewed operating license. Accordingly, this rule does not constitute a ''backfit'' as defined in 10 CFR 50.109(a)(1).

Furthermore, one reason the Commission is amending 10 CFR Part 54 is because of the concerns of nuclear power plant licensees who were dissatisfied with the previous requirements in 10 CFR Part 54 and urged the Commission to modify the rule to address their concerns. Under this circumstance, the policy objective of the backfit rule would not be served by undertaking a backfit analysis. Regulatory and technical alternatives for addressing the concerns with the previous 10 CFR Part 54 were analyzed and considered in the regulatory analysis that has been prepared for this rule. Preparation of a separate backfit statement would not provide any substantial additional benefit. Therefore, the Commission has determined that a backfit analysis pursuant to 10 CFR 50.109 need not be prepared for this rule.

NEI commented that the NRC should review its determination regarding the application of backfit protection to license renewal. Although not clearly stated in its comments, NEI appears to argue that the protection afforded by 10 CFR 50.109 should apply in individual license renewal proceedings when the NRC seeks to impose requirements that ''go beyond what is necessary for adequately managing the effects of aging on intended functions in the period of extended operation (i.e., enhancements).'' NEI stated that in such cases, the NRC should perform an analysis to demonstrate that the proposed additional requirements will result in substantial increase in overall safety and that direct and indirect costs are justified relative to the safety benefit. Furthermore, NEI believes that if there are two or more means of adequately managing the effects of aging, cost must be taken into account in selecting an alternative.

The industry's desire for a special provision in the rule that would impose backfit-style requirements on the Commission's review is neither necessary nor appropriate. The intent of the license renewal rule is clear—to ensure that the effects of aging on functionality of certain systems, structures, and components are adequately managed in the period of extended operation. The Commission does not intend to impose requirements on a licensee that go beyond what is necessary to adequately manage aging effects. The focus of the industry's concern appears to be on potential disagreements between the Commission and renewal applicants regarding what is or is not considered ''adequate'' for managing the effects of aging. The Commission understands the industry's concern, but does not believe it appropriate or consistent with current practice to further limit (i.e., beyond the limits established by the rule) the NRC staff in its review of an application for a renewal license.

Additionally, the Commission sees no justification for requiring a consideration of costs among alternative aging management programs. The renewal process is designed such that a renewal applicant proposes the alternatives it believes manages the effects of aging for those structures and components defined by the rule. The NRC staff has the responsibility of reviewing the applicant's proposals and determining whether they are adequate such that there is reasonable assurance that activities authorized by the renewed license will continue to be

conducted in accordance with the CLB. The Commission believes that this license renewal review must necessarily be performed without regard to cost.

List of Subjects

10 CFR Part 2

Administrative practice and procedure, Antitrust, Byproduct material, Classified information, Environmental protection, Nuclear materials, Nuclear power plants and reactors, Penalties, Sex discrimination, Source material, Special nuclear material, Waste treatment and disposal.

10 CFR Part 51

Administrative practice and procedure, Environmental impact statement, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

10 CFR Part 54

Administrative practice and procedure, Aging, Effects of aging, Time-limited aging analyses, Backfitting, Classified information, Criminal penalties, Environmental protection, Nuclear power plants and reactors, Reporting and recordkeeping requirements.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 552 and 553, the Commission is adopting the following amendments to 10 CFR Parts 2, 51, and 54.

PART 2—RULES OF PRACTICE FOR DOMESTIC LICENSING PROCEEDINGS

1. The authority citation for Part 2 is revised to read as follows:

Authority: Secs. 161, 181, 68 Stat. 948, 953, as amended (42 U.S.C. 2201, 2231); sec. 191, as amended, Pub. L. 87–615, 76 Stat. 409 (42 U.S.C. 2241); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841); 5 U.S.C. 552. Section 2.101 also issued under secs. 53, 62, 63, 81, 103, 104, 105, 68 Stat. 930, 932, 933, 935, 936, 937, 938, as amended (42 U.S.C. 2073, 2092, 2093, 2111, 2133, 2134, 2135); sec. 114(f), Pub. L. 97–425, 96 Stat. 2213, as amended (42 U.S.C. 10134(f)); sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332); sec. 301, 88 Stat. 1248 (42 U.S.C. 5871). Sections 2.102, 2.103, 2.104, 2.105, 2.721 also issued under secs. 102, 103, 104, 105, 183, 189, 68 Stat. 936, 937, 938, 954, 955, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2233, 2239). Section 2.105 also issued under Pub. L. 97–415, 96 Stat. 2073 (42 U.S.C. 2239). Sections 2.200–2.206 also issued under secs. 161b, i, o, 182, 186, 234, 68 Stat. 948–951, 955, 83 Stat. 444, as amended (42 U.S.C. 2201(b), (i), (o), 2236, 2282); sec. 206, 88 Stat. 1246 (42 U.S.C. 5846). Sections 2.600–2.606 also issued under sec. 102, Pub. L. 91–190, 83 Stat. 853, as amended (42 U.S.C. 4332). Sections 2.700a, 2.719 also issued under 5 U.S.C. 554. Sections 2.754, 2.760, 2.770, 2.780, also issued under 5 U.S.C. 557. Section 2.764 and Table 1A of Appendix C are also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241 (42 U.S.C. 10155, 10161). Section 2.790 also issued under sec. 103, 68 Stat. 936, as amended (42 U.S.C. 2133) and 5 U.S.C. 552. Sections 2.800 and 2.808 also issued under 5 U.S.C. 553. Section 2.809 also issued under 5 U.S.C. 553 and sec. 29, Pub. L. 85–256, 71 Stat. 579, as amended (42 U.S.C. 2039). Subpart K also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Subpart L also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239). Appendix A also issued under sec. 6, Pub. L. 91–560, 84 Stat. 1473 (42 U.S.C. 2135). Appendix B also issued under sec. 10, Pub. L. 99–240, 99 Stat. 1842 (42 U.S.C. 2021b et seq.).

2. In § 2.758, paragraphs (b) and (e) are revised to read as follows:

§ 2.758 Consideration of Commission rules and regulations in adjudicatory proceedings.

* * * * *

(b) A party to an adjudicatory proceeding involving initial or renewal licensing subject to this subpart may petition that the application of a specified Commission rule or regulation or any provision thereof, of the type described in paragraph (a) of this section, be waived or an exception made for the particular proceeding. The sole ground for petition for waiver or exception shall be that special circumstances with respect to the subject matter of the particular proceeding are such that the application of the rule or regulation (or provision thereof) would not serve the purposes for which the rule or regulation was adopted. The petition shall be accompanied by an affidavit that identifies the specific aspect or aspects of the subject matter of the proceeding as to which the application of the rule or regulation (or provision thereof) would not serve the purposes for which the rule or regulation was adopted, and shall set forth with particularity the special circumstances alleged to justify the waiver or exception requested. Any other party may file a response thereto, by counter affidavit or otherwise.

* * * * *

(e) Whether or not the procedure in paragraph (b) of this section is available, a party to an initial or renewal licensing proceeding may file a petition for rulemaking pursuant to § 2.802.

PART 51—ENVIRONMENTAL PROTECTION REGULATIONS FOR DOMESTIC LICENSING AND RELATED REGULATORY FUNCTIONS

3. The authority citation for Part 51 is revised to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended, Sec. 1701, 106 Stat. 2951, 2952, 2953, (42 U.S.C. 2201, 2297f); secs. 201, as amended, 202, 88 Stat. 1242, as amended, 1244 (42 U.S.C. 5841, 5842). Subpart A also issued under National Environmental Policy Act of 1969, secs. 102, 104, 105, 83 Stat. 853–854, as amended (42 U.S.C. 4332,, 4334,, 4335); and Pub. L. 95–604, Title II, 92 Stat. 3033–3041; and sec. 193, Pub. L. 101–575, 104 Stat. 2835, 42 U.S.C. 2243). Sections 51.20, 51.30, 51.60, 51.61, 51.80, and 51.97 also issued under secs. 135, 141, Pub. L. 97–425, 96 Stat. 2232, 2241, and sec. 148, Pub. L. 100–203, 101 Stat. 1330–223 (42 U.S.C. 10155, 10161, 10168). Section 51.22 also issued under sec. 274,73 Stat. 688, as amended by 92 Stat. 3036–3038 (42 U.S.C. 2021) and under Nuclear Waste Policy Act of 1982, sec. 121, 96 Stat. 2228 (42 U.S.C. 10141). Sections 51.43, 51.67, and 51.109 also under Nuclear Waste Policy Act of 1982, sec. 114(f), 96 Stat. 2216, as amended (42 U.S.C. 10134(f)).

4. In § 51.22, paragraph (c)(3) is revised to read as follows:

§ 51.22 Criterion for categorical exclusion; identification of licensing and regulatory actions eligible for categorical exclusion or otherwise not requiring environmental review.

* * * * *

(c) * * *

(3) Amendments to Parts 20, 30, 31, 32, 33, 34, 35, 39, 40, 50, 51, 54, 60, 61, 70, 71, 72, 73, 74, 81 and 100 of this chapter which relate to—

(i) Procedures for filing and reviewing applications for licenses or construction permits or other forms of permission or for amendments to or renewals of licenses or construction permits or other forms of permission;

(ii) Recordkeeping requirements; or

(iii) Reporting requirements; and

(iv) Actions on petitions for rulemaking relating to these amendments.

* * * * *

5. Part 54 is revised to read as follows:

PART 54—REQUIREMENTS FOR RENEWAL OF OPERATING LICENSES FOR NUCLEAR POWER PLANTS

General Provisions

Sec.

54.1 Purpose.
54.3 Definitions.
54.4 Scope.
54.5 Interpretations.
54.7 Written communications.
54.9 Information collection requirements: OMB approval.

54.11 Public inspection of applications.
54.13 Completeness and accuracy of information.
54.15 Specific exemptions.
54.17 Filing of application.
54.19 Contents of application—general information.
54.21 Contents of application—technical information.
54.22 Contents of application—technical specifications.
54.23 Contents of application—environmental information.
54.25 Report of the Advisory Committee on Reactor Safeguards.
54.27 Hearings.
54.29 Standards for issuance of a renewed license.
54.30 Matters not subject to a renewal review.
54.31 Issuance of a renewed license.
54.33 Continuation of CLB and conditions of renewed license.
54.35 Requirements during term of renewed license.
54.37 Additional records and recordkeeping requirements.
54.41 Violations.
54.43 Criminal penalties.

Authority: Secs. 102, 103, 104, 161, 181, 182, 183, 186, 189, 68 Stat. 936, 937, 938, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 1244, as amended (42 U.S.C. 2132, 2133, 2134, 2135, 2201, 2232, 2233, 2236, 2239, 2282); secs. 201, 202, 206, 88 Stat. 1242, 1244, as amended (42 U.S.C. 5841, 5842).

General Provisions

§ 54.1 Purpose.

This part governs the issuance of renewed operating licenses for nuclear power plants licensed pursuant to Sections 103 or 104b of the Atomic Energy Act of 1954, as amended (68 Stat. 919), and Title II of the Energy Reorganization Act of 1974 (88 Stat. 1242).

§ 54.3 Definitions.

(a) As used in this part,

Current licensing basis (CLB) is the set of NRC requirements applicable to a specific plant and a licensee's written commitments for ensuring compliance with and operation within applicable NRC requirements and the plant-specific design basis (including all modifications and additions to such commitments over the life of the license) that are docketed and in effect. The CLB includes the NRC regulations contained in 10 CFR Parts 2, 19, 20, 21, 26, 30, 40, 50, 51, 54, 55, 70, 72, 73, 100 and appendices thereto; orders; license conditions; exemptions; and technical specifications. It also includes the plant-specific design-basis information defined in 10 CFR 50.2 as documented in the most recent final safety analysis report (FSAR) as required by 10 CFR 50.71 and the licensee's commitments remaining in effect that were made in docketed licensing correspondence such as licensee responses to NRC bulletins, generic letters, and enforcement actions, as well as licensee commitments documented in NRC safety evaluations or licensee event reports.

Integrated plant assessment (IPA) is a licensee assessment that demonstrates that a nuclear power plant facility's structures and components requiring aging management review in accordance with § 54.21(a) for license renewal have been identified and that the effects of aging on the functionality of such structures and components will be managed to maintain the CLB such that there is an acceptable level of safety during the period of extended operation.

Nuclear power plant means a nuclear power facility of a type described in 10 CFR 50.21(b) or 50.22.

Time-limited aging analyses, for the purposes of this part, are those licensee calculations and analyses that:

(1) Involve systems, structures, and components within the scope of license renewal, as delineated in § 54.4(a);

(2) Consider the effects of aging;

(3) Involve time-limited assumptions defined by the current operating term, for example, 40 years;

(4) Were determined to be relevant by the licensee in making a safety determination;

(5) Involve conclusions or provide the basis for conclusions related to the capability of the system, structure, and component to perform its intended functions, as delineated in § 54.4(b); and

(6) Are contained or incorporated by reference in the CLB.

(b) All other terms in this part have the same meanings as set out in 10 CFR 50.2 or Section 11 of the Atomic Energy Act, as applicable.

§ 54.4 Scope.

(a) Plant systems, structures, and components within the scope of this part are—

(1) Safety-related systems, structures, and components which are those relied upon to remain functional during and following design-basis events (as defined in 10 CFR 50.49 (b)(1)) to ensure the following functions—

(i) The integrity of the reactor coolant pressure boundary;

(ii) The capability to shut down the reactor and maintain it in a safe shutdown condition; or

(iii) The capability to prevent or mitigate the consequences of accidents that could result in potential offsite exposure comparable to the 10 CFR Part 100 guidelines.

(2) All nonsafety-related systems, structures, and components whose failure could prevent satisfactory accomplishment of any of the functions identified in paragraphs (a)(1)(i), (ii), or (iii) of this section.

(3) All systems, structures, and components relied on in safety analyses or plant evaluations to perform a function that demonstrates compliance with the Commission's regulations for fire protection (10 CFR 50.48), environmental qualification (10 CFR 50.49), pressurized thermal shock (10 CFR 50.61), anticipated transients without scram (10 CFR 50.62), and station blackout (10 CFR 50.63).

(b) The intended functions that these systems, structures, and components must be shown to fulfill in § 54.21 are those functions that are the bases for including them within the scope of license renewal as specified in paragraphs (a)(1)–(3) of this section.

§ 54.5 Interpretations.

Except as specifically authorized by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

§ 54.7 Written communications.

All applications, correspondence, reports, and other written communications shall be filed in accordance with applicable portions of 10 CFR 50.4.

§ 54.9 Information collection requirements: OMB approval.

(a) The Nuclear Regulatory Commission has submitted the information collection requirements contained in this part to the Office of Management and Budget (OMB) for approval as required by the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.). OMB has approved the information collection requirements contained in this part under control numbers 150–0155.

(b) The approved information collection requirements contained in this part appear in §§ 54.13, 54.17, 54.19, 54.21, 54.22, 54.23, 54.33, and 54.37.

§ 54.11 Public inspection of applications.

Applications and documents submitted to the Commission in connection with renewal applications may be made available for public inspection in accordance with the provisions of the regulations contained in 10 CFR Part 2.

§ 54.13 Completeness and accuracy of information.

(a) Information provided to the Commission by an applicant for a renewed license or information required by statute or by the Commission's regulations, orders, or license conditions to be maintained by the applicant must be complete and accurate in all material respects.

(b) Each applicant shall notify the Commission of information identified by the applicant as having, for the regulated activity, a significant implication for public health and safety or common defense and security. An applicant violates this paragraph only if the applicant fails to notify the Commission of information that the applicant has identified as having a significant implication for public health and safety or common defense and security. Notification must be provided to the Administrator of the appropriate regional office within 2 working days of identifying the information. This requirement is not applicable to information that is already required to be provided to the Commission by other reporting or updating requirements.

§ 54.15 Specific exemptions.

Exemptions from the requirements of this part may be granted by the Commission in accordance with 10 CFR 50.12.

§ 54.17 Filing of application.

(a) The filing of an application for a renewed license must be in accordance with Subpart A of 10 CFR Part 2 and 10 CFR 50.4 and 50.30.

(b) Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to know is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government, is ineligible to apply for and obtain a renewed license.

(c) An application for a renewed license may not be submitted to the Commission earlier than 20 years before the expiration of the operating license currently in effect.

(d) An applicant may combine an application for a renewed license with applications for other kinds of licenses.

(e) An application may incorporate by reference information contained in previous applications for licenses or license amendments, statements, correspondence, or reports filed with the Commission, provided that the references are clear and specific.

(f) If the application contains Restricted Data or other defense information, it must be prepared in such a manner that all Restricted Data and other defense information are separated from unclassified information in accordance with 10 CFR 50.33(j).

(g) As part of its application and in any event prior to the receipt of Restricted Data or the issuance of a renewed license, the applicant shall agree in writing that it will not permit any individual to have access to Restricted Data until an investigation is made and reported to the Commission on the character, association, and loyalty of the individual and the Commission shall have determined that permitting such persons to have access to Restricted Data will not endanger the common defense and security. The agreement of the applicant in this regard is part of the renewed license, whether so stated or not.

§ 54.19 Contents of application—general information.

(a) Each application must provide the information specified in 10 CFR 50.33(a) through (e), (h), and (i). Alternatively, the application may incorporate by reference other documents that provide the information required by this section.

(b) Each application must include conforming changes to the standard indemnity agreement, 10 CFR 140.92, Appendix B, to account for the expiration term of the proposed renewed license.

§ 54.21 Contents of application—technical information.

Each application must contain the following information:

(a) An integrated plant assessment (IPA). The IPA must—

(1) For those systems, structures, and components within the scope of this part, as delineated in § 54.4, identify and list those structures and components subject to an aging management review. Structures and components subject to an aging management review shall encompass those structures and components—

(i) That perform an intended function, as described in § 54.4, without moving parts or without a change in configuration or properties. These structures and components include, but are not limited to, the reactor vessel, the reactor coolant system pressure boundary, steam generators, the pressurizer, piping, pump casings, valve bodies, the core shroud, component supports, pressure retaining boundaries, heat exchangers, ventilation ducts, the containment, the containment liner, electrical and mechanical penetrations, equipment hatches, seismic Category I structures, electrical cables and connections, cable trays, and electrical cabinets, excluding, but not limited to, pumps (except casing), valves (except body), motors, diesel generators, air compressors, snubbers, the control rod drive, ventilation dampers, pressure transmitters, pressure indicators, water level indicators, switchgears, cooling fans, transistors, batteries, breakers, relays, switches, power inverters, circuit boards, battery chargers, and power supplies; and

(ii) That are not subject to replacement based on a qualified life or specified time period.

(2) Describe and justify the methods used in paragraph (a)(1) of this section.

(3) For each structure and component identified in paragraph (a)(1) of this section, demonstrate that the effects of aging will be adequately managed so that the intended function(s) will be maintained consistent with the CLB for the period of extended operation.

(b) CLB changes during NRC review of the application. Each year following submittal of the license renewal application and at least 3 months before scheduled completion of the NRC review, an amendment to the renewal application must be submitted that identifies any change to the CLB of the facility that materially affects the contents of the license renewal application, including the FSAR supplement.

(c) An evaluation of time-limited aging analyses.

(1) A list of time-limited aging analyses, as defined in § 54.3, must be provided. The applicant shall demonstrate that—

(i) The analyses remain valid for the period of extended operation;

(ii) The analyses have been projected to the end of the period of extended operation; or

(iii) The effects of aging on the intended function(s) will be adequately managed for the period of extended operation.

(2) A list must be provided of plant-specific exemptions granted pursuant to 10 CFR 50.12 and in effect that are based on time-limited aging analyses as defined in § 54.3. The applicant shall provide an evaluation that justifies the continuation of these exemptions for the period of extended operation.

(d) An FSAR supplement. The FSAR supplement for the facility must contain a summary description of the programs and activities for managing the effects of aging and the evaluation of time-limited aging analyses for the period of extended operation determined by paragraphs (a) and (c) of this section, respectively.

§ 54.22 Contents of application—technical specifications.

Each application must include any technical specification changes or additions necessary to manage the effects of aging during the period of extended operation as part of the renewal application. The justification for changes or additions to the technical specifications must be contained in the license renewal application.

§ 54.23 Contents of application—environmental information.

Each application must include a supplement to the environmental report that complies with the requirements of Subpart A of 10 CFR Part 51.

§ 54.25 Report of the Advisory Committee on Reactor Safeguards.

Each renewal application will be referred to the Advisory Committee on Reactor Safeguards for a review and report. Any report will be made part of the record of the application and made available to the public, except to the extent that security classification prevents disclosure.

§ 54.27 Hearings.

A notice of an opportunity for a hearing will be published in the **Federal Register** in accordance with 10 CFR 2.105. In the absence of a request for a hearing filed within 30 days by a person whose interest may be affected, the Commission may issue a renewed operating license without a hearing upon 30-day notice and publication once in the **Federal Register** of its intent to do so.

§ 54.29 Standards for issuance of a renewed license.

A renewed license may be issued by the Commission up to the full term authorized by § 54.31 if the Commission finds that:

(a) Actions have been identified and have been or will be taken with respect to the matters identified in Paragraphs (a)(1) and (a)(2) of this section, such that there is reasonable assurance that the activities authorized by the renewed license will continue to be conducted in accordance with the CLB, and that any changes made to the plant's CLB in order to comply with this paragraph are in accord with the Act and the Commission's regulations. These matters are:

(1) managing the effects of aging during the period of extended operation on the functionality of structures and components that have been identified to require review under § 54.21(a)(1); and

(2) time-limited aging analyses that have been identified to require review under § 54.21(c).

(b) Any applicable requirements of Subpart A of 10 CFR Part 51 have been satisfied.

(c) Any matters raised under § 2.758 have been addressed.

§ 54.30 Matters not subject to a renewal review.

(a) If the reviews required by § 54.21 (a) or (c) show that there is not reasonable assurance during the current license term that licensed activities will be conducted in accordance with the CLB, then the licensee shall take measures under its current license, as appropriate, to ensure that the intended function of those systems, structures or components will be maintained in accordance with the CLB throughout the term of its current license.

(b) The licensee's compliance with the obligation under Paragraph (a) of this section to take measures under its current license is not within the scope of the license renewal review.

§ 54.31 Issuance of a renewed license.

(a) A renewed license will be of the class for which the operating license currently in effect was issued.

(b) A renewed license will be issued for a fixed period of time, which is the sum of the additional amount of time beyond the expiration of the operating license (not to exceed 20 years) that is requested in a renewal application plus the remaining number of years on the operating license currently in effect. The term of any renewed license may not exceed 40 years.

(c) A renewed license will become effective immediately upon its issuance, thereby superseding the operating license previously in effect. If a renewed license is subsequently set aside upon further administrative or judicial appeal, the operating license previously in effect will be reinstated unless its term has expired and the renewal application was not filed in a timely manner.

(d) A renewed license may be subsequently renewed in accordance with all applicable requirements.

§ 54.33 Continuation of CLB and conditions of renewed license.

(a) Whether stated therein or not, each renewed license will contain and otherwise be subject to the conditions set forth in 10 CFR 50.54.

(b) Each renewed license will be issued in such form and contain such conditions and limitations, including technical specifications, as the Commission deems appropriate and necessary to help ensure that systems, structures, and components subject to review in accordance with § 54.21 will continue to perform their intended functions for the period of extended operation. In addition, the renewed license will be issued in such form and contain such conditions and limitations as the Commission deems appropriate and necessary to help ensure that systems, structures, and components associated with any time-limited aging analyses will continue to perform their intended functions for the period of extended operation.

(c) Each renewed license will include those conditions to protect the environment that were imposed pursuant to 10 CFR 50.36b and that are part of the CLB for the facility at the time of issuance of the renewed license. These conditions may be supplemented or amended as necessary to protect the environment during the term of the renewed license and will be derived from information contained in the supplement to the environmental report submitted pursuant to 10 CFR Part 51, as analyzed and evaluated in the NRC record of decision. The conditions will identify the obligations of the licensee in the environmental area, including, as appropriate, requirements for reporting and recordkeeping of environmental data and any conditions and monitoring requirements for the protection of the nonaquatic environment.

(d) The licensing basis for the renewed license includes the CLB, as defined in § 54.3(a); the inclusion in the licensing basis of matters such as licensee commitments does not change the legal status of those matters unless specifically so ordered pursuant to paragraphs (b) or (c) of this section.

§ 54.35 Requirements during term of renewed license.

During the term of a renewed license, licensees shall be subject to and shall continue to comply with all Commission regulations contained in 10 CFR Parts 2, 19, 20, 21, 26, 30, 40, 50, 51, 54, 55, 70, 72, 73, and 100, and the appendices to these parts that are applicable to holders of operating licenses.

§ 54.37 Additional records and recordkeeping requirements.

(a) The licensee shall retain in an auditable and retrievable form for the term of the renewed operating license all information and documentation required by, or otherwise necessary to document compliance with, the provisions of this part.

(b) After the renewed license is issued, the FSAR update required by 10 CFR 50.71(e) must include any systems, structures, and components newly identified that would have been subject

to an aging management review or evaluation of time-limited aging analyses in accordance with § 54.21. This FSAR update must describe how the effects of aging will be managed such that the intended function(s) in § 54.4(b) will be effectively maintained during the period of extended operation.

§ 54.41 Violations.

(a) The Commission may obtain an injunction or other court order to prevent a violation of the provisions of the following acts—

(1) The Atomic Energy Act of 1954, as amended.

(2) Title II of the Energy Reorganization Act of 1974, as amended or

(3) A regulation or order issued pursuant to those acts.

(b) The Commission may obtain a court order for the payment of a civil penalty imposed under Section 234 of the Atomic Energy Act—

(1) For violations of the following—

(i) Sections 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Atomic Energy Act of 1954, as amended;

(ii) Section 206 of the Energy Reorganization Act;

(iii) Any rule, regulation, or order issued pursuant to the sections specified in paragraph (b)(1)(i) of this section;

(iv) Any term, condition, or limitation of any license issued under the sections specified in paragraph (b)(1)(i) of this section.

(2) For any violation for which a license may be revoked under Section 186 of the Atomic Energy Act of 1954, as amended.

§ 54.43 Criminal penalties.

(a) Section 223 of the Atomic Energy Act of 1954, as amended, provides for criminal sanctions for willful violations of, attempted violation of, or conspiracy to violate, any regulation issued under sections 161b, 161i, or 161o of the Act. For purposes of section 223, all the regulations in Part 54 are issued under one or more of sections 161b, 161i, or 161o, except for the sections listed in paragraph (b) of this section.

(b) The regulations in Part 54 that are not issued under Sections 161b, 161i, or 161o for the purposes of Section 223 are as follows: §§ 54.1, 54.3, 54.4, 54.5, 54.7, 54.9, 54.11, 54.15, 54.17, 54.19, 54.21, 54.22, 54.23, 54.25, 54.27, 54.29, 54.31, 54.41, and 54.43.

Dated at Rockville, Maryland, this 1st day of May, 1995.

For the Nuclear Regulatory Commission.

John C. Hoyle,

Secretary of the Commission.

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BILLING CODE 7590–01–P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 123

Disaster—Waiver of Judgment Lien Restriction

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule applies only to disaster loan assistance. It will enable SBA to waive, for good cause shown, the restriction in the Federal Debt Collection Procedures Act of 1990 prohibiting debtors on whose property the United States has an outstanding judgment lien from receiving disaster loan assistance from the Federal Government.

EFFECTIVE DATE: This regulation is effective on May 8, 1995.

FOR FURTHER INFORMATION CONTACT: Bernard Kulik at 202/205–6734, Associate Administrator for Disaster Assistance, U.S. Small Business Administration, 409 Third Street SW., Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The Federal Debt Collection Procedures Act of 1990 (28 U.S.C. 3201(e)) provides that a debtor who owns property which is subject to a judgment lien for a debt owed to the United States shall not be eligible to receive any grant or loan which is made, insured, guaranteed or financed directly or indirectly by the United States. It also provides that such debtor shall not be eligible to receive funds directly from the Federal Government in any program, except funds to which the debtor is entitled as beneficiary, until the judgment is paid in full or otherwise satisfied. However, the statute permits any agency responsible for such grants or loans to promulgate regulations to allow for waivers of this restriction. As an agency authorized to provide several forms of assistance proscribed by this restriction, including disaster loan assistance and other types of direct and guaranteed loans, SBA also has the waiver authority conferred by the statute.

SBA recognizes that disaster losses may strain the financial resources of responsible debtors to such extent as to prevent them from meeting their financial obligations to the United States. Such losses also may prevent debtors who have been complying with agreements to satisfy one or more judgments in favor of the United States from continuing to comply with the terms of those agreements. Therefore, by publication in the **Federal Register** on June 29, 1994, 59 FR 33456, SBA proposed to issue a regulation permitting it to waive the restriction on eligibility for physical and economic injury disaster assistance provided under section (7)(b) (1) and (2) of the Small Business Act, 15 U.S.C. 636(b) (1) and (2), where there exists good cause to do so.

The proposed regulation applied to applicants for disaster assistance who have outstanding judgment liens in favor of SBA or in favor of other agencies. It identified two nonexclusive instances in which good cause will ordinarily be found to exist, both of them involving adverse circumstances occasioned by the disaster for which the assistance is sought.

Waivers would be granted denying the eligibility review of an application for either physical or economic injury disaster assistance, but only upon a demonstration of good cause by the applicant. Examples of good cause include, but are not limited to: (1) Delinquencies leading to a judgment lien, which are caused by a disaster, whether the original debt was incurred prior to or after the disaster, and (2) defaults in any agreement to satisfy a judgment lien, which are caused by a disaster, whether the agreement has been made with SBA, another creditor agency, or any other Federal entity holding the lien, such as the Resolution Trust Corporation or the Federal Deposit Insurance Corporation. In the case of agreements with other agencies, SBA will not waive the restriction on eligibility until the appropriate Federal entity has certified that the debtor had made adhering satisfactorily to the terms of the agreement prior to the commencement date of the disaster.

The proposed regulation contemplates that SBA's Associate Administrator for Disaster Assistance, or his/her designee, will make the determination as to whether good cause for waiving the restriction has been demonstrated by the applicant. Although such determinations are subject to the provisions of § 123.12 governing requests for reconsideration, no appeal from an adverse determination is contemplated.

SBA received no comments from the public in response to the June 29, 1994, Notice of Proposed Rulemaking. Therefore, by this publication, SBA is finalizing the rule as proposed.

Compliance With Executive Orders 12866, 12612 and 12778; the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.; and The Paperwork Reduction Act, 44 U.S.C. CH 35

SBA submitted this final rule to the Office of Management and Budget for purposes of Executive Order 12866.

For purposes of Executive Order 12612, SBA certifies that this final rule would not have Federalism implications warranting the preparation of a Federalism assessment.

For purposes of Executive Order 12778, SBA certifies that the final rule is drafted, to the extent practicable, in accordance with the standards set forth in section 2 of that Order.

For purposes of the Regulatory Flexibility Act, SBA certifies that this final rule will not have a significant economic effect on a substantial number of small entities because, even though it would render previously ineligible applicants eligible for disaster loan assistance, SBA does not expect the number of affected applicants to be significant.

For purposes of the Paperwork Reduction Act, SBA certifies that this final rule will not impose a new recordkeeping or reporting requirement.

List of Subjects in 13 CFR Part 123

Disaster, Physical disaster and economic injury loans.

Pursuant to the authority conferred in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA amends Part 123, Chapter I, Title 13, Code of Federal Regulations, as follows:

PART 123—DISASTER—PHYSICAL DISASTER AND ECONOMIC INJURY LOANS

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

Authority: 15 U.S.C. 634(b)(6), 636(b), (c), (f).

2. Section 123.2 is amended by adding the following text at the end to read as follows:

§ 123.2 Introduction.

* * * Under the Federal Debt Collection Procedures Act of 1990 (28 U.S.C. 3201(e)), a debtor who owns property which is subject to an outstanding judgment lien for a debt owed to the United States is not eligible to receive certain assistance from the Federal Government, including physical and economic injury disaster loans covered by this part. This restriction against receiving disaster loans may be waived by SBA's Associate Administrator for Disaster Assistance or his/her designee (deciding official) upon a demonstration of good cause by the applicant for assistance. Good cause may be demonstrated by a credible representation under oath, which convinces the deciding official that it is more likely than not that the disaster for which such assistance is requested caused the delinquency upon which the judgment is based, whether the debt was incurred before or after the commencement date for such disaster; or such disaster prevented the debtor from adhering to the terms of an agreement to satisfy the judgment lien, made with SBA or another agency in whose favor the judgment was entered or with any other Federal Government entity as may be appropriate, provided that such agency or entity certifies that, prior to the commencement date for the disaster, the debtor had been adhering satisfactorily to the terms of its agreement; or such other circumstances exist as may demonstrate good cause sufficient to waive the statutory prohibition. Subject to the provisions of § 123.12 concerning requests for reconsideration, a determination of the Associate Administrator for Disaster Assistance or his/her designee under this section is a final, nonappealable decision of the SBA.

Dated: March 14, 1995.

Philip Lader,

Administrator.

[FR Doc. 95–11155 Filed 5–5–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 94–CE–06–AD; Amendment 39–9217; AD 95–09–13]

Airworthiness Directives; Cessna Aircraft Company Models T303, 402C, 404, 414A, and 421C Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes AD 93–05–03, which currently requires repetitively inspecting each fuel inlet float valve in accordance with certain test procedures on Cessna Aircraft Company (Cessna) Models T303, 402C, 404, 414A, and 421C airplanes, and replacing any valve that does not pass this test. The manufacturer has developed fuel inlet float valves of improved design, and the Federal Aviation Administration (FAA) has determined that the improved valves should be installed to reduce the number of repetitive tests currently required by AD 93–05–03. This action requires installing these fuel inlet float valves of improved design. The actions specified by this AD are intended to prevent possible loss of engine power caused by failure of a fuel inlet float valve.

DATES: Effective June 14, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 14, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from the Cessna Aircraft Company, Customer Services, P.O. Box 1521, Wichita, Kansas 67201. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Charles D. Riddle, Aerospace Engineer, FAA, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Wichita, Kansas 67209; telephone (316) 946–4144; facsimile (316) 946–4407.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Cessna Models T303, 401C, 404, 414A, and 421C airplanes was published in the **Federal Register** on September 19, 1994 (59 FR 47818). The action proposed to require replacing the fuel inlet float valves with parts of improved design or modifying the existing part and periodically accomplishing functional tests to assure proper operation. Accomplishment of the proposed actions would be in accordance with the ACCOMPLISHMENT INSTRUCTIONS supplement to Cessna Service Bulletin (SB) MEB93–10, dated December 3, 1993.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

Since issuance of the proposal, the manufacturer has revised Cessna SB MEB93–10 to incorporate editorial corrections and add serial number 689 to the Cessna Model 402C airplane applicability list. Cessna has informed the FAA that improved design fuel valves have been incorporated on this airplane at Cessna's maintenance facilities.

After careful review of all available information, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections and the incorporation of the service bulletin revision. The FAA has determined that the minor editorial

corrections and the incorporation of the revised service bulletin will not add any additional burden upon the public than was already proposed. The addition of serial number 689 of the Cessna Model 402C airplane does not add any additional burden upon the public because the airplane operator already has incorporated the actions specified by this AD.

The replacement compliance time is presented in calendar time instead of hours time-in-service (TIS). Operators in commuter service can put up to 200 hours TIS in one calendar month while a general aviation operator may not utilize the airplane 200 hours TIS in one year. The calendar time compliance will allow commuter operators the option of accomplishing the actions to coincide with regularly scheduled maintenance.

The FAA estimates that 1,642 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 22 workhours per airplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $3,144 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $7,329,888. This figure is based on the assumption that no affected airplane owner/operator has accomplished the required valve installation.

Cessna has informed the FAA that enough improved fuel valves have been sold to equip approximately 1,041 of the affected airplanes. Assuming that these valves are installed on Cessna Models T303, 402C, 404, 414A, and 421C airplanes, the cost impact upon U.S. operators would be reduced from $7,329,888 to $2,682,864.

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 93–05–03, Amendment 39–8508 (58 FR 13406, March 11, 1993), and by adding a new airworthiness directive to read as follows:

95–09–13 Cessna Aircraft Company: Amendment 39–9217; Docket No. 94–CE–06–AD. Supersedes AD 93–05–03, Amendment 39–8508.

Applicability: The following model and serial number airplanes, certificated in any category:

Model	Serial Nos.
T303	T30300001 through T30300315.
402C	402C0001 through 402C1020, and 689.
404	404–0001 through 404–0859.
414A	414A0001 through 414A1212.
421C	421C0001 through 421C1807.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent possible loss of engine power caused by failure of a fuel inlet float valve, accomplish the following:

(a) For airplanes equipped with fuel inlet float valve part numbers (P/N) 9910242–1, 9910242–4, 9910242–5, 9910242–6, 9910242–7, 9910242–8, 9910242–205, 9910242–206, 9910242–207, and 9910242–208, accomplish the following:

(1) Within the next 200 hours time-in-service (TIS) after the effective date of this AD, unless already accomplished (compliance with AD 93–05–03), perform the appropriate valve test in accordance with paragraph 2. Functional Test Procedure or paragraph 3. Installation Test Procedure in the Cessna MEB93–10R1 ACCOMPLISHMENT INSTRUCTIONS supplement to Cessna Service Bulletin (SB) MEB93–10, Revision 1, Original Issue: December 3, 1993; Revision 1: March 31, 1995. Accomplish these tests thereafter at intervals not to exceed 200 hours TIS until the fuel inlet float valves are replaced with a P/N 9910242–11 or P/N 9910242–12 valve, and then accomplish the appropriate valve test at intervals not to exceed 600 hours TIS.

(2) Within 12 calendar months after accumulating 1,800 hours TIS on a fuel inlet float valve or within the next 12 calendar months after the effective date of this AD, whichever occurs later, replace the valve with a P/N 9910242–11 or P/N 9910242–12 fuel inlet float valve in accordance with paragraph 4. Valve Replacement in the Cessna MEB93–10R1 ACCOMPLISHMENT INSTRUCTIONS supplement to Cessna Service Bulletin (SB) MEB93–10, Revision 1, Original Issue: December 3, 1993; Revision 1: March 31, 1995. Thereafter, accomplish either the functional or installation test required by paragraph (a)(1) of this AD at intervals not to exceed 600 hours.

Note 1: If the number of hours TIS accumulated on a fuel inlet float valve is unknown, airplane hours TIS may be used.

(b) For airplanes equipped with fuel inlet float valve, P/N 9910242–9 or P/N 9910242–10, accomplish the following:

(1) Within the next 200 hours TIS after the effective date of this AD, unless already accomplished (compliance with AD 93–05–03), perform the appropriate valve test in accordance with paragraph 2. Functional Test Procedure or paragraph 3. Installation Test Procedure in the Cessna MEB93–10R1 ACCOMPLISHMENT INSTRUCTIONS supplement to Cessna Service Bulletin (SB) MEB93–10, Revision 1, Original Issue: December 3, 1993; Revision 1: March 31, 1995. Accomplish the appropriate valve test thereafter at intervals not to exceed 200 hours TIS until the fuel inlet float valves are modified as specified in paragraph (b)(2) of this AD, and then accomplish the appropriate valve test at intervals not to exceed 600 hours TIS.

(2) Within 12 calendar months after the effective date of this AD, install the K74D retainer kit in accordance with PROCEDURE No. P74D, which is included with the Cessna MEB93–10R1 ACCOMPLISHMENT INSTRUCTIONS supplement to Cessna Service Bulletin (SB) MEB93–10, Revision 1, Original Issue: December 3, 1993; Revision 1: March 31, 1995. Thereafter, accomplish the functional and installation tests required by paragraph (b)(1) of this AD at intervals not to exceed 600 hours.

Note 2: Installation of the K74D retainer kit modifies the P/N 9910242–9 or P/N 9910242–10 fuel inlet float valves to the P/N 9910242–11 or P/N 9910242–12 configuration.

(c) For valves failing any repetitive installation or functional test required by paragraph (a)(1), (a)(2), (b)(1), and (b)(2) of this AD, prior to further flight, accomplish the following (unless parts are not available and then comply with the requirements of paragraph (d) of this AD):

(1) Replace the fuel inlet float valve with a P/N 9910242–11 or P/N 9910242–12 valve in accordance with paragraph 4. Valve

Replacement in the Cessna MEB93–10R1 ACCOMPLISHMENT INSTRUCTIONS supplement to Cessna Service Bulletin (SB) MEB93–10, Revision 1, Original Issue: December 3, 1993; Revision 1: March 31, 1995.

(2) Accomplish the installation test contained in paragraph 3. Installation Test Procedure in the Cessna MEB93–10R1 ACCOMPLISHMENT INSTRUCTIONS supplement to Cessna Service Bulletin (SB) MEB93–10, Revision 1, Original Issue: December 3, 1993; Revision 1: March 31, 1995. Accomplish the appropriate valve test thereafter at intervals not to exceed 600 hours TIS.

(d) If any fuel valve replacement is necessary and the replacement parts are not available, accomplish the following provided the parts have been ordered from the manufacturer and are installed within 25 hours TIS after availability:

(1) Incorporate the following into the Limitations Section of the Pilots Operating Handbook (POH) and FAA-approved Airplane Flight Manual (AFM):

(i) For the Model T303 airplanes: Unusable Fuel: Indicated fuel quantity below 36 pounds (6 gallons) in each main tank is unusable.

(ii) For the Models 402C, 404, 414A, and 421C airplanes: Unusable Fuel: Indicated fuel quantity below 90 pounds (15 gallons) in each main tank is unusable.

(iii) For the Model 404 airplanes: Fuel Quantity: Minimum indicated fuel quantity for takeoff is 228 pounds (38 gallons) in each main tank.

(iv) For the Models 402C, 414A, and 421C airplanes: Fuel Quantity: Minimum indicated fuel quantity for takeoff is 210 pounds (35 gallons) in each main tank.

(2) Fabricate placards, as applicable, with the following words in letters at least 0.10-inch in height and install these placards within the pilot's clear view on the instrument panel in close proximity to the fuel quantity gage:

(i) For Models 402C, 404, 414A, and 421C airplanes: ''UNUSABLE FUEL—INDICATED FUEL QUANTITY BELOW 90 POUNDS (15 GALLONS) IN EACH MAIN TANK IS UNUSABLE''.

(ii) For Model T303 airplanes: ''UNUSABLE FUEL—INDICATED FUEL QUANTITY BELOW 36 POUNDS (6 GALLONS) IN EACH MAIN TANK IS UNUSABLE''.

(3) For the Model 404 airplanes, fabricate four placards with the following in letters at least 0.10- inch in height: ''157 GAL''. Install these placards covering the four existing ''172 GAL'' markings on the existing placard around the engine fuel selector handles.

(4) For the Models 402C, 414A, and 421C airplanes, fabricate four placards with the following in letters at least 0.10-inch in height: ''88 GAL''. Install these placards covering the four existing ''103 GAL'' markings on the existing placard around the engine fuel selector handles.

(5) For the Model T303 airplanes, fabricate the following placards in letters at least 0.10-inch in height:

(i) ''423 LBS'' (2 placards). Install these placards covering the two existing ''459 LBS'' markings on the existing placard around the engine fuel selector handles.

(ii) ''363 LBS'' (1 placard). Install this placard covering the existing ''399 LBS'' marking on the existing placard around the engine fuel selector handles.

(6) For all affected Model airplanes, fabricate a placard with the following words in letters at least 0.10-inch in height and install this placard within the pilot's clear view on the instrument panel: ''ROLLING, TURNING TAKEOFFS ARE PROHIBITED.''

Note 3: The placard requirements may already be accomplished in accordance with either superseded AD 92–27–20 or AD 93–05–03 (superseded by this action). These placard requirements are eliminated upon installation of the improved fuel valves as required by this AD.

Note 4: The repetitive functional or installation test is not required if parts are not available and the requirements of paragraph (d) of this AD (including all subparagraphs) are complied with.

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

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Manager, Wichita ACO, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Wichita ACO.

Note 5: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Wichita ACO.

(g) The installation, replacement, and tests required by this AD shall be done in accordance with the Cessna MEB93–10R1 ACCOMPLISHMENT INSTRUCTIONS supplement to Cessna Service Bulletin (SB) MEB93–10, Revision 1, Original Issue: December 3, 1993; Revision 1: March 31, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from the Cessna Aircraft Company, P.O. Box 7704, Wichita, Kansas 67277. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment (39–9217) supersedes AD 93–05–03, Amendment 39–8508.

(i) This amendment (39–9217) becomes effective on June 14, 1995.

Issued in Kansas City, Missouri, on April 26, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10833 Filed 5–5–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–CE–17–AD; Amendment 39–9215; AD 95–09–11]

Airworthiness Directives; Schempp-Hirth Cirrus and Cirrus VTC Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to Schempp-Hirth Cirrus and Cirrus VTC sailplanes. This action requires modifying the airbrake actuating lever and replacing the airbrake system coupling balls. Reports of the coupling balls on the airbrake actuating lever breaking at the threaded end on several of the affected sailplanes prompted this action. The actions specified by this AD are intended to prevent airbrake system failure caused by the above condition, which, if not detected and corrected, could result in sailplane controllability problems.

DATES: Effective June 9, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 9, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from Schempp-Hirth Flugzeubau GmbH, Krebenstr. 25, D–7312 Kirchheim/Teck, Germany. This information may also be examined at the Federal Aviation Administration (FAA), Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Herman C. Belderok, Project Officer, Sailplanes, Small Airplane Directorate, Airplane Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to Schempp-Hirth Cirrus and Cirrus VTC sailplanes was published in the **Federal Register** on December 20, 1994 (59 FR 65520). The action proposed modifying the airbrake actuating lever and replacing the airbrake system coupling balls. Accomplishment of the proposed actions would be in accordance with Schempp-Hirth Technical Note 265–10, dated November 5, 1992.

Interested persons have been afforded an opportunity to participate in the

making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD and will not add any additional burden upon the public than was already proposed.

The FAA estimates that 21 sailplanes in the U.S. registry will be affected by this AD, that it will take approximately 1 workhour per sailplane to accomplish the required action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $25 per sailplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $1,785. This figure is based on the assumption that no affected sailplane owner/operator has accomplished the required modification. The FAA believes that several of the 21 affected sailplane owners/operators have already accomplished the required modification, thereby reducing the cost impact upon the public.

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–09–11 Schempp-Hirth: Amendment 39–9215; Docket No. 94–CE–17–AD.

Applicability: Cirrus and Cirrus VTC Sailplanes, all serial numbers, certificated in any category.

Note 1: This AD applies to each sailplane 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 sailplanes 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) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any sailplane from the applicability of this AD.

Compliance: Required upon the accumulation of 500 hours time-in-service (TIS) or within the next 20 hours TIS after the effective date of this AD, whichever occurs later, unless already accomplished.

To prevent airbrake system failure caused by broken coupling balls on the airbrake actuating lever, which, if not detected and corrected, could result in sailplane controllability problems, accomplish the following:

(a) Modify the airbrake actuating lever and replace the airbrake system coupling balls (located on the actuating lever) in accordance with the instructions in Schempp-Hirth Technical Note No. 265–10, dated November 5, 1992.

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

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(d) The modification required by this AD shall be done in accordance with Schempp-Hirth Technical Note No. 265–10, dated November 5, 1992. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Schempp-Hirth Flugzeubau GmbH, Krebenstr. 25, D–7312 Kirchheim/Teck, Germany. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment (39–9215) becomes effective on June 9, 1995.

Issued in Kansas City, Missouri, on April 26, 1995.

Henry A. Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10830 Filed 5–5–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 91–CE–40–AD; Amendment 39–9216; AD 95–09–12]

Airworthiness Directives; Alexander Schleicher Models ASW–12, ASW–15, ASW–15B, and ASW–17 Gliders

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes Airworthiness Directive (AD) 88–11–05, which currently requires repetitively inspecting the wing spar of Alexander Schleicher Models ASW–15 and ASW–15B gliders for wood rot, and replacing any wing spar where wood rot is found. Alexander Schleicher Models ASW–12 and ASW–17 gliders are of a similar type design to Models ASW–15 and ASW–15B gliders, and the Federal Aviation Administration (FAA), in working with the Civil Aviation Authority of Germany, has decided that the actions referenced in AD 88–11–05 should also apply to Models ASW–12 and ASW–17 gliders. The actions specified by this AD are intended to prevent failure of the wing spar caused

by wood rot, which, if not detected and corrected, could result in loss of control of the airplane.

DATES: Effective June 9, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 9, 1995.

ADDRESSES: Service information that applies to this AD may be obtained from Alexander Schleicher GmbH & Company, D–36163, Popppenhausen-Wasserkuppe, Germany; or Eastern Sailplane, Heath Stage Route Shelburne Falls, Massachusetts 01370; telephone (413) 625–6059. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Herman Belderok, Project Officer, Gliders, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone (816) 426–6932; facsimile (816) 426–2169.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to certain Alexander Schleicher Models ASW–12, ASW–15, ASW–15B, and ASW–17 gliders was published in the **Federal Register** on December 19, 1994 (59 FR 65282). The action proposed to supersede AD 88–11–05, Amendment 39–5997, with a new AD that would (1) retain the requirement of repetitively inspecting the wing spar for wood rot on the Models ASW–15 and ASW–15B gliders, and replacing the wing spar if wood rot is found; and (2) extend these repetitive inspections and possible replacement to Models ASW–12 and ASW–17 gliders. Accomplishment of the proposed inspections would be in accordance with either Alexander Schleicher ASW–15 Technical Note (TN) No. 23, dated April 21, 1988; Alexander Schleicher ASW–12 TN No. 4, dated May 10, 1989; or Alexander Schleicher ASW–17 TN No. 12, dated May 8, 1989, as applicable.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public.

After careful review of all available information related to the subject presented above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD or add any additional burden upon the public than was already proposed.

The compliance time presented in this AD is based upon calendar time instead of hours time-in-service. Rotting of the wood wing box spar is caused by moisture and the condition could exist or develop regardless of whether the glider is in actual operation. For this reason, the FAA has determined that the compliance time of the required AD action should be in calendar time.

The FAA estimates that 50 gliders (7 ASW–12's, 27 ASW–15's, 6 ASW–15B's, and 10 ASW–17's) in the U.S. registry will be affected by this AD, that it will take approximately 6 workhours per glider to accomplish the required action, and that the average labor rate is approximately $60 an hour. Parts cost approximately $110 per glider, and the required core analysis costs $185. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $32,750. This figure is based upon the assumption that no affected glider owner/operator has accomplished the proposed inspection, nor does it account for repetitive inspections. The FAA has no way of determining the number of repetitive inspections an owner/operator may incur.

In addition, AD 88–11–05 currently mandates the same actions that are required by this final rule AD on 33 gliders. With this in mind, the cost impact of the AD upon U.S. operators is reduced $21,615 from $32,750 to $11,135.

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

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final 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, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing AD 88–11–05, Amendment 39–5997, and by adding a new AD to read as follows:

95–09–12 Alexander Schleicher: Amendment 39–9216; Docket No. 91–CE–40–AD.

Applicability: Models ASW–12, ASW–15, ASW–15B, and ASW–17 gliders (all serial numbers), certificated in any category.

Note 1: This AD applies to each glider 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 gliders 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 (g) of this AD to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any glider from the applicability of this AD.

Compliance: Required initially as follows, and thereafter as indicated in the body of this AD:

1. For Models ASW–12 and ASW–17: Within the next 6 calendar months after the effective date of this AD, unless already accomplished.

2. For Models ASW–15 and ASW–15B: On or before the last day of the 12th calendar month after the last inspection required by AD 88–11–05, Amendment 39–5997.

To prevent failure of the wing spar caused by wood rot, which, if not detected and

corrected, could result in loss of control of the glider, accomplish the following:

(a) Visually inspect the wing spar for wood rot in accordance with either Action Paragraphs 1.1 through 1.3 of Alexander Schleicher ASW–12 Technical Note (TN) No. 4, dated May 10, 1989; Action Paragraphs 1.1, 1.2, and 2.1 of Alexander Schleicher ASW–15 TN No. 23, dated April 21, 1988; or Action Paragraphs 1.1 and 1.2 of Alexander Schleicher ASW–17 TN No. 12, dated May 8, 1989, as applicable.

(b) Mark and send wood cores obtained through the inspection specified in paragraph (a) of this AD to a mycology laboratory for microscopical inspection to detect heavy wood destroying fungal infestation in accordance with either Action Paragraph 1.3 of Alexander Schleicher ASW–12 TN No. 4, dated May 10, 1989; Action Paragraph 2.1 of Alexander Schleicher ASW–15 TN No. 23, dated April 21, 1988; or Action Paragraph 1.2 of Alexander Schleicher ASW–17 TN No. 12, dated May 8, 1989, as applicable.

(c) If moisture damage, swelling, evidence that water has penetrated into the spar fork, or fungal infestation is found, prior to further flight after the inspection required by paragraph (a) of this AD, accomplish the following:

(1) Wait for the results of the microscopical examination and then obtain a repair scheme from the manufacturer through the Manager, Small Airplane Directorate, at the address specified in paragraph (g) of this AD, and incorporate this repair scheme.

(2) Apply preservative, strengthen the inspection hole area, and close the hole in accordance with either Action Paragraph 1.4 of Alexander Schleicher ASW–12 TN No. 4, dated May 10, 1989; Action Paragraph 2.2 of Alexander Schleicher ASW–15 TN No. 23, dated April 21, 1988; or Action Paragraph 1.3 of Alexander Schleicher ASW–17 TN No. 12, dated May 8, 1989, as applicable.

(d) If no moisture damage, swelling, evidence that water has penetrated into the spar fork, or fungal infestation is found, accomplish the following:

(1) Prior to further flight after the inspection required by paragraph (a) of this AD, apply preservative, strengthen the inspection hole area, and close the hole in accordance with either Action Paragraph 1.4 of Alexander Schleicher ASW–12 TN No. 4, dated May 10, 1989; Action Paragraph 2.2 of Alexander Schleicher ASW–15 TN No. 23, dated April 21, 1988; or Action Paragraph 1.3 of Alexander Schleicher ASW–17 TN No. 12, dated May 8, 1989, as applicable.

(2) Operation of the glider during the microscopical examination of the wood core is permitted. However, if these examination results reveal heavy wood destroying fungal infestation, prior to further flight after receiving the results, obtain a repair scheme from the manufacturer through the Manager, Small Airplane Directorate, at the address specified in paragraph (g) of this AD, and incorporate this repair scheme.

(e) The inspection requirements specified in paragraphs (a) through (c) of this AD, excluding the wood core microscopical examination requirements, shall be accomplished annually on or before the last day of the 12th calendar month after the last inspection.

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

(g) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(h) The inspections required by this AD shall be done in accordance with either Alexander Schleicher ASW–12 Technical Note No. 4, dated May 10, 1989; Alexander Schleicher ASW–15 Technical Note No. 23, dated April 21, 1988; or Alexander Schleicher ASW–17 Technical Note No. 12, dated May 8, 1989, as applicable. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Alexander Schleicher GmbH & Company, D–36163, Popppenhausen-Wasserkuppe, Germany; or Eastern Sailplane, Heath Stage Route Shelburne Falls, Massachusetts 01370. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment (39–9216) supersedes AD 88–11–05, Amendment 39–5997.

(j) This amendment (39–9216) becomes effective on June 9, 1995.

Issued in Kansas City, Missouri, on April 26, 1995.

Henry Armstrong,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10831 Filed 5–5–95; 8:45 am]

BILLING CODE 4910–13–U

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14 CFR Part 39

[Docket No. 95–NM–73–AD; Amendment 39–9218; AD 95–10–01]

Airworthiness Directives; Raytheon Model Hawker 1000 and BAe 125–1000A Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Raytheon Model Hawker 1000 and BAe 125–1000A series airplanes. This action requires inspections to detect various discrepancies of the fuel hose assemblies on the auxiliary power unit (APU), and correction of any discrepancy found. This amendment is prompted by several reports of heat damage to the fuel hose assembly on the APU. The actions specified in this AD are intended to prevent failure of a fuel hose due to heat damage caused by incorrect routing or bleed air leakage; such failure could result in a malfunction of the APU, a fuel fire in the fuselage rear equipment bay, and reduced structural integrity of the surrounding structure.

DATES: Effective May 23, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 23, 1995.

Comments for inclusion in the Rules Docket must be received on or before July 7, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–73–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The service information referenced in this AD may be obtained from Raytheon Corporate Jets, Inc., Customer Support Department, Adams Field, P.O. Box 3356, Little Rock, Arkansas 72203. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on certain Raytheon Model Hawker 1000 and BAe 125–1000A series airplanes. The CAA advises that it has received recent reports of heat damage to the fuel feed hose assemblies on the auxiliary power unit (APU) installed on several Model BAe 125–1000A airplanes. In one case, the outer sheath was charred due to a suspected leak of the bleed air. In another case, while performing a pre-flight inspection, the flight crew found

a fuel hose that was damaged by heat. Subsequently, an inspection of ten more airplanes revealed five airplanes with hoses damaged by heat. These airplanes had accumulated between 540 and 1,054 total hours time-in-service. Failure of a fuel hose, if not corrected, could result in a malfunction of the APU, a potential fuel fire in the fuselage rear equipment bay, and reduced structural integrity of the surrounding structure.

The subject assemblies installed on Model BAe 125–1000A series airplanes are similar to those installed on Model Hawker 1000 series airplanes. Therefore, both airplane models are subject to this same unsafe condition.

Raytheon has issued Service Bulletin SB 49–44, dated January 20, 1995, which describes procedures for a visual inspection of both fuel hose assemblies (inlet and outlet from the fuel pump box) on the APU to detect certain discrepancies, as follows:

1. Signs of overheating of hose assemblies (scorching or discoloration);
2. Correct routing of the fuel feed hose assembly on the APU;
3. Minimum clearance of 0.5 inch between the hose assembly and the left-hand mixer valve/left-hand main air valve assemblies and associated hot air ducting;
4. Signs of leakage of bleed air from the left-hand mixer valve and/or left-hand main air valve and bellows; and
5. Correct positioning of the air leak detection system elements adjacent to the left-hand main air valve and mixer valve flange (including the auxiliary air supply branch).

These airplane models are manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above. The FAA has examined the findings of the CAA, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD is being issued to prevent failure of a fuel feed hose assembly on the APU, which could result in a malfunction of the APU, a potential fuel fire the fuselage rear equipment by, and reduced structural integrity of the surrounding structure. This AD requires inspections to detect discrepancies of the fuel feed hose assemblies on the APU; inspection for proper positioning of the rear equipment bay air leak detection system; inspection of the bleed air system for signs of leakage; and, under certain conditions, repetitive inspections of one hose assembly to detect discoloration of that assembly. This AD also requires the correction of any discrepancies found during the inspections. The actions are required to be accomplished in accordance with the service bulletin described previously.

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–73–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–10–01 Raytheon Corporate Jets, Inc. (Formerly de Havilland; Hawker Siddeley; British Aerospace, plc): Amendment 39–9218. Docket 95–NM–73–AD.

Applicability: Model Hawker 1000 and BAe 125–1000A series airplanes, post modification 259722C, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of a fuel hose assembly on the auxiliary power unit (APU), which could result in a malfunction of the APU, a potential fuel fire in the fuselage rear bay, and reduced structural integrity of the surrounding structure, accomplish the following:

(a) Within 30 days after the effective date of this AD, perform inspections to detect discrepancies of the fuel feed hose assemblies on the APU; an inspection to assure proper positioning of the air leak detection system; and an inspection of the bleed air system for signs of leakage; in accordance with paragraph 2.B. of the Accomplishment Instructions of Raytheon Service Bulletin SB 49–44, dated January 20, 1995.

(1) If no discrepancy is found: Thereafter, following the last flight of each day, perform an inspection to detect discoloration of the fuel hose assembly (outlet from the fuel pump box) on the APU, in accordance with paragraph 2.B.(2) and 2.C. of the Accomplishment Instructions of the service bulletin.

(2) If any discrepancy is found, prior to further flight, correct the discrepancy in accordance with paragraph 2.B. of the Accomplishment Instructions of the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(d) The actions shall be done in accordance with Raytheon Service Bulletin SB 49–44, dated January 20, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Raytheon Corporate Jets, Inc., Customer Support Department, Adams Field, P.O. Box 3356, Little Rock, Arkansas 72203. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on May 23, 1995.

Issued in Renton, Washington, on April 27, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10835 Filed 5–5–95; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2, 34, 35, 41, 131, 292, 294, 382, and 385

[Docket No. RM92–12–001; Order No. 575–A]

Streamlining of Regulations Pertaining to Parts II and III of the Federal Power Act and the Public Utility Regulatory Policies Act of 1978

Issued May 2, 1995.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Final rule; Order Granting and Dismissing Requests for Clarification and Dismissing Requests for Rehearing.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is granting and dismissing certain requests for clarification of its final rule in this proceeding and dismissing requests for rehearing. The requests for clarification and for rehearing relate to the Commission's description of petroleum coke and to codification of Commission precedent regarding the power production capacity of qualifying facilities.

EFFECTIVE DATE: This order is effective May 2, 1995.

FOR FURTHER INFORMATION CONTACT:

Andre Goodson, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, DC 20426, Telephone: (202) 208–2167.

Joseph C. Lynch, Federal Energy Regulatory Commission, Office of the General Counsel, 825 North Capitol Street, NE., Washington, DC 20426, Telephone: (202) 208–2128.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3401, at 941 North Capitol Street, NE., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, 1200 or 300bps, full duplex, no parity, 8 data bits and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and WordPerfect 5.1 format. After 60 days the document will be archived, but still accessible. The complete text on diskette in WordPerfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3104, 941 North Capitol Street, NE., Washington, DC 20426.

Order Granting and Dismissing Requests for Clarification and Dismissing Requests for Rehearing

On January 13, 1995, the Commission issued a Final Rule in this proceeding.[1] The Final Rule revised and clarified the Commission's policies regarding: rate filings by public utilities under the Federal Power Act (FPA); issuances of securities and assumptions of liabilities by public utilities, licensees and others; and procedural and technical rules governing qualifying facilities (QFs).

On February 13, 1995: (a) The American Petroleum Institute (American Petroleum) filed a petition for clarification or, in the alternative, a request for rehearing; (b) Texaco Cogeneration Development (Texaco Cogen) filed a petition for clarification, or, in the alternative, a request for rehearing; and (c) Granite State Hydropower Association (Granite State) filed a petition for clarification, or, in the alternative, a request for rehearing.

[1] Streamlining of Regulations Pertaining to Parts II and III of the Federal Power Act and the Public Utility Regulatory Policies Act of 1978, Order No. 575, 60 FR 4831 (Jan. 25, 1995); III FERC Stats. & Regs., Regulations Preambles ¶ 31,014 (1995).

American Petroleum and Texaco Cogen

American Petroleum and Texaco Cogen focus on the same issue. Section 292.204(b) requires that waste must comprise at least 75 percent of the fuel of a waste-fueled qualifying small power production facility.[2] The Final Rule recognized petroleum coke as waste for the purposes of § 292.204(b);[3] it described petroleum coke as:

> A by-product of the oil refining process that is very low in volatile matter, usually high in sulfur content, *and an environmentally hazardous waste*.[4]

American Petroleum and Texaco Cogen object to the Commission's characterization of petroleum coke as ''an environmentally hazardous waste.''[5] They argue that: (a) The Notice of Proposed Rulemaking (NOPR) in this proceeding[6] gave no notice that the Commission would regard petroleum coke as an environmentally hazardous waste;[7] (b) there is no evidence in the record to support the conclusion that petroleum coke is an environmentally hazardous waste; and that, in any event, (c) the Commission is without authority to make the determination that petroleum coke is an environmentally hazardous waste.

American Petroleum and Texaco Cogen ask that the Commission remove from its characterization of petroleum coke in the preamble the words ''and an environmentally hazardous waste.'' Alternatively, Texaco Cogen asks the Commission to state that the language that petroleum coke is an environmentally hazardous waste is without substantive effect.

Granite State

In the NOPR, the Commission proposed to add a new § 292.202(s), which would codify Commission precedent regarding the power production capacity of a QF. The Commission proposed to determine a QF's maximum net sendout based on the safe and reliable operation of the facility. The Commission also proposed to measure a QF's power production capacity at the point of delivery to the transmission system of the interconnected utility. This proposed rule would have codified the Commission's decisions in *Power Developers, Inc*.[8] and *Turners Falls Limited Partnership*.[9] In its comments, Granite State opposed the codification of those decisions, at least as the codification might apply to hydroelectric small power production facilities that are in operation when such codification might take effect.

In the Final Rule, the Commission decided not to add the proposed new § 292.202(s) and, therefore, not to codify the Commission's decisions in *Power Developers* and *Turners Falls*. The Commission noted that two pending proceedings raise issues concerning the policy set forth in *Turners Falls*, that the Commission is reviewing those issues and will address them in those proceedings, that the Commission is not prepared at this time to issue a final rule regarding the policy set forth in *Turners Falls* and that the Commission may in the future codify its policy after it has more experience on the issue.[10]

Granite State asks the Commission to clarify that it will codify the decisions in *Power Developers* and *Turners Falls* only after it has conducted a properly noticed rulemaking proceeding and to state that it was not the Commission's intent in the Final Rule to apply those decisions to other hydroelectric small power production facilities.[11] Should the Commission not grant the requested clarification, Granite State seeks rehearing on the grounds that: (1) Part 292 of the Commission's regulations, 18 CFR Part 292, allows small power producers to sell any power—net or gross—produced by their facilities as qualifying facilities and (2) the Commission may only change the Part 292 regulations prospectively and only after the Commission has conducted a properly noticed rulemaking proceeding.

Discussion

American Petroleum and Texaco Cogen

We agree with American Petroleum and Texaco Cogen that the record is devoid of support for the statement that petroleum coke is an environmentally hazardous waste. In any event, reference to the environmental effects of petroleum coke is unnecessary to our determination to include petroleum coke as a waste for the purposes of § 292.204(b). We will, therefore, grant American Petroleum's and Texaco Cogen's request for clarification and will dismiss, as moot, their alternative requests for rehearing.

Granite State

With respect to Granite State's opposition to codification and application of the policy in the *Power Developers* and *Turners Falls* decisions, we emphasize, as we stated in the January 13, 1995 Final Rule, that we are reviewing the issue in the pending *Stone Container* and *Wheelabrator* proceedings and would not expect to codify any precedent regarding QF power production capacity without obtaining more experience with this issue. Since the Commission decided not to codify its precedent concerning QF power production capacity in the January 13, 1995 Final Rule, Granite State's challenge is premature.

Granite State's request that we not codify in our regulations the policy set forth in *Power Developers* and *Turners Falls* without a properly noticed rulemaking proceeding is also premature. Accordingly, we will dismiss Granite State's requests for clarification and rehearing.

The Commission Orders

(A) American Petroleum's and Texaco Cogen's petitions for clarification are hereby granted; the first sentence in footnote 95 of the preamble to the Final Rule, III FERC Stats. & Regs., Regulations Preambles ¶ 31,014 at p. 31,292 n.95 (60 FR at 4850 n. 95), is hereby amended to read, ''Petroleum coke is a by-product of the oil refining process that is very low in volatile matter and usually high in sulfur content.''

(B) American Petroleum's and Texaco Cogen's alternative requests for rehearing are hereby dismissed.

(C) Granite State's requests for clarification and rehearing are hereby dismissed as discussed in the body of this order.

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[2] 18 CFR 292.204(b).

[3] 60 FR at 4850; III FERC Stats & Regs. at 31,292.

[4] *Id*. (emphasis added).

[5] *See* American Petroleum Petition for Clarification/Request for Rehearing at 2–9; Texaco Cogen Petition for Clarification/Request for Rehearing at 1–3.

[6] Streamlining of Regulations Pertaining to Parts II and III of the Federal Power Act and the Public Utility Regulatory Policies Act of 1978, 57 FR 55176 (Nov. 24, 1992); IV FERC Stats. & Regs., Proposed Regulations ¶ 32,489 (1992).

[7] The NOPR listed petroleum coke among the energy sources that the Commission proposed to treat as waste. The NOPR described petroleum coke as follows:

> Petroleum coke ordinarily has less than 1 percent ash, has a high fixed carbon content (about 90 percent), is very low in volatile matter (6 percent to 11 percent) and usually contains more than 4.5 percent sulfur. For these reasons it is not a very desirable boiler fuel.

57 FR at 55187 n.69; IV FERC Stats. & Regs. at 32,655 n.69.

[8] 32 FERC ¶ 61,101 (1985) (*Power Developers*).

[9] 55 FERC ¶ 61,136 (1991) (*Turners Falls*).

[10] 60 FR at 4844; III FERC Stats. & Regs. at 31,282. The two proceedings are: (a) Carolina Power & Light Company. v. Stone Container Corp., Docket Nos. EL94–62–000 and QF85–102–005 (*Stone Container*); and (b) Connecticut Valley Light & Power Company. v. Wheelabrator Claremont Company, Docket Nos. EL94–10–000 and QF86–177–001 (*Wheelabrator*).

[11] Granite State Request for Clarification or Rehearing at 2.

By the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11213 Filed 5–5–95; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, acting pursuant to authority delegated from the Secretary of the Navy: has determined that USS DWIGHT D. EISENHOWER (CVN 69) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval aircraft carrier; and has directed that certain naval ships or classes of ships be removed from the Tables in the existing Part 706. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: December 27, 1994.

FOR FURTHER INFORMATION CONTACT: Commander K.P. McMahon, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400, Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. The Secretary of the Navy previously certified that USS DWIGHT D. EISENHOWER (CVN 69) is a vessel of the Navy which, due to its special construction and purpose, cannot fully with 72 COLREGS. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has amended that certification to reflect that certain navigation lights on USS DWIGHT D. EISENHOWER (CVN 69), previously certified as not in compliance with 72 COLREGS, now comply with the applicable 72 COLREGS requirements, to wit: the ship now has a single forward anchor light, as required by Rule 30(a)(i).

Notice is also provided that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that certain vessels and classes of vessels listed in the existing tables of 32 CFR Part 706 may be deleted from those tables because certification of those vessels or classes of vessels is no longer required.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Two of § 706.2 is amended by revising the entry for the following vessel:

TABLE TWO

Vessel	No.	Masthead lights, distance to stbd of keel in meters; Rule 21(a)	Forward anchor light, distance below flight dk in meters; § 2(K), Annex I	Forward anchor light, number of; rule 30(a)(i)	AFT anchor light, distance below flight dk in meters; rule 21(e), rule 30(a)(ii)	AFT anchor light, number of; rule 30(a)(ii)	Side lights, distance below flight dk in meters; § 2(g), annex I	Side lights, distance forward of forward masthead light in meters; § 3(b), annex I	Side lights, distance inboard of ship's sides in meters; § 3(b), annex I
*	*	*	*	*	*	*	*	*	*
USS DWIGHT D. EISENHOWER.	CVN–69	30	.....	1	9.3	2	0.7	.....	.....
*	*	*	*	*	*	*	*	*	*

1. Table One of 32 CFR 706.2 is amended by removing the following ships:

USS LEAHY	CG–16
USS CHARLES F. ADAMS	DDG–2
USS JOHN KING	DDG–3
USS LAWRENCE	DDG–4
USS CLAUDE V. RICKETTS	DDG–5
USS BARNEY	DDG–6
USS LYNDE MC CORMICK	DDG–8
USS TOWERS	DDG–9
USS SAMPSON	DDG–10
USS SELLERS	DDG–11
USS ROBINSON	DDG–12
USS HOEL	DDG–13
USS BUCHANAN	DDG–14
USS BERKELEY	DDG–15
USS JOSEPH STRAUSS	DDG–16
USS CONYNGHAM	DDG–17
USS SEMMES	DDG–18
USS TATTNALL	DDG–19
USS GOLDSBOROUGH	DDG–20
USS COCHRANE	DDG–21
USS BENJAMIN STODDERT	DDG–22
USS RICHARD E. BYRD	DDG–23
USS WADDELL	DDG–24
USS BRONSTEIN	FF–1037
USS MC CLOY	FF–1038
USS IWO JIMA	LPH–2
USS OKINAWA	LPH–3
USS CONSTANT	MSO–427
USS ENGAGE	MSO–433
USS ENHANCE	MSO–437
USS ESTEEM	MSO–438
USS EXCEL	MSO–439
USS EXPLOIT	MSO–440
USS EXULTANT	MSO–441
USS FEARLESS	MSO–442
USS FORTIFY	MSO–446
USS ILLUSIVE	MSO–448
USS IMPERVIOUS	MSO–449
USS INFLICT	MSO–456
USS PLUCK	MSO–464
USS LEADER	MSO–490

USS ADROIT	MSO–509
USS AFFRAY	MSO–511
USS SKIPJACK	SSN–585
USS SCULPIN	SSN–590
USS SHARK	SSN–591
USS PERMIT	SSN–594
USS PLUNGER	SSN–595
USS BARB	SSN–596
USS HADDO	SSN–604
USS JACK	SSN–605
USS TINOSA	SSN–606
USS SAM HOUSTON	SSN–609
USS JOHN MARSHALL	SSN–611
USS GUARDFISH	SSN–612
USS FLASHER	SSN–613
USS GREENLING	SSN–614
USS HADDOCK	SSN–621
USS STURGEON	SSN–637
USS QUEENFISH	SSN–651
USS RAY	SSN–653
USS LAPON	SSN–661
USS SEA DEVIL	SSN–664
USS GUITARRO	SSN–665
USS SILVERSIDES	SSN–679
USS GLENARD P. LIPSCOMB	SSN–685
USS BATON ROUGE	SSN–689
USS LAFAYETTE	SSBN–616
USS ALEXANDER HAMILTON	SSBN–617
USS JAMES MONROE	SSBN–622
USS WOODROW WILSON	SSBN–624
USS HENRY CLAY	SSBN–625
USS JAMES MADISON	SSBN–627
USS TECUMSEH	SSBN–628
USS DANIEL BOONE	SSBN–629
USS JOHN C. CALHOUN	SSBN–630
USS ULYSSES S GRANT	SSBN–631
USS VON STEUBEN	SSBN–632
USS CASIMIR PULASKI	SSBN–633
USS BENJAMIN FRANKLIN	SSBN–640
USS GEORGE BANCROFT	SSBN–643
USS LEWIS & CLARK	SSBN–644
USS GEORGE C. MARSHALL	SSBN–654
USS HENRY L. STIMSON	SSBN–655
USS GEORGE WASHINGTON CARVER.	SSBN–656
USS FRANCIS SCOTT KEY	SSBN–657
USS WILL ROGERS	SSBN–659

2. Table Two of 32 CFR 706.2 is amended by removing the following ships:

USS LEXINGTON	AVT–16
USS MIDWAY	CV–41
USS RANGER	CV–61
USS IWO JIMA	LPH–2
USS OKINAWA	LPH–3
USS PENGASIUS	PHM–1
USS HERCULES	PHM–2
USS TAURUS	PHM–3
USS AQUILA	PHM–4
USS ANES	PHM–5
USS GEMINI	PHM–6

3. Table 3 of 32 CFR 706.2 is amended by removing the following ships:

USS BLUEBACK	SS–581
USS SKIPJACK	SSN–585
USS SCULPIN	SSN–590
USS SHARK	SSN–591
USS PERMIT	SSN–594
USS PLUNGER	SSN–595
USS BARB	SSN–596
USS HADDO	SSN–604
USS JACK	SSN–605
USS TINOSA	SSN–606
USS SAM HOUSTON	SSN–609
USS JOHN MARSHALL	SSN–611
USS GUARDFISH	SSN–612
USS FLASHER	SSN–613
USS GREENLING	SSN–614
USS HADDOCK	SSN–621
USS STURGEON	SSN–637
USS QUEENFISH	SSN–651
USS RAY	SSN–653
USS LAPON	SSN–661
USS SEA DEVIL	SSN–664
USS GUITARRO	SSN–665
USS SILVERSIDES	SSN–679
USS GLENARD P. LIPSCOMB	SSN–685
USS BATON ROUGE	SSN–689
USS LAFAYETTE	SSBN–616
USS ALEXANDER HAMILTON	SSBN–617
USS JAMES MONROE	SSBN–622
USS WOODROW WILSON	SSBN–624
USS HENRY CLAY	SSBN–625
USS JAMES MADISON	SSBN–627
USS TECUMSEH	SSBN–628
USS DANIEL BOONE	SSBN–629
USS JOHN C. CALHOUN	SSBN–630
USS ULYSSES S. GRANT	SSBN–631
USS VON STUEBEN	SSBN–632
USS CASIMIR PULASKI	SSBN–633
USS BENJAMIN FRANKLIN	SSBN–640
USS GEORGE BANCROFT	SSBN–643
USS LEWIS AND CLARK	SSBN–644
USS GEORGE C. MARSHALL	SSBN–654
USS HENRY L. STIMSON	SSBN–655
USS GEORGE WASHINGTON CARVER.	SSBN–656
USS FRANCIS SCOTT KEY	SSBN–657
USS WILL ROGERS	SSBN–659

4. Table Four, paragraph 1 of 32 CFR 706.2 is amended by removing the word ''AVT,'' in the first sentence.

5. Table Four, paragraph 4 of 32 CFR 706.2 is amended by removing the following ships:

Vessel	*MSO No.*
USS CONSTANT	427
USS ENGAGE	433
USS ENHANCE	437
USS ESTEEM	438
USS EXCEL	439
USS EXPLOIT	440
USS EXULTANT	441
USS FEARLESS	442
USS FORTIFY	446
USS ILLUSIVE	448
USS IMPERVIOUS	449
USS INFLICT	456
USS PLUCK	464
USS LEADER	490
USS ADROIT	509
USS AFFRAY	511

6. Table Four, paragraph 6 of 32 CFR 706.2 is amended by removing the following ships:

USS WICHITA	(AOR 1)
USS FULTON	(AS 11)

7. Table Four, paragraphs 5, 12 and 13 of 32 CFR 706.2 are removed and reserved.

8. Table Five of 32 CFR 706.2 is amended by removing the following ships:

USS HALEAKALA	AE 25
USS LEXINGTON	AVT 16
USS LEAHY	CG 16
USS HARRY E. YARNELL	CG 17
USS WORDEN	CG 18
USS GRIDLEY	CG 21
USS ENGLAND	CG 22
USS HALSEY	CG 23
USS REEVES	CG 24
USS JOSEPHUS DANIELS	CG 27
USS WAINWRIGHT	CG 28
USS JOUETT	CG 29
USS HORNE	CG 30
USS STERETT	CG 31
USS WILLIAM H. STANDLEY	CG 32
USS FOX	CG 33
USS BIDDLE	CG 34
USS VIRGINIA	CGN 38
USS TEXAS	CGN 39
USS MIDWAY	CV 41
USS RANGER	CV 61
USS FARRAGUT	DDG 37
USS LUCE	DDG 38
USS MACDONOUGH	DDG 39
USS COONTZ	DDG 40
USS KING	DDG 41
USS MAHAN	DDG 42
USS DAHLGREN	DDG 43
USS WILLIAM V. PRATT	DDG 44
USS DEWEY	DDG 45
USS PREBLE	DDG 46
USS RALEIGH	LPD 1
USS VANCOUVER	LPD 2
USS IWO JIMA	LPH 2
USS OKINAWA	LPH 3
USS NEWPORT	LST 1179
USS MANITOWOC	LST 1180
USS SUMTER	LST 1181
USS FRESNO	LST 1182
USS PEORIA	LST 1183
USS SCHENECTADY	LST 1185
USS TUSCALOOSA	LST 1187
USS BOULDER	LST 1190
USS RACINE	LST 1191
USS BARBOUR COUNTY	LST 1195
USNS POINT LOMA	T–AGDS 2

§ 706.3 [Amended]

10. Table One in § 706.3 is amended by removing the following classes:

T–AGS–29 Class
USNS MIRFAK (T–AK–271)
USNS FURMAN (T–AK–280)
USNS MARSHFIELD (T–AK–282)
USNS NEPTUNE (T–ARC–2)
ATF–81 Class
ATF–96 Class
DD–931 Class
DDG–31 Class
MSB Class
PG–84 Class
SS–580 Class
SSN–585 Class
USS NARWHAL (SSN–671)
USS GLENARD P. LIPSCOMB (SSN–685)
SSBN–608 Class

Dated: February 8, 1995.

K.P. McMahon,

Commander, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 95–11197 Filed 5–5–95; 8:45 am]

BILLING CODE 3810–AE–P

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS ORIOLE (MHC 55) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 20, 1995.

FOR FURTHER INFORMATION CONTACT: Commander K. P. McMahon, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, Virginia, 22332–2400. Telephone Number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS ORIOLE (MHC 55) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provisions of 72 COLREGS without interfering with its special function as a naval ship: Rule 27(f), pertaining to the display of all-round lights by a vessel engaged in mineclearance operations, and Annex I, paragraph 9(b), prescribing that all-round lights be located as not to be obscured by masts, topmasts or structures within angular sectors of more than six (6) degrees. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Section 706.2 is amended by adding the following ship to Table Four, paragraph 18:

Vessel	No.	Obscured angles relative to ship's heading	
		Port	STBD
* *	* * *	*	*
ORIOLE	MHC 55	65.0° to 75.6°	284.1° to 294.6°.

Dated: April 20, 1995.

K.P. McMahon,

Commander, JAGC, U.S. Navy Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 95–11199 Filed 5–5–95; 8:45 am]

BILLING CODE 3810–AE–P

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS RUSSELL (DDG 59) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Commander K. P. McMahon, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400. Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS RUSSELL (DDG 59) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provision of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights; and, Rule 21(a) pertaining to the forward masthead light arc of visibility. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Four of § 706.2 is amended by adding the following entry to paragraph 16:

Vessel	No.	Obstruction angle relative ship's headings
*	*	* * *
USS RUSSELL.	DDG 59	103.66 thru 112.50°.

3. Table Five of § 706.2 is amended by adding the following vessel:

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions, annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship, annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light, annex I, sec. 3(a)	Percentage horizontal separation attained
* * * *		*	*	*	*
USS RUSSELL	DDG 59	X	X	X	20.6

Dated: April 14, 1995.

K.P. McManon,

CDR, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty).

[FR Doc. 95–11201 Filed 5–5–95; 8:45 am]

BILLING CODE 3810–AE–P

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS CARTER HALL (LSD 50) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: March 23, 1995.

FOR FURTHER INFORMATION CONTACT: Commander K.P. McMahon, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400. Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS CARTER HALL (LSD 50) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provision of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a), pertaining to the horizontal distance between the forward and after masthead lights. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Five of § 706.2 is amended by adding the following vessel:

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions, annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship, annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light, annex I, sec. 3(a)	Percentage horizontal separation attained
* * * *	*	*	*	*	
USS CARTER HALL	LSD 50	.....	.....	X	63.9

Dated: March 23, 1995.

K.P. McMahon,

CDR, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty).

[FR Doc. 95–11196 Filed 5–5–95; 8:45 am]

BILLING CODE 3810–AE–P

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS STETHEM (DDG 63) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 20, 1995.

FOR FURTHER INFORMATION CONTACT: Commander K.P. McMahon, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400. Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS STETHEM (DDG 63) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provision of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 3(a), pertaining to the location of the forward masthead light in the forward quarter of the ship, and the horizontal distance between the forward and after masthead lights; Annex I, paragraph 2(f)(i), pertaining to the placement of the masthead light or lights above and clear of all other lights and obstructions; and Annex I, paragraph 3(c), pertaining to placement of task lights not less than 2 meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Four of 706.2 is amended by:

a. Adding the following vessel to Paragraph 15:

Vessel	No.	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
* * *	*	*
USS STETHEM.	DDG 63	1.91 meters.

b. Adding the following vessel to Paragraph 16:

Vessel	No.	Obstruction angle relative ship's headings
* * *	*	*
USS STETHEM.	DDG 63	102.51 thru 112.50°.

3. Table Five of 706.2 is amended by adding the following vessel:

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions, annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship, annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light, annex I, sec. 3(a)	Percentage horizontal separation attained
* * * *	*	*	*	*	
USS STETHEM	DDG 63	X	X	X	20

Dated: April 20, 1995.

K.P. McMahon,

CDR, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty).

[FR Doc. 95–11202 Filed 5–5–95; 8:45 am]

BILLING CODE 3810–AE–P

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS JOHN F. KENNEDY (CV 67) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval ship. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: April 14, 1995.

FOR FURTHER INFORMATION CONTACT: Commander K.P. McMahon, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA. 22332–2400. Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS JOHN F. KENNEDY (CV 67) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provision of 72 COLREGS without interfering with its special function as a naval ship: Annex I, paragraph 2(g), pertaining to placement of sidelights above the hull of the vessel. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Two of § 706.2 is amended by revising the information on the following vessel:

TABLE TWO

Vessel	No.	Masthead lights, distance to stbd of keel in meters; rule 21(a)	Forward anchor light, distance below flight dk in meters; § 2(K), Annex I	Forward anchor light, number of; rule 30(a) (i)	Aft anchor light, distance below flight dk in meters; rule 21(e), rule 30(a)(ii)	Aft anchor light, number of; rule 30(a)(ii)	Side lights, distance below flight dk in meters; § 2(g), annex I	Side lights, distance forward of forward masthead light in meters; § 3(b), annex I	Side lights, distance inboard of ship's sides in meters; § 3(b), annex I
*	*	*	*	*	*	*	*	*	
USS JOHN F. KENNEDY.	CV–67	27.5	.....	1	9.0	2	0.4	.....	.....
*	*	*	*	*	*	*	*	*	

Dated April 14, 1995.

K.P. McMahon,

CDR, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Admiralty).

[FR Doc. 95–11198 Filed 5–5–95; 8:45 am]

BILLING CODE 3810–AE–P

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS RAMAGE (DDG 61) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval destroyer. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: February 7, 1995.

FOR FURTHER INFORMATION CONTACT: Commander K.P. McMahon, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400. Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS RAMAGE (DDG 61) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provisions of 72 COLREGS without interfering with its special function as a naval destroyer: Annex I, paragraph 3(a) pertaining to the location of the forward masthead light in the forward quarter of the vessel, and the horizontal distance between the forward and after masthead lights; Annex I, paragraph 2(f)(i) pertaining to placement of the masthead light or lights above and clear of all other lights and obstructions; Annex I, paragraph 3(c) pertaining to placement of task lights not less than 2 meters from the fore and aft centerline of the ship in the athwartship direction. The Deputy Assistant Judge Advocate General (Admiralty) of the Navy has also certified that the lights involved are located in closest possible compliance with the applicable 72 COLREGS requirements.

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine Safety, Navigation (Water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table Four of § 706.2 is amended by:

a. Adding the following entry to Paragraph 15:

Vessel	No.	Horizontal distance from the fore and aft centerline of the vessel in the athwartship direction
* * * * *		
USS RAMAGE.	DDG 61	1.91 meters.

b. Adding the following entry to Paragraph 16:

Vessel	No.	Obstruction angle relative ship's headings
* * * * *		
USS RAMAGE	DDG 61	103.66 thru 112.50°.

3. Table Five of § 706.2 is amended by adding the following entry:

TABLE FIVE

Vessel	No.	Masthead lights not over all other lights and obstructions, annex I, sec. 2(f)	Forward masthead light not in forward quarter of ship, annex I, sec. 3(a)	After masthead light less than ½ ship's length aft of forward masthead light, annex I, sec. 3(a)	Percentage horizontal separation attained
* * * *	*	*	*	*	
USS RAMAGE	DDG 61	X	X	X	20

Dated: February 7, 1995.

K.P. McMahon,

CDR, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty).

[FR Doc. 95–11200 Filed 5–5–95; 8:45 am]

BILLING CODE 3810–AE–P

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS), to reflect that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy has determined that USS TUCSON (SSN 770) is a vessel of the Navy which, due

to its special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with its special functions as a naval submarine. The intended effect of this rule is to warn mariners in waters where 72 COLREGS apply.

EFFECTIVE DATE: March 30, 1995.

FOR FURTHER INFORMATION CONTACT: Commander K.P. McMahon, JAGC, U.S. Navy, Admiralty Counsel, Office of the Judge Advocate General, Navy Department, 200 Stovall Street, Alexandria, VA 22332–2400. Telephone number: (703) 325–9744.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in 33 U.S.C. 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Deputy Assistant Judge Advocate General (Admiralty) of the Navy, under authority delegated by the Secretary of the Navy, has certified that USS TUCSON (SSN 770) is a vessel of the Navy which, due to its special construction and purpose, cannot comply fully with the following specific provisions of 72 COLREGS without interfering with its special function as a naval submarine: Rule 21(c), pertaining to the arc of visibility of the sternlight; Annex I, section 2(a)(i), pertaining to the height of the masthead light; Annex I, section 2(k), pertaining to the height and relative positions of the anchor lights; and Annex I, section 3(b), pertaining to the location of the sidelights. The Deputy Assistant Judge Advocate General (Admiralty) at the Navy has also certified that the aforementioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided that USS TUCSON (SSN 770) is a member of the SSN 688 class of vessels for which certain exemptions, pursuant to 72 COLREGS, Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining to that class, found in the existing table of section 706.3, are equally applicable to USS TUCSON (SSN 770).

Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary, and contrary to public interest since it is based on technical findings that the placement of lights on this vessel in a manner differently from that prescribed herein will adversely affect the vessel's ability to perform its military functions.

List of Subjects in 32 CFR Part 706

Marine safety, Navigation (Water), and Vessels.

Accordingly, 32 CFR Part 706 is amended as follows:

PART 706—[AMENDED]

1. The authority citation for 32 CFR Part 706 continues to read:

Authority: 33 U.S.C. 1605.

§ 706.2 [Amended]

2. Table One of § 706.2 is amended by adding the following vessel:

TABLE ONE

Vessel	No.	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) annex I
* * * * *		
USS TUCSON	SSN–770	3.5

3. Table Three of § 706.2 is amended by adding the following vessel:

TABLE 3

Vessel	No.	Masthead lights arc of visibility; rule 21(a)	Side lights arc of visibility; rule 21(b)	Stern light arc of visibility; rule 21(c)	Side lights distance inboard of ship's sides in meters 3(b) annex 1	Stern light, distance forward of stern in meters; rule 21(c)	Forward anchor light, height above hull in meters; 2(K) annex 1	Anchor lights relation-ship of aft light to forward light in meters 2(K) annex 1
*	*	*	*	*	*	*	*	
USS TUCSON	SSN–770	.....	.....	209	4.4	6.1	3.4	1.7 below.

Dated: March 30, 1995.

K.P. McMahon,

CDR, JAGC, U.S. Navy, Deputy Assistant Judge Advocate, General (Admiralty).

[FR Doc. 95–11203 Filed 5–5–95; 8:45 am]

BILLING CODE 3810–AE–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[NC–60–1–6736a; FRL–5198–1]

Approval and Promulgation of Implementation Plans, North Carolina: Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the State Implementation Plan (SIP) submitted by the State of North Carolina through the North Carolina Department of Environment, Health and Natural Resources for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), which will be fully implemented by November 15, 1994. This implementation plan was submitted by the State on July 10, 1992, to satisfy the federal mandate to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the Clean Air Act as amended in 1990 (CAA).

DATES: This action will be effective July 7, 1995 unless notice is received June 7, 1995 that someone wishes to submit adverse or critical comments. If the

effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of North Carolina may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

State of North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management, P.O. Box 29535, Raleigh, North Carolina 27626–0535.

FOR FURTHER INFORMATION CONTACT: Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347–3555 ext. 4195.

SUPPLEMENTARY INFORMATION: Implementation of the CAA will require small businesses to comply with specific regulations in order for areas to attain and maintain the national ambient air quality standards (NAAQS) and reduce the emission of air toxics. In anticipation of the impact of these requirements on small businesses, the CAA requires that States adopt a PROGRAM, and submit this PROGRAM as a revision to the federally approved SIP. In addition, the CAA directs the EPA to oversee the small business assistance programs (SBAP) 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 and the EPA guidance document Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments. 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 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. The plan must also determine the eligibility of small business stationary sources for assistance in the PROGRAM. The plan includes the duties, funding and schedule of implementation for the three PROGRAM components.

Section 507(a) and (e) of the CAA set forth requirements the State must meet to have an approvable PROGRAM. The State of North Carolina has addressed these requirements and established a PROGRAM as described below.

1. Small Business Assistance Program (SBAP)

North Carolina has established a mechanism to implement the following six requirements set forth in section 507 of title V of the CAA:

A. The establishment of 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 comply with the CAA;

B. The establishment of 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;

C. The development of a compliance and technical assistance program for small business stationary sources which assist small businesses in determining applicable permit requirements under the CAA in a timely and efficient manner;

D. The development of adequate mechanisms to assure that small business stationary sources receive notice of their rights under the CAA 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 CAA;

E. The development of adequate mechanisms for informing small business stationary sources of their obligations under the CAA, 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 CAA; and

F. The development of 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 of North Carolina Department of Environment, Health and Natural Resources has charged the Air Quality Section with the responsibility of implementing the SBAP. The SBAP consists of headquarters and regional staff. In addition, contractors will be utilized whenever technical expertise is not available or is deemed more cost effective. The Office of Waste Reduction provides technical assistance in the areas of pollution prevention, accidental release and prevention and other multi-media waste reduction strategies. Other state agencies are part of the SBAP network to provide other specialized assistance.

The SBAP will assist small businesses in determining applicable requirements and will provide information on permit issuance, compliance methods, acceptable control technologies, pollution prevention, accidental release prevention and detection, and audit programs. The SBAP will inform small businesses about their rights under the CAA; assist in the preparation of guidance documents and ensure that technical and compliance information is available to the small business community and the general public; answer regulatory questions raised by small businesses and provide them with clean air compliance information; obtain information and counsel from other appropriate state agencies; participate and sponsor meetings and conferences on air quality requirements, pollution prevention, and other regulatory issues; and provide technical assistance for the Air Quality Compliance Advisory Panel.

Using the technology transfer network of the EPA and resources of the National Pollution Roundtable and regional pollution prevention agencies, the SBAP operates a clearinghouse of relevant technical and regulatory literature to disseminate to the small business community. The SBAP develops and distributes pamphlets, brochures and booklets to small businesses explaining permit requirements, control requirements and sources of information. This information is developed cooperatively with the Ombudsman's office and the Air Quality

Compliance Advisory Panel. The SBAP sponsors workshops and seminars to provide small businesses with information and assistance on complying with the air quality regulations. Technical hotline questions are handled by the SBAP and appropriate experts are located to provide any additional necessary assistance to small businesses. The SBAP also assists in providing information on financial assistance to small businesses. Print, television and radio media, as well as other venues, are being utilized to disseminate information. A toll-free hotline has been functioning successfully for over a year.

The SBAP is working with the Office of Waste Reduction, North Carolina State University and the community college system, and the private sector to assist small businesses in obtaining audits of their operations to determine compliance. The SBAP will develop and maintain a list of consultants that do audits. In addition, a self-audit checklist will be developed.

A small business may petition the Environmental Management Commission to modify or adopt a rule, modify work practices, compliance methods or implementation schedules in accordance with established procedures as described in published rules.

2. Ombudsman

Section 507(a)(3) of the CAA requires the designation of a State office to serve as the Ombudsman for small business stationary sources. North Carolina has appointed a Small Business Ombudsman and established the Office of the Ombudsman within the Department of Environment, Health and Natural Resources. This is a non-regulatory office within the Department which reports directly to the Director of the Division of Environmental Management. The office is independent of the Air Quality Section and other regulatory programs. The Ombudsman is the primary liaison to small business and has the authority to recommend legislative and regulatory changes, including recommendations regarding fees, affecting small businesses to the Environmental Management Commission and to the Secretary of the Department. The Ombudsman works closely with the Governor's office, the North Carolina legislature, the Secretary of the Department, the Director of the Division of Environmental Management, Environmental Management Commission members, and other private and public leaders necessary to communicate the interests of small businesses.

3. Compliance Advisory Panel

Section 507(e) of the CAA 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 will be selected by the state legislature who are owners, or represent owners, of small businesses. The majority and minority leadership in the state legislature shall each appoint one member of the panel. One member will be selected by the head of the agency in charge of the Air Pollution Permit Program. North Carolina established a CAP with a membership consistent with the aforementioned CAA requirements. The Governor will name the chairperson from the aforementioned membership. The SBAP will serve as the secretariat to the CAP in the development and dissemination of reports, advisory opinions, and other information.

The duties of the CAP include: Rendering advisory opinions regarding the effectiveness of the state PROGRAM, the difficulties encountered by small businesses in meeting the mandates of the CAA, and provide suggestions on ways to help small businesses comply with regulatory requirements; reviewing information for small business stationary air pollution sources to assure such information is understandable to the general public; and to make periodic reports to the Administrator of the Environmental Protection Agency in accordance with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act.

4. Source Eligibility

Section 507(c)(1) states that any small business stationary source that meets the following requirements is eligible for assistance under the PROGRAM.

(1) Is owned or operated by a person who employs 100 or fewer individuals;
(2) Is a small business concern as defined in the Small Business Act; and
(3) Emits less than 100 tons per year (tpy) of any regulated pollutant or less than 10 tpy of a Hazardous Air Pollutant or 25 tpy or less of a combination of Hazardous Air Pollutants.

The State of North Carolina has adopted these eligibility requirements and will provide assistance to small business stationary sources who emit less than 100 tons per year of any regulated pollutant. Also, the program is available to any business with insufficient financial and technical resources to meet the CAA requirements. Priority will be given to smaller businesses directly impacted by the CAA.

North Carolina has established the following mechanisms as required by section 507: (1) A process for ascertaining the eligibility of a source to receive assistance under the PROGRAM, including an evaluation of a source's eligibility using the criteria in section 507(c)(1) of the CAA; (2) A process for public notice and comment on grants of eligibility to sources that do not meet the provisions of sections 507(c)(1)(C), (D), and (E) of the CAA, but do not emit more than 100 tpy of all regulated pollutants; and (3) a process for exclusion from the small business stationary source definition, after consultation with the EPA and the Small Business Administration Administrator and after providing notice and opportunity for public comment, of any category or subcategory of sources that the Department determines to have sufficient technical and financial capabilities to meet the requirements of the CAA.

Final Action

In this action, EPA is approving the PROGRAM SIP revision submitted by the State of North Carolina through the Department of Environment, Health and Natural Resources. 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 7, 1995, unless, by June 7, 1995, adverse or critical comments are received. If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based 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 7, 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 7, 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 Act, 42 U.S.C. 7607 (b)(2).)

The Office of Management and Budget has exempted these actions from review under Executive Order 12866.

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

By today's action, EPA is approving a State program created for the purpose of assisting small business stationary sources in complying with existing statutory and regulatory requirements. The program being approved today does not impose any new regulatory burden on small business stationary sources; it is a program under which small business stationary sources may elect to take advantage of assistance provided by the State. Therefore, because EPA's 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. 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 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. *Environmental Protection Agency,* 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2) and 7410(k).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Small business stationary source technical and environmental assistance program.

Dated: April 17, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52 of chapter I, title 40, 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—North Carolina

2. Section 52.1770 is amended by adding paragraph (c)(79) to read as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

(79) The North Carolina Department of Environment, Health and Natural Resources has submitted revisions to the North Carolina SIP on July 19, 1993. These revisions address the requirements of section 507 of title V of the CAA and establish the Small Business Stationary Source Technical and Environmental Assistance Program (PROGRAM).

(i) Incorporation by reference.

(A) North Carolina's Small Business Stationary Source Technical and Environmental Compliance Assistance Program which was adopted on May 12, 1994.

(ii) Other material. None.

[FR Doc. 95–10981 Filed 5–5–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[TN–107–1–6200a; FRL–5198–3]

Approval and Promulgation of Implementation Plans, Tennessee: Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving revisions to the State Implementation Plan (SIP) submitted by the State of Tennessee through the Tennessee Department of Environment and Conservation for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), which will be fully implemented by November 15, 1994. This implementation plan was submitted by the State on February 23, 1993, to satisfy the federal mandate to ensure that small businesses have access to the technical assistance and regulatory information necessary to comply with the Clean Air Act as amended in 1990 (CAA).

DATES: This action will be effective July 7, 1995, unless notice is received by June 7, 1995 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the **Federal Register**.

ADDRESSES: Written comments should be addressed to: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of Tennessee may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Division of Air Pollution Control, Tennessee Department of Environment and Conservation, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243–1531.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347–3555 extension 4195.

SUPPLEMENTARY INFORMATION:

Implementation of the CAA will require small businesses to comply with specific regulations in order for areas to attain and maintain the national ambient air quality standards (NAAQS) and reduce the emission of air toxics. In anticipation of the impact of these requirements on small businesses, the CAA requires that states adopt a PROGRAM, and submit this PROGRAM as a revision to the federally approved

SIP. In addition, the CAA directs the EPA to oversee the 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 and the EPA guidance document Guidelines for the Implementation of Section 507 of the 1990 Clean Air Act Amendments. 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 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. The plan must also determine the eligibility of small business stationary sources for assistance in the PROGRAM. The plan includes the duties, funding and schedule of implementation for the three PROGRAM components.

Section 507(a) and (e) of the CAA set forth requirements the State must meet to have an approvable PROGRAM. The State of Tennessee has addressed these requirements and established a PROGRAM as described below.

1. Small Business Assistance Program (SBAP)

Tennessee has established a mechanism to implement the following six requirements set forth in section 507 of title V of the CAA:

A. The establishment of 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 comply with the CAA;

B. The establishment of 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;

C. The development of a compliance and technical assistance program for small business stationary sources which assist small businesses in determining applicable permit requirements under the CAA in a timely and efficient manner;

D. The development of adequate mechanisms to assure that small business stationary sources receive notice of their rights under the CAA 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 CAA;

E. The development of adequate mechanisms for informing small business stationary sources of their obligations under the CAA, 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 CAA; and

F. The development of 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 of Tennessee Department of Environment and Conservation has established the Division of Clean Air Assistance within the Bureau of Resources Management with the responsibility of establishing a clearinghouse of relevant technical and regulatory literature to disseminate to the small business community. A mailing list of both trade groups and interested parties will be maintained as a basis for information distribution. Seminars, workshops, public service announcements, an on-line electronic bulletin board, and other appropriate educational mechanisms will be utilized by the Division. The Division will provide assistance regarding compliance methods, control technologies, pollution prevention and accidental release information and detection. The Division will disseminate information on compliance which is easily understandable to a nontechnical audience as well as handle inquiries on specific methods for achieving compliance with state and federal regulations. The Division staff will develop information packages addressing all topics germane to the SBAP, including: compliance, pollution prevention, legal rights under the CAA, permitting assistance, notification of rights, audits and source modification. A toll free number has been installed and has been functioning for several months. Through a variety of outreach techniques, the SBAP staff will inform small business stationary sources of their obligations under the CAA. The SBAP staff has compiled and maintains a current source list of persons and organizations capable of providing technical expertise and support to answer specific inquiries and compliance assistance in determining applicable requirements of state and federal rules and regulations, determining the necessity of a permit and identifying alternatives for achieving compliance with state and local regulations.

The staff or representatives of the Division will either conduct audits of small business stationary air pollution sources or contract such audits to qualified auditors to facilitate the assessment of options and requirements to ensure compliance with regulations and the CAA. The Division will also develop procedures for consideration of requests from a source with regards to modification of work practices, compliance methods or implementation schedules.

The Department is committed to cross media coordination and through the Bureau of Resources Management, has procedures in place to provide assistance to small businesses on issues related to solid waste, hazardous waste, groundwater, water pollution, etc., as well as air pollution. This activity extends to the Department's contract with the University of Tennessee where technical assistance on waste reduction and pollution prevention is available to private industry across media lines.

2. Ombudsman

Section 507(a)(3) of the CAA requires the designation of a state office to serve as the Ombudsman for small business stationary sources. Tennessee has appointed a Small Business Ombudsman and established the office of Tennessee Small Business Ombudsman to represent the interests of small businesses as they come under the regulation of the CAA. The Ombudsman's position was established in the Department of Environment and Conservation to report directly to the Assistant Commissioner. Organizationally, the position is independent of the Division of Air Pollution Control and all other regulatory programs.

3. Compliance Advisory Panel

Section 507(e) of the CAA 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. Tennessee established a seven member CAP with a membership consistent with the aforementioned CAA requirements. The makeup of the CAP is prescribed as required by the CAA and administrative support will be provided by the Department to fulfill all the responsibilities under the CAA.

The duties of the CAP include: providing overall direction and oversight to the Tennessee Division of Clean Air Assistance and the Ombudsman in their specific responsibilities and duties; rendering advisory opinions regarding the effectiveness of the Tennessee Division of Clean Air Assistance, the difficulties encountered, and the degree and severity of enforcement; reviewing information for small business stationary air pollution sources to assure such information is understandable by the layperson; and to make periodic reports to the Administrator of the Environmental Protection Agency in accordance with the requirements of the Paperwork Reduction Act, the Regulatory Flexibility Act, and the Equal Access to Justice Act.

4. Source Eligibility

Tennessee has incorporated section 507(c)(1) and defined a Small Business Stationary Source as a source that:

(1) Is owned or operated by a person who employs 100 or fewer individuals;

(2) Is a small business concern as defined in the Small Business Act;

(3) Is not a major stationary source as defined in Titles I and III of the CAA;

(4) Does not emit 50 tons per year (tpy) or more of any regulated pollutant; and

(5) Emits less than 75 tpy of all regulated pollutants.

Tennessee has established the following mechanisms as required by section 507:

(1) A process for ascertaining the eligibility of a source to receive assistance under the PROGRAM, including an evaluation of a source's eligibility using the criteria in section 507(c)(1) of the CAA; (2) A process for public notice and comment on grants of eligibility to sources that do not meet the provisions of sections 507(c)(1)(C), (D), and (E) of the CAA, but do not emit more than 100 tpy of all regulated pollutants; and (3) A process for exclusion from the small business stationary source definition, after consultation with the EPA and the Small Business Administration Administrator and after providing notice and opportunity for public comment, of any category or subcategory of sources that the Department determines to have sufficient technical and financial capabilities to meet the requirements of the CAA.

Final Action

In this action, EPA is approving the PROGRAM SIP revision submitted by the State of Tennessee through the Tennessee Department of Environment and Conservation. 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 7, 1995 unless, by June 7, 1995, adverse or critical comments are received. If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based 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 7, 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 7, 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.

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

By today's action, the USEPA is approving a State program created for the purpose of assisting small business stationary sources in complying with existing statutory and regulatory requirements. The program being approved today does not impose any new regulatory burden on small business stationary sources; it is a program under which small business stationary sources may elect to take advantage of assistance provided by the State. Therefore, because the USEPA's 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.

SIP approvals under 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. *Environmental Protection Agency*, 427 U.S. 246, 256–66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2) and 7410(k)(3).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Small business stationary source technical and environmental assistance program.

Dated: April 17, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52 of chapter I, title 40, *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 RR—Tennessee

2. Section 52.2220 is amended by adding paragraph (c)(117) to read as follows:

§ 52.2220 Identification of plan.

* * * * *

(c) * * *

(117) The Tennessee Department of Environment and Conservation has submitted revisions to the Tennessee State Implementation Plan. These revisions address the requirements of section 507 of Title V of the CAA and establish the Small Business Stationary Source Technical and Environmental Assistance Program (PROGRAM).

(i) Incorporation by reference.

(A) Revision to the Tennessee State Implementation Plan to Incorporate Small Business Assistance Program as Required by the Clean Air Act Amendments of 1990, approved by the Tennessee Air Pollution Control Board on February 10, 1993.

(ii) Additional information—None.

[FR Doc. 95–10978 Filed 5–5–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 52

[AZ 47–1–6945a FRL–5191–1]

Approval and Promulgation of Implementation Plans; Arizona—State Implementation Plan Revision, Maricopa Nonattainment Area; Basic and Enhanced Inspection and Maintenance Program for Carbon Monoxide and Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is giving full approval through a direct final action on revisions to the Arizona State Implementation Plan (SIP) for the attainment of National Ambient Air Quality Standards (NAAQSs) for carbon monoxide (CO) and ozone. The SIP revision provides for the adoption and implementation of both basic and enhanced motor vehicle inspection/maintenance (I/M) programs meeting all requirements of EPA regulations, published in the **Federal Register** on November 5, 1992 (I/M Regulations), concerning motor vehicle I/M programs. On November 14, 1994, the Arizona Department of Environmental Quality (ADEQ) submitted a SIP revision to implement both a basic and enhanced I/M program meeting EPA's I/M regulations.

This direct final approval action will incorporate these rules into the federally approved SIP. The intended effect of approving this SIP revision is to regulate emissions of CO and volatile organic compounds (VOCs) in accordance with the requirements of the Clean Air Act, as amended in 1990 (CAA or the Act). Thus, EPA is finalizing the approval of these revisions into the Arizona SIP under provisions of the CAA regarding EPA action on SIP submittals, SIPs for national primary and secondary NAAQS and plan requirements for nonattainment areas.

DATES: This action is effective on July 7, 1995, unless adverse or critical comments are received by June 7, 1995. If the effective date is delayed, a timely notice will be published in the **Federal Register.**

ADDRESSES: A docket has been established and contains material relevant to this action. A copy of the docket is available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted SIP revisions are available for inspection at the following locations:

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

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

FOR FURTHER INFORMATION CONTACT: Roxanne Johnson, Mobile Sources Section (A–2–1), Air and Toxics Division, U.S. Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1225.

SUPPLEMENTARY INFORMATION:

I. Introduction

Motor vehicles are a major contributor of VOCs, CO, and oxides of nitrogen (NO_X) emissions. The motor vehicle I/M program is an effective means of reducing these emissions. Despite improvements in emission control technology in past years, mobile sources in urban areas continue to remain responsible for roughly half of the emissions of VOC causing ozone, and most of the emissions of CO. They also emit substantial amounts of NO_X and air toxics. This is because the number of vehicle miles traveled has doubled in the last 20 years to 20×10^{12} (20 trillion) miles per year, offsetting much of the technological progress in vehicle emission control over the same period. Projections indicate that the steady growth in vehicle miles will continue.

Under the Act, the U.S. EPA is pursuing a three-point strategy to achieve emission reductions from motor vehicles. The development and commercialization of cleaner vehicles and cleaner fuels represent the first two elements of the strategy. These developments will take many years before cleaner vehicles and fuels dominate the fleet and favorably impact the environment. This notice addresses the third element of the strategy, I/M, which is aimed at the reduction of emissions from the existing fleet by ensuring that vehicles are maintained to meet the emission standards established by EPA. Properly functioning emission controls are necessary to keep pollution levels low. The driving public is often unable to detect a malfunction of the emission control system. While some minor malfunctions can increase emissions significantly, they do not affect drivability and may go unnoticed for a long period of time. Effective I/M programs can identify excessive emissions and assure repairs. The EPA projects that sophisticated I/M programs such Arizona's will identify emission related problems and prompt the vehicle owner to obtain timely repairs, thus reducing emissions.

The Act directed EPA to establish a minimum performance standard for enhanced I/M programs. The standard is based on the performance achievable by annual inspections in a centralized test program. States have flexibility to design their own programs if they can show that their program is as effective as the model program used in the performance standard. The more effective the program the more credit a State will get towards the emission reduction requirement. An effective program will help to offset growth in vehicle use and allow for industrial and or commercial growth. EPA and the States have learned a great deal about what makes an I/M program effective since the Clean Air Act of 1977 first required I/M programs for polluted areas. There are three major keys to an effective program:

1. Given the advanced state of current vehicle design and anticipated technology changes, the ability to accurately fail problem vehicles and pass clean ones requires improved test equipment and test procedures;

2. Comprehensive quality control and aggressive enforcement is essential to assuring the testing is done properly;

3. Skillful diagnostics and capable mechanics are important to assure that failed cars are fixed properly.

These three factors are missing in most older I/M programs. Specifically, the idle and 2500 RPM/idle short tests and anti-tamper inspections used in current I/M programs are not as effective in identifying and reducing in-use emissions from the types of vehicles in the current and future fleet. Also, covert audits by EPA and State agencies typically discover improper inspection and testing 50 percent of the time in test-and-repair stations. Experience has shown that quality control at high-

volume test-only stations, such as Arizona's I/M program, is usually much better. And, finally, diagnostics and mechanics training are often poor or nonexistent.

EPA's I/M regulations, dated November 5, 1992, established a high-tech emission test for high-tech cars. This I/M test, known as the IM240 test, is so effective that biennial test programs yield almost the same emission reduction benefits as annual programs. The test can also accurately measure NO_X emissions where NO_X is important to address an ozone problem. Adding the ''pressure and purge'' tests increases the benefit even more by reducing problems associated with evaporative emissions losses. The pressure test is designed to find leaks in the fuel system, and the purge test evaluates the functionality of the vapor control system.

II. Background

On March 3, 1978, EPA promulgated a list of ozone and CO nonattainment areas under the provisions of the Clean Air Act, as amended in 1977, that included Maricopa County. 43 FR 8970, 40 CFR 81.305. Generally, the states containing these designated ''nonattainment areas'' had to submit revised SIPs by January 1, 1979. The 1979 SIP revisions were to provide for attainment of the NAAQS by December 31, 1982, however an extension until 1987 was available under section 172 if the state could demonstrate as part of its 1979 SIP revision that attainment by the end of 1982 was not possible, despite the implementation of all reasonably available control measures. Arizona submitted Maricopa County's initial nonatttainment area plan for CO in 1979 and 1980. On October 30, 1980, the State submitted a request to EPA to extend the CO attainment date in Maricopa County to December 31, 1987. EPA proposed to approve the extension request on February 5, 1982 (47 FR 5439). On May 5, 1982 (47 FR 19826), EPA took final action to approve the 1979 SIP revision.

On August 10, 1987, the U.S. District Court for the District of Arizona ordered EPA to promulgate a federal implementation plan[1] (FIP) under section 110(c) of the Act for CO.[2] The Maricopa Association of Governments developed a plan for the CO nonattainment portions of Maricopa County. The plan claimed credit both implicitly and explicitly, for the Arizona vehicle I/M program as expanded through 1987. EPA proposed approval of the improvements to the State's I/M program as adopted by the Arizona State Legislature in 1985, 1986, and 1987. (51 FR 14818 (April 26, 1988).) In that notice EPA stated that if the Arizona legislature adopted a loaded-mode test requirement, EPA would approve the I/M program through a direct final rulemaking process. Revisions to the Arizona I/M program were adopted and EPA approved the I/M program.

On June 21, 1994, Arizona Department of Environmental Quality (ADEQ), acting as the governor's designee, submitted a SIP revision to implement a motor vehicle basic I/M program meeting EPA's I/M regulations. On July 13, 1994, EPA found that the SIP submittal conformed to the completeness criteria in 40 CFR Part 51, Appendix V.[3] EPA is today taking final action to approve this program.

Under the Act, Arizona is required to implement only a basic vehicle I/M program (182(b)(4)). To aid the State in meeting federal requirements for the portion of its ozone SIP pertaining to the Maricopa County nonattainment area, Arizona ''opted-up'' to an enhanced vehicle I/M[4] program to reduce by 15% emissions of VOCs which contribute to ozone pollution by 1996 from baseline levels established in 1990, net of growth. This rule was adopted as part of Maricopa's effort to achieve the NAAQS for ozone and CO.

III. Requirements for I/M Programs

A. Applicability of Basic and Enhanced I/M Programs

As amended in 1990, the Clean Air Act requires states to make changes to improve existing I/M programs or to implement new ones for certain nonattainment areas. Section 182(a)(2)(B) of the Act directed EPA to publish updated guidance for state I/M programs, taking into consideration findings of the Administrator's audits and investigations of these programs. The Act further requires each area required to have an I/M program to incorporate this guidance into the SIP. Based on these requirements, EPA promulgated I/M regulations.[5]

Under section 182(b)(4) of the Act, basic I/M programs are required in all moderate ozone nonattainment areas. Under sections 182(c)(3) and 187(b)(1), areas designated as serious and worse ozone nonattainment areas with 1980 populations of 200,000 or more and CO nonattainment areas with design classifications above 12.7 ppm and populations of 200,000 or more, in addition to metropolitan statistical areas with populations of 100,000 or more in the northeast ozone transport region, are required to meet EPA regulations for ''enhanced'' I/M programs.

The I/M regulation establishes minimum performance standards for basic and enhanced I/M programs as well as requirements for the following: Network type and program evaluation; adequate tools and resources; test frequency and convenience; vehicle coverage; test procedures and standard; test equipment; quality control; waivers and compliance via diagnostic inspection; motorist compliance enforcement; motorist compliance enforcement program oversight; quality assurance; enforcement against contractors, stations and inspectors; data collection; data analysis and reporting; inspector training and licensing or certification; public information and consumer protection; improving repair effectiveness; compliance with recall notices; on-road testing; SIP revisions; and implementation deadlines.

B. I/M Program in Arizona

1. Arizona SIP

The State of Arizona submitted a basic I/M SIP revision on June 21, 1994 to improve their I/M program for Arizona's ozone and CO nonattainment areas. In that submittal, Arizona's air quality regulations took effect only until January 1, 1995. On November 14, 1994, Arizona submitted a full SIP for both basic and enhanced motor vehicle I/M programs. Therefore, the November 14, 1994 SIP submission superseded the June 21, 1994 SIP revision and the EPA is recognizing the November 14, 1994 as the full SIP submission. A public hearing on the November 14, 1994 submittal was held by the State on November 10, 1994.

a. Reason for Adopting Enhanced I/M. The Arizona legislature adopted rules to implement enhanced I/M to meet federal requirements for the portion of its ozone SIP pertaining to the Maricopa County nonattainment area. Because of requirements for reasonable further progress, and rapid growth in vehicle miles traveled (VMT) projected for Area

[1] The proposed FIP for Maricopa County consisted of a motor vehicle winter time oxygenated fuels program and an employee-based trip reduction program.

[2] The court order was the result of a citizen suit brought against EPA on April 8, 1985, by the Arizona Center for Law in Public Interest (ACLPI).

[3] EPA adopted the completeness criteria on February 16, 1990 (55 FR 5830) and, pursuant to section 110(k)(1)(A) of the CAA, revised the criteria on August 26, 1991 (56 FR 42216).

[4] Meeting EPA performance standards for two levels of I/M programs: basic and enhanced.

[5] November 5, 1992 (57 FR 52950)

A,[6] the State moved forward and put an enhanced I/M program in place that began January 3, 1995.[7] The new upgrades are efficient, enforceable, and did not require expensive modifications to the program. H.B. 2001 established a biennial, transient loaded (IM240) emission test for gasoline powered vehicles model years 1981 or newer with a gross vehicle weight of up to 8,500 pounds. A purge and pressure check is also required, eliminating Arizona's current tampering check. Gasoline powered vehicles model years 1967–1974 are required to pass a loaded emission test. Motorcycles and or constant four-wheel drive vehicles are required to take and pass an idle emissions test. A snap idle test for diesel powered vehicles was also required as of January 1, 1995. Arizona's enhanced I/M program is in Area A and the basic I/M program is implemented in Area B.[8] Area A vehicles are subject to biennial tests where registration expiration date will come every other year, and area B vehicles are subject to annual testing where registration expiration will come every year.

2. Background

ADEQ's centralized Vehicle Emission Inspection (VEI) program began January 1976.[9] Major improvements to Arizona's VEI program over the years included: (1) H.B. 2014 enacted in 1988 provided the I/M program under which vehicles must be tested in the loaded-mode condition,[10] as well as in the idle mode, to determine pass/fail status; (2) S.B. 1176 enacted in 1989 increased the number of vehicles subject to the I/M program by removing the exemption for vehicles manufactured in or before the 1966 model year; (3) S.B. 1430 enacted in 1992 made several changes to Arizona's VEI program; (4) H.B. 2001 enacted 1993 gave ADEQ authority to implement an enhanced vehicle program; (5) finally, in 1994 H.B. 2575 made a number of corrections to H.B. 2001.

IV. EPA Evaluation of State Submittal

1. Applicability Section 51.350

EPA's I/M regulations require I/M SIP submittals to describe the applicable areas in detail and to include the legal authority or rules necessary to establish program boundaries. The Maricopa County ozone nonattainment area and CO nonattainment area are both classified as moderate. Pima County is not classified for CO and is in attainment for the ozone NAAQS.

The legal authority and areas required to implement basic I/M are described in the Arizona Revised Statutes (ARS) §§ 49–542.A and 49–541.17 and Arizona Administrative Code (AAC) R18–2–1003.A and R18–2–1001.48. Arizona's authority to implement enhanced I/M was amended by H.B. 2001, 1993 Sixth Special Legislative Session and is found in AAC R18–2–1001 and R18–2–1003, Title 18, Chapter 2, Article 10, Motor Vehicles: Inspection and Maintenance. Arizona's centralized I/M program was implemented August 1, 1988. The geographic coverage of the program complies with the requirements of the EPA I/M regulation for basic I/M areas and is approvable.

2.a. Basic I/M Performance Standard Section 51.352

EPA's I/M regulations outline the method States are to follow to arrive at a minimum performance standard. The performance standard sets an emission reduction target that the program must meet in order for the SIP to be approvable. The SIP must also demonstrate that the program will meet the performance standard in actual operation, with provisions for appropriate adjustments if the standard is not met.

The performance standard for which the ADEQ must be able to demonstrate compliance was established using the MOBILE5a model inputs and local characteristics outlined in § 51.352. Arizona's modeling and accompanying documentation indicates that the state program meets the EPA performance standard for hydrocarbons (HC) and for CO, i.e., that the emission factors resulting from modeling the state's program are at or below the EPA performance standard.

2.b. Enhanced I/M Performance Standard Section 51.351

The EPA MOBILE5a input file used to model the enhanced performance standard reflects EPA-specified inputs tailored to the characteristics of the local area. Arizona's beginning date of January 1, 1995 used appropriate inputs and meets EPA's performance standard for the enhanced I/M program. EPA has allowed the assumption of one full cycle of testing for summer 1996 ozone modeling.[11]

3. Network Type and Evaluation Section 51.353

EPA's I/M rule requires SIPs to include a description of the network to be employed, the required legal authority, and a description of the evaluation schedule and protocol, sampling methodology, the data collection and analysis system, the resources and personnel for evaluation, and related details of the evaluation program.

Through a contractual agreement, Arizona operates a centralized program, consisting of eleven inspection stations with 48 testing lanes. The ADEQ compiles data (including the enhanced I/M data requirements) supporting modelling assumptions and modelled program evaluation and effectiveness including failure rate, compliance rate, the number of certificates issued, and other similar matters.

The SIP adequately describes these features and is approvable.

4. Adequate Tools and Resources Section 51.354

Section 51.354 requires States to demonstrate that the appropriate administrative, budgetary, personnel, and equipment resources have been allocated for the I/M program and discusses how the performance standard will be met. Arizona's submittal, Appendix 1, ARS §§ 49–544 and 49–545, describes the personnel, equipment and funding resources to be used for program operation and maintaining all required program functions. Section 49–544 insures future dedicated funding and provides for sufficient staff to carry out program duties. Appendix 1, ARS §§ 49–545.A authorizes a contract with an independent contractor, Gordon Darby. Subsection B of that section specifies that the contractor may not be in the business of maintaining or repairing motor vehicles.

[6] Area A means a CO nonattainment area in a county with a population of one million two hundred thousand or more persons as determined by the most recent U.S. decennial census.

[7] Act 1 of the sixth special session of the 1993 legislature, more commonly known as HB 2001, gave ADEQ the statutory authority necessary to implement an enhanced vehicle emissions program, and contains the primary authority for most of the rule.

[8] Arizona defines Area ''B'' as a CO nonattainment area in a county with a population in excess of four hundred thousand but fewer than one million two hundred thousand persons as determined by the most recent U.S. decennial census.

[9] Arizona law, ARS 49–404 gives the Director of ADEQ Director authority to adopt rules related to air quality for SIP purposes.

[10] Effective January 1, 1989.

[11] Regarding any potential increase in NO_X, ADEQ on April 8, 1994 submitted a petition for exemption to NO_X reasonable available control technology (RACT) requirements for major sources within the Maricopa County ozone nonattainment area. EPA proposed to approve ADEQ's request on November 1, 1994 (59 FR 54540). NO_X testing is not required for basic areas opting-up to an enhanced I/M program.

5. Test Frequency and Convenience Section 51.355

The I/M regulations require the SIP to describe in detail the test schedule of the program. If the testing is not performed on an annual basis, the description is to include the test year selection scheme. In addition, the SIP should include the legal authority necessary to implement and enforce the test frequency requirement and explain how the test frequency will be integrated with the enforcement process.

Arizona's program is based upon an annual and biennial test frequency and legal authority for enforcing such frequency is in Appendix 1, ARS § 49–542 and AAC R18–2–1005. Those provisions state that applicable vehicles may not be registered nor re-registered without undergoing emissions inspection. Appendix 1, AAC R18–2–1006 requires that the contractor test any subject vehicle presented for inspection, except for vehicles exhibiting unsafe conditions or carrying explosives or other hazardous materials.

6. Vehicle Coverage Section 51.356

SIPs are to include a detailed description of the number and types of vehicles to be covered by the program and a plan for how those vehicles are to be identified. The SIP should also include a description of any special exemptions granted by the program, an estimate of the percentage and number of subject vehicles which will be exempted. Exempted vehicles should be accounted for in the emission reduction analysis. The SIP should also include the legal authority or rule necessary to implement and enforce the vehicle coverage requirement.

Requirements for vehicles subject to the Arizona I/M program are presented in Appendix 1. ARS § 49–542 and AAC R18–2–1003 describe vehicular coverage by test methods, categories of model year, fuel type, result summary for 1993, and displays tests performed differentiated by those categories. Vehicles exempted from testing are described in ARS § 49–542 and AAC R18–2–1003.B. Modeling conducted in response to § 51.352 took into account exempted vehicles. ARS § 49–542 and AAC R18–2–1003, -1017 and -1019 (Appendix 1) provide for fleet vehicles, including federally-owned vehicles, that are subject to the same testing and quality control requirements as are non-fleet vehicles. ARS § 49–542 and AAC R18–21023 (Appendix 1) provide the requirements for vehicles registered in the program area and operated outside the area.

The Arizona I/M program exempts the following vehicles from the program:

a. Vehicles manufactured in or before the 1966 model year.
b. Vehicles leased to a person residing outside Areas A and B by a leasing company whose place of business is in Area A or B.
c. Vehicles being sold between motor vehicle dealers.
d. Electrically-powered vehicles.
e. Prorate vehicles.
f. Golf carts.
g. Vehicles with engine displacements of less than 90 cubic centimeters.
h. New vehicles originally registered at the time of initial retail sale and titling in the state.
i. Vehicles being registered at the time of change of name of ownership except when the change in registration is accompanied by required fees for the year following expiration of the prior registration or the change results from the sale by a dealership whose place of business is located in area A or area B.
j. Vehicles for which a current certificate of exemption or Director's certificate has been issued.

The Arizona SIP submittal provides an estimate of the number of vehicles exempted due to vehicle age, fuel type, and engine type. These exempted vehicles are accounted for in the compliance area which was used in the MOBILE5a modeling process to demonstrate compliance with the performance standard.

7. Test Procedures and Standards Section 51.357

The I/M rule requires SIPs to include a description of each test procedure used, the legal authority or rule describing and establishing the test procedures, and the test standards. The EPA Checklist [12] lists the criteria that State I/M programs must satisfy in order to be approvable. The Arizona I/M program satisfies the criteria of the Checklist. AAC R18–2–1006 provides detailed test procedures and pass/fail standards for all applicable classes of vehicles. Procedures and standards correspond to EPA requirements for short tests. Initial tests are performed without prior repair at the test facility, as the contractor is prohibited from being in the business of repairing vehicles.

Requirements for reinspection of failed vehicles are described in AAC R18–2–1013. R18–2–1029 requires that all vehicles must have all emission control devices that were installed by the vehicle manufacturer. AAC R18–2–1001.42 requires vehicles with ''switched'' engines to meet standards applicable to the year of vehicle manufacture.

8. Test Equipment Section 51.358

The I/M rule requires SIPs to include written technical specifications for all test equipment used in the program. The specifications should describe the emissions analysis process, the necessary test equipment, the required features, and written acceptance of testing criteria and procedures. Arizona's SIP provides detailed requirements for test equipment, automation to the highest degree commercially available to minimize the potential for intentional fraud and/or human error, security, accuracy, recording of test data and quality assurance. Also, Arizona's rules require the contractor to provide the necessary computerized test equipment capable of testing all subject vehicles, including test systems that are connected by a real-time data link to a host computer that prevents unauthorized multiple initial tests on the same vehicle.

9. Quality Control Section 51.359

The I/M rule requires SIPs to include a description of quality control and recordkeeping procedures. The submittal should include the procedures manual, rule, ordinance, or law establishing the procedures of quality control and recordkeeping.

Arizona's rules, Appendix 1, AAC R18–2–1025 through –1028 provide all the required quality control elements of basic and enhanced I/M programs. Protection of analyzer bench and electrical components is assured through the enclosure of such equipment in lockable steel cabinets.

10. Waivers and Compliance via Diagnostic Inspection Section 51.360

Section 51.360 outlines the standards that State SIP submittals must satisfy before owners of vehicles can be issued waivers or temporary extensions. A waiver or temporary extension allows motorists to renew vehicle registration. These requirements include: A maximum waiver rate used for estimating emission reduction benefits in the modeling analysis; a commitment by the State to take corrective action if the waiver rate exceeds that which was committed to in the SIP or a commitment to revise the SIP and emission reductions claimed; description of waiver criteria and procedures, including cost limits, quality assurance methods and administration; and the necessary legal

[12] Checklist for Completing the Inspection/Maintenance SIP, published March 1993.

authority to issue waivers, set and adjust cost limits and carry out any other functions necessary to administer the waiver system.

Section 51.360 established the minimum repair expenditures (both for basic and enhanced I/M programs) that vehicle owners must incur in order to qualify for a waiver. In basic I/M programs, owners must expend a minimum of $75 for pre-1981 and at least $200 for 1981 and newer vehicles. For enhanced I/M programs, vehicle owners at a minimum must expend $450 in repairs to qualify for a waiver.

Arizona's rules provide that waivers may only be issued after failing a retest and after qualifying repairs are made, including performance of a low-emission tune-up. Those provisions exclude costs of repair of tampering from applicability to a waiver cost limit, and inspection and review of receipts. Owners of all failing vehicles receive a brochure describing possible eligibility of warranty coverage. Waiver limits prescribed in ARS § 49–542.L and R18–3–1010.E for Area A (enhanced I/M program) and R18–2–1010.F for Area B (basic I/M program) differ from those prescribed in EPA's I/M regulation, but are not overall less stringent. For Area B, 1967–74 model year vehicles are subject to a lower $50 limit, yet 1975–80 model year vehicles are subject to a $200 limit, exceeding EPA's minimum standard. Arizona's $350 limit for 1981 and newer vehicles is also more stringent than EPA's minimum $200 limit for Area B. Waiver limits for Area A exceed the EPA I/M program guidelines for vehicles not subject to the enhanced test procedure. Arizona has provided for vehicle repair grants in R18–2–1014.

11. Motorist Compliance Enforcement Section 51.361

Under § 51.361, SIP submittals must include a description of the enforcement process; a determination of the current compliance rate that includes at a minimum an estimate of compliance loss due to loopholes; legal authority for enforcement; and a commitment to an enforcement level to be used for modeling purposes and to be main Area B documents.

Appendix 1, ARS § 49–542.D and AAC R18–2–1007 require that no affected motorist can obtain a vehicle registration without demonstrating that the vehicle has completed a vehicle emissions inspection. The State will be able to verify emissions compliance by checking an up-to-date computer database produced directly from contractor testing data rather than relying on a document. A1050X may not be used for Area A registration purposes. AAC R18–2–1017, –1019 address inspection procedures for fleets, including governmental vehicles. Appendix 2 addresses the assumed level of enforcement for modeling purposes and ARS 49–542.E provides for the registering officer to issue an air quality compliance sticker to be placed on the subject vehicle.

12. Motorist Compliance Enforcement Program Oversight Section 51.362

The I/M SIP submittals are to include a description of enforcement program oversight and information management activities. The enforcement program must be audited regularly and follow effective program management practices. Arizona's law, ARS 49–542.D sets out the requirement for registration enforcement of I/M requirements for subject vehicles. Subsection J.2 of that section defines a list of readily exempted vehicles, including vehicle age, engine displacement, mode of power, and type of registration. The Motor Vehicle Division (MVD) of the Arizona Department of Transportation has the authority for vehicle registration. In the case of Maricopa County, MVD has delegated the authority for processing registrations to the Maricopa County Assessor; however, MVD retains responsibility for the registration program and for the registration database. The requirement for inspection of a vehicle is determined in the MVD database by zip code of the physical address of the vehicle registration and by other parameters relating to exemptions listed in ARS 49–542.H.

MVD, the Maricopa County Assessor, and ADEQ maintain written procedures governing the issuance and auditing of compliance-related documents, including waivers and validations tabs, as appropriate. All compliance documents, certificates of waiver, and validation tabs are individually numbered and kept according to the respective agencies' security procedures. AAC R18–2–1023 provides procedures for processing exemptions for vehicles not available within the State at time of registration or re-registration. That rule also requires inspection by an out of state I/M program, if the subject vehicle is being operated in a program area.

ADEQ and registering agencies have developed procedures to address vehicles physically registered in zip codes which straddle I/M program boundaries. Under that process, emissions applicability is determined by motorist submittal of a ''Code 52'' application, which provides verifiable information that the physical registration address is outside the I/M program boundary. The ''Code 52'' process is conducted by ADEQ in Maricopa County and by MVD in Pima County. Arizona law enforcement agencies and MVD are authorized under statute to enforce the sticker-based registration and I/M requirements. MVD and Maricopa County routinely make their databases available to ADEQ for compliance and enforcement purposes.

13. Quality Assurance Section 51.363

The I/M rule requires States to operate on-going quality assurance programs aimed at discovering, correcting, and preventing fraud, waste and abuse. The quality assurance officer should also assess whether correct operating procedures are being followed and that testing equipment provides accurate measurements. SIP submittals must include a description of the quality assurance program, written procedures manuals covering covert and overt audits, records audits, and equipment audits. Quality assurance procedures can be found in AAC R18–2–1025 and –1026. Performance audits are based upon written procedures, with audit results recorded and retained in station and inspector files. Records are of sufficient detail to support administrative or civil hearings.

Both the testing contractor and ADEQ conduct routine covert audits and exchange audit findings. Covert audits are performed at least once per year per licensed inspector employed by the independent contractor. Covert vehicles are procured through rental or through cooperative agreement with the Department of Public Safety to obtain undercover vehicles. A tampering defect or emissions-related failure condition is introduced and a driver not directly affiliated with the program is selected. ADEQ monitors the contractor's response to failed covert audits, including training, disciplinary actions or dismissal. ADEQ performs remote observation of inspections, including covert actions designed to detect fraud or collusion between inspectors and either repair facilities or dealers. Overt audits are performed at least twice per year for each inspection lane. In the event that an inspector fails any of the requirements in AAC R18–2–1025, the inspector's license may be suspended or revoked.

14. Enforcement Against Contractors, Stations & Inspectors Section 51.364

I/M programs are to include enforcement mechanisms that allow for the imposition of penalties against licensed stations, contractors or

inspectors that violate program requirements. SIP submittals must describe the legal authority for imposing penalties, civil fines, license suspension, and revocations. ARS, Section 49–548 prohibits improper representation of a facility as an official testing site, or false issuance of certificates of inspection by fleets. ARS 49–549 prohibits production and use of false I/M certificates. ARS 49–550 provides civil penalties for violations of I/M requirements. ADEQ has submitted, under separate cover, dated, August 2, 1994, an opinion by the Attorney General related to the applicability of that statute to the deadlines for license suspension contained in 40 CFR 51.364.

15. Data Collection Section 51.365

EPA's I/M rule outlines the test data and quality control data that must be collected for the management, evaluation, and enforcement of an I/M program. I/M programs must gather test data on individual vehicles, as well as quality control data on test equipment. The Arizona I/M program contains data gathering provisions that meet all of the criteria of the EPA Checklist. AAC R18–2–1011 describes the data collected during an inspection which forms the basis for issuance of a ''Vehicle Inspection Report.'' Arizona is currently collecting all data required for both basic and enhanced I/M programs.

15. Data Analysis and Reporting Section 51.366

SIP submittals are to include information on how States will incorporate data analysis and reporting into their I/M programs. Reports should provide information regarding the types of program activities performed and their final outcomes, including summary statistics and effectiveness evaluations of the enforcement mechanism, the quality assurance system, the quality control program, and the testing element. Arizona has committed to provide test, quality control and enforcement reports as specified in this section and applicable to I/M programs. The contract with the independent contractor reflects requirements to collect data necessary for ADEQ to make these submittals.

16. Inspector Training and Licensing or Certification Section 51.367

All inspectors involved in I/M programs must receive formal training and be licensed or certified to perform inspections. SIP submittals must include a description of the training program, the written and practical examinations and the licensing or certification process. Lane inspectors are employed and trained by the independent contractor. AAC R18–2–1016 authorizes ADEQ to license vehicle inspectors and provides minimum standards for licensure. ADEQ is authorized to suspend, revoke or refuse to renew any inspector license. The contract between ADEQ and the independent contractor allows ADEQ to require training of inspectors consistent with the requirements of 40 CFR 51.363. ADEQ monitors the training program conducted by the contractor and performs on-site overt audits to verify inspector proficiency, consistent with EPA's I/M rule.

17. Public Information and Consumer Protection Section 51.368

SIP submittals must include a plan for informing the public on an ongoing basis, throughout the life of the I/M program, of the air quality program, the requirements of federal and state law, the role of motor vehicles in the air quality problem, and the need for and benefits of an inspection program. In addition, the submittal must describe procedures and mechanisms to protect the public from fraud and abuse by inspectors, mechanics, and others involved in the I/M program.

ADEQ, in conjunction with its independent contractor, conducts a public awareness program which complies with the requirements of 40 CFR 51.368. Information on the air quality problem, the role of motor vehicles, and I/M requirements is contained in a brochure mailed with registration or re-registration documentation to all affected motorists. The independent contractor produces a ''Repair Industry Performance Report'' which identifies by repair site, the number of vehicles undergoing repairs and the overall pass rate of vehicles repaired at that facility.

18. Improving Repair Effectiveness Section 51.369

The State of Arizona provides the technical assistance requirements of both EPA's basic and enhanced I/M rule. ADEQ provides newsletters and special purpose mailings to inform the repair industry of program changes, common problems, and opportunities for training. In addition, ADEQ provides newsletters published by the Coalition for Safer, Cleaner Vehicles to repair industry personnel in the Maricopa nonattainment area. ADEQ employs referee technicians at each ADEQ-operated waiver facility who provide diagnostic assistance to the repair industry.

The State currently provides repair technician training which focuses on causes of emissions failures in computer controlled closed-loop vehicles, effective diagnoses and repair. The training also provides information on Arizona's I/M program. ADEQ provides these courses on an as-needed basis, with a minimum of two courses in Phoenix and one course in Tucson each month. Technicians are tested at the conclusion of the course, and successful candidates are either certified as a trained technician or licensed as a fleet technician. In order to retain certification or licensure, technicians must take and pass the examination annually.

19. Compliance With Recall Notices Section 51.370

The I/M rule requires States to establish methods to ensure that vehicles subject to enhanced I/M and that are included in either a ''Voluntary Emissions Recall'' as defined at 40 CFR 85.1902(d), or in a remedial plan determination made pursuant to section 207(c) of the Act, receive the required repairs. Arizona has committed to comply with section 51.370 when the Agency provides the State with manufacturer recall and unresolved vehicle recall data.

20. On-Road Testing Section 51.371

Because Arizona is ''opting-up'' to an enhanced I/M program, the State is not required to implement this section. However, Arizona's regulation, AAC R18–2–1015 requires the State to begin on-road testing in January 1995 in Area A only. A minimum of six remote sensing units will be used throughout the nonattainment area. Arizona's SIP submittal states that this measure provides an incremental benefit over the existing I/M and anti-tampering program by increasing compliance with the I/M program and reducing the incidence of vehicle tampering. AAC R18–2–1015 also includes: That a vehicle shall not have a waiver on record; an emissions test that is required pursuant to a remote sensing identification shall be performed at a state station pursuant to R18–2–1006 and shall not require payment of any test fee unless the test can be used for the purpose of complying with registration or re-registration requirements; failure of an emissions test that is required pursuant to a remote sensing identification shall require the vehicle to be repaired or to receive a waiver from any emission standards not complied with within 30 days of the test to avoid suspension of registration; and one reinspection shall also be free as provided in R18–2–1012(D). A full description of Arizona's remote sensing

is in their request for proposal (RFP) located in the docket.

21. State Implementation Plan Submissions Section 51.372 and Implementation Deadlines Section 51.373

Arizona is currently implementing an annual basic I/M and an enhanced I/M program. The November 1994 I/M SIP submittal is fully approvable and includes all elements meeting EPA's I/M regulations (e.g., an analysis of the emission level targets meeting both basic and enhanced I/M performance standard, passage of enabling statutory and legal authority, and regulations).

V. EPA Analysis of the Arizona I/M Program Submittal

A complete EPA analysis of the program submittal is detailed in the Agency's technical support document (TSD) which is available in the docket. A copy of the TSD can be obtained by contacting the person listed in the **ADDRESSES** portion of this notice. The TSD summarizes the requirements of the federal I/M regulations and addresses whether the elements of the State's submittal comply with the federal rule. Interested parties are encouraged to examine the TSD for additional detailed information about the Arizona I/M program.

VI. EPA Action

In determining the approvability of an I/M SIP submittal, EPA must evaluate the SIP for consistency with the requirements of CAA and EPA regulations, as found in section 110 and part D of the CAA and 40 CFR part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).

EPA has evaluated the submitted SIP and has determined that it is consistent with the CAA, EPA regulations, and EPA policy. Therefore, Arizona's SIP revision, *Basic and Enhanced I/M Vehicle Emissions Inspection/Maintenance (I/M) Program Implemented in Ozone and Carbon Monoxide Nonattainment Areas of Arizona* is being approved under section 110(k)(3) of the CAA as meeting the requirements of section 110(a) and Part D.

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

EPA is publishing this notice without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse or critical comments be filed. This action will be effective July 7, 1995, unless, within 30 days of its publication, 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 then be addressed in a subsequent final rule based on the separate proposed rule.

The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received, the public is advised that this action will be effective July 7, 1995.

VII. Regulatory Process

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

SIP approvals under sections 110 and 301(a) and subchapter I, Part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action.

The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.* v. *U.S. E.P.A.*, 427 U.S. 246, 256–66 (S. Ct. 1976); 42 U.S.C. 7410 (a)(2). The OMB has exempted this action from review under Executive Order 12866.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Carbon monoxide, 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 Arizona was approved by the Director of the Federal Register on July 1, 1982.

Dated: April 5, 1995.

John Wise,

Acting Regional Administrator.

40 CFR part 52 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 D—Arizona

2. Section 52.120 is amended by adding paragraph (c)(75) to read as follows:

§ 52.120 Identification of plan.

* * * * *

(c) * * *

(75) Program elements submitted on November 14, 1994, by the Governor's designee.

(i) Incorporation by reference.

(A) Arizona Department of Environmental Quality.

(*1*) Basic and Enhanced Inspection and Maintenance Vehicle Emissions Program. Adopted on September 15, 1994.

* * * * *

[FR Doc. 95–10814 Filed 5–5–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 271

[FRL–5203–7]

Tennessee; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: Tennessee has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). Tennessee's revisions consist of the provisions contained in rules promulgated between July 1, 1986, and June 30, 1993, otherwise known as Non-HSWA Clusters III, V, VI, HSWA Cluster II, and RCRA Clusters I–III. These requirements are listed in Section

B of this notice. The Environmental Protection Agency (EPA) has reviewed Tennessee's application(s) and has made a decision, subject to public review and comment, that Tennessee's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Tennessee's hazardous waste program revisions. Tennessee's applications for program revisions are available for public review and comment.

DATES: Final authorization for Tennessee's program revisions shall be effective July 7, 1995, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Tennessee's program revision applications must be received by the close of business, June 7, 1995.

ADDRESSES: Copies of Tennessee's program revision applications are available during normal business hours at the following addresses for inspection and copying: Tennessee Department of Environment and Conservation, 5th Floor, L & C Tower, 401 Church Street, Nashville, Tennessee 37243–1535; U.S. EPA Region IV, Library, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347–4216. Written comments should be sent to Al Hanke at the address listed below.

FOR FURTHER INFORMATION CONTACT: Al Hanke, Chief, State Programs Section, Waste Programs Branch, Waste Management Division, U.S. Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365; (404) 347–2234.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under Section 3006(b) of the Resource Conservation and Recovery Act (''RCRA'' or ''the Act''), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Public Law 98–616, November 8, 1984, hereinafter ''HSWA'') allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive ''interim authorization'' for the HSWA requirements under Section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR Parts 260–268 and 124 and 270.

B. Tennessee

Tennessee initially received final authorization for its base RCRA program effective on February 5, 1985. Tennessee has received authorization for revisions to its program on August 11, 1987, October 1, 1991, November 6, 1991, and July 31, 1992. On July 6, 1994, November 21, 1994, and December 5, 1994, Tennessee submitted program revision applications for additional program approvals. Today, Tennessee is seeking approval of its program revisions in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Tennessee's applications and has made an immediate final decision that Tennessee's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Tennessee. The public may submit written comments on EPA's immediate final decision up until June 7, 1995.

Copies of Tennessee's applications for these program revisions are available for inspection and copying at the locations indicated in the ''Addresses'' section of this notice.

Tennessee is today seeking authority to administer the following Federal requirements promulgated on July 1, 1986–June 30, 1993.

Checklist	Federal requirement	FR reference	FR promulgation date	State authority
24A	Financial Responsibility; Settlement Agreement; Correction.	55 FR 25976	6/26/90	TCA 68–212–107(a)&(d)(3); TRC 1200–1–11–.06(7)(a); .05(7)(a).
27	Liability Coverage; Corporate Guarantee	51 FR 25350	7/11/86	TCA 68–212–108(d); TRC 1200–1–11–.06(8)(k); .05(8)(k); .06(8)(m)4&6(ii).
28	Standards for Hazardous Waste Storage and Treatment Tank Systems.	51 FR 25422 51 FR 29430	7/14/86 8/15/86	TCA 68–212–105(4); 68–212–106(2)&(3); 68–212–107(d)(1–6); 68–212–108(a–f); TRC 1200–1–11–.01(2)(a); .02(1)(d)1(viii); .03(4)(e)2(i)&6(ii–iii); .06(2)(a); .06(5)(a); .06(7)(a); .06(8)(a); .06(10)(a); .05(2)(a); .05(5)(a); .05(7)(a); .05(8)(a); .05(10)(a); .05(10)(b)1; .05(10)(c); .07(5)(a); .07(5)(b); .07(3)(a).
29	Correction to Listing of Commercial Chemical Products and Appendix VIII Constituents.	51 FR 28296	8/6/86	TCA 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(4)(a).
34	Land Disposal Restrictions	51 FR 40572 52 FR 21010	11/7/86 6/4/87	TCA 68–212–107(a),(d)(3)&(9); TRC 1200–1–11–.01(1)(a); .01(7)(a)1&2(viii); .01(1)(b); .01(2)(a); .01(3)(a)1; .02(1)(a); .02(1)(d)(3)(i)(I); .02(1)(d)4(i); .02(1)(e),(f)&(g); .02(3)(a); .02(4)(a); .02(5)(a); .03(1)(b); .04(1)(c); .06(1)(b)7; .06(2)(a); .06(5)(a); .05(1)(b)1; .05(2)(a); .05(5)(a); .10(1)(a)1; .10(1)(a)5; .10(2)(a); .10(3)(a)1; .10(4)(a); .10(5)(a); .07(5)(a); .07(8)(b); .07(9)(c)5.
35	Revised Manual SW–846; Amended Incorporation by Reference.	52 FR 8072	3/16/87	TCA 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.01(2)(b)1.

Checklist	Federal requirement	FR reference	FR promulgation date	State authority
36	Closure/Post-Closure Care for Interim Status Surface Impoundments.	52 FR 8704	3/19/87	TCA 68–212–105(5); 68–212–107(a)&(d)3; 68–212–108(c)(d)&(m); TRC 1200–1–11–.05(11)(a).
37	Definition of Solid Waste; Technical Corrections .	52 FR 21306	6/5/87	TCA 68–212–104(7),(15),(17)&(18); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(4)(a); .09(1)(a).
38	Amendments to Part B Information Requirements for Land Disposal Facilities.	52 FR 23447	6/22/87	TCA 68–212–105; 68–212–108(l)&(m); 68–212–111; TRC 1200–1–11–.07(5)(c).
39	California List Waste Restrictions	52 FR 25760 52 FR 41295	7/8/87 10/27/87	TCA 68–212–107(a),(d)(3)&(d)(9); TRC 1200–1–11–.01(2)(b); .02(1)(d)2(ii)(II); .03(1)(a)7; .06(2)(a); .05(2)(a); .10(1)(a)1; .10(1)(a)5; .10(2)(a); .10(3)(a)1; .10(4)(a); .10(5)(a); .07(9)(c)5.
42	Exception Reporting for Small Quantity Generators of Hazardous Waste.	52 FR 35894	9/23/87	TCA 68–212–106(a)(3); 68–212–107(d)(2&6); TRC 1200–1–11–.03(5)(c)1(i–ii); .03(5)(c)2; .03(5)(d).
44A	Permit Application Requirements Regarding Corrective Action.	52 FR 45788	12/1/87	TCA 68–212–106(a)(2); 68–212–107(b)(2)&(3); 68–212–107(d)(3),(4)&(6); TRC 1200–1–11–.07(5)(c)&(e); .07(5)(e)1(i)–(v); .07(5)(e)2–3.
44D	Permit Modification	52 FR 45788	12/1/87	TCA 68–212–107(d)(4); 68–212–108(a)(1)&(b); TRC 1200–1–11–.07(9)(c)3(iii).
44E	Permit as a Shield Provision	52 FR 45788	12/1/87	TCA 68–212–107(d)(4)&(9); 68–212–108(e); TRC 1200–1–11–.07(8)(g).
44F	Permit Conditions to Protect Human Health and the Environment.	52 FR 45788	12/1/87	TCA 68–212–107(a),(b)(3),(d)(3,4,&6); 68–212–108(a)(1); TRC 1200–1–11–.07(2)(g).
44G	Post Closure Permits	52 FR 45788	12/1/87	TCA 68–212–107(a),(d)(3,4&6); 68–212–108(a)(1); TRC 1200–1–11–.07(1)(b)2.
47	Identification & Listing of Hazardous Waste; Technical Correction.	53 FR 27162	7/19/88	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(1)(e).
48	Farmer Exemptions; Technical Corrections	53 FR 27164	7/19/88	TCA 68–212–107(d)(5); TRC 1200–1–11–.03(1)(a)2&7; .06(1)(b)2(ix); .05(1)(b)2(xi); .10(1)(a); .07(1)(b)4(viii).
49	Identification and Listing of Hazardous Waste; Treatability Studies Sample Exemption.	53 FR 27290	7/19/88	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1,2,5&6); TRC 1200–1–11–.01(2)(a), .02(1)(d)5(i–iii); .02(1)(d)6.
50	Land Disposal Restrictions for First Third Scheduled Wastes.	53 FR 31138 54 FR 8264	8/17/88 2/27/89	TCA 68–212–107(a);(d)(3)&(9); TRC 1200–1–11–.06(2)(a); .06(5)(a); .05(2)(a); .05(5)(a); .09(1)(a); .10(1)(a)1; .10(1)(a)5; .10(3)(a)1; .10(2)(a); .10(3)(a)1.
52	Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank Systems.	52 FR 34079	9/2/88	TCA 68–212–104(6),(7),(13)&(15); 68–212–105(4); 68–212–106(a)(1–3); 68–212–107(a)(b)(1) & (d)(3,4&6); 68–212–108(a)(1); TRC 1200–1–11–.01(2)(a); .06(7)(a); .06(10)(a); .05(7)(a); .05(10)(a); .05(10)(c); .01(2)(a).
53	Identification and Listing of Hazardous Waste; and Designation, Reportable Quantities and Notification.	53 FR 35412	9/13/88	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(4)(a); .02(5)(a).
54	Permit Modifications for Hazardous Waste Management Facilities.	53 FR 37912 53 FR 41649	9/28/88 10/24/88	TCA 68–212–107(d)(4&6); 68–212–108(b); TRC 1200–1–11–.07(9)(c)2; .06(4)(a); .06(7)(a); .05(7)(a); .07(9)(c)(5); .07(9)(c)2(i); .07(9)(c)3(iii–xii); .07(9)(c)5; .07(1)(e)&(f).
55	Statistical Methods for Evaluating Ground–Water Monitoring Data from Hazardous Waste Facilities.	53 FR 39720	10/11/88	TCA 68–212–106(a)(1); 68–212–107(a)(b)(1–3)(c)&(d)(1–3); TRC 1200–1–11–.06(6)(a).
56	Identification & Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes.	53 FR 43878	10/31/88	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(4)(a), .02(5)(a).
57	Identification & Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes.	53 FR 43881	10/31/88	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(4)(a), .02(5)(a).
58	Standards for Generators of Hazardous Waste ...	53 FR 45089	11/8/88	TCA 68–212–104(8); 68–212–106(a)(3); 68–212–107(d)(2,5,&6); TRC 1200–1–11–.03(3)(a)
59	Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators.	54 FR 615	1/9/89	TCA 68–212–106(a)(1); 68–212–107(d)(4&6); 68–212–108(a)(1); TRC 1200–1–11–.07(5)(a).

Checklist	Federal requirement	FR reference	FR promulgation date	State authority
60	Amendment to Requirements for Hazardous Waste Incinerator Permits.	54 FR 4286	1/30/89	TCA 68–212–106(a)(1&2); 68–212–107(a),(b)(1),(d)(1)&(3); 68–212–108(a)(1),(d)&(e); TRC 1200–1–11–.07(1)(e); .07(6); .07(7)(k); .07(1)(b)2; .07(7)(i)(1&2); .07(2)(a)3; .07(10)(a); .07(3)(a).
62	Land Disposal Restriction Amendments to First Third Scheduled Wastes.	54 FR 18836	5/2/89	TCA 68–212–107(a),(d)(3)&(9); TRC 1200–1–11–.10(3)(a)1.
63	Land Disposal Restrictions for Second Third Scheduled Wastes.	54 FR 26594	6/23/89	TCA 68–212–107(a),(d)(3)&(9); TRC 1200–1–11–.10(2)(a); .10(3)(a)1.
64	Delay of Closure Period for Hazardous Waste Management Facilities.	54 FR 33376	8/14/89	TCA 68–212–107(a)&(d)(3); TRC 1200–1–11–.06(2)(a); .06(7)(a); .06(8)(c); .05(2)(a); .05(7)(a); .05(8)(c); .07(10)(a).
65	Mining Waste Exclusion I	54 FR 36592	9/1/89	TCA 68–212–104(7); 68–212–106(a)(1), 68–212–107(d)(1); TRC 1200–1–11–.02(1)(c)1(ii)(I–III).
66	Land Disposal Restrictions; Corrections to the First Third Scheduled Wastes.	54 FR 36967 55 FR 23935	9/6/89 6/13/90	TCA 68–212–107(a),(d)(3),&(9); 1200–1–11–.09(1)(a); .10(1)(a)1; .10(1)(a)5; .10(2)(a); .10(4)(a).
67	Testing & Monitoring Activities	54 FR 40260	9/29/89	TCA 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.01(2)(b); .02(5)(a).
68	Reportable Quantity Adjustment Methyl Bromide Production Wastes.	54 FR 41402	10/6/89	TCA 68–212–104(7); 68–212–106(a)(1); TRC 1200–1–11–.02(4)(a); .02(5)(a).
69	Reportable Quantity Adjustment	54 FR 50968	12/11/89	TCA 68–212–104(7); 68–212–106(a)(1); TRC 1200–1–11–.02(4)(a); .02(5)(a).
70	Changes to Part 124 Not Accounted for by Present Checklists.	48 FR 14146 48 FR 30113 53 FR 28118 53 FR 37396 54 FR 246	4/1/83 6/30/83 7/26/88 9/26/88 1/4/89	TCA 68–212–107(a)&(d)(4); 68–212–108(a)(1)&(b), TRC 1200–1–11–.07(1)(b)3, .07(2)(a)1; .07(2)(a)3; .07(2)(a)7–10; .07(9)(c)1–2; .07(9)(d)2(iii); .07(7)(c); .07(7)(c)4; .07 (7)(e)3(i)(III–V); .07(7)(g)1(ii).
71	Mining Waste Exclusion II	55 FR 2322	1/23/90	TCA 68–212–104(8); 68–212–106(a)(3); 68–212–107(d)(2); 68–212–107(d)(5); TRC 1200–1–11–.01(2)(a); .02(1)(d)3(ii)(III)I–XX; .03(3)(a).
72	Modification of F019 Listing	55 FR 5340	2/14/90	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(4)(a).
73	Testing & Monitoring Activities; Technical Corrections.	55 FR 8948	3/9/90	TCA 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.01(2)(b)1; .02(5)(a).
75	Listing of 1, 1–Dimethylhydrazine Production Wastes.	55 FR 18496	5/2/90	TCA 68–212–104(7); 68–212–106(a)(1); TRC 1200–1–11–.02(4)(a); .02(5)(a).
76	Criteria for Listing Toxic Wastes; Technical Amendment.	55 FR 18726	5/4/90	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(2)(a).
77	HSWA Codification Rule; Double Liners; Correction.	55 FR 19262	5/9/90	TCA 68–212–107(a)&(d)(3); TRC 1200–1–11–.06(11)(a); .06(14)(a)
78	Land Disposal Restrictions for Third Third Scheduled Wastes.	55 FR 22520	6/1/90	TCA 68–212–104(7); 68–212–106(a)(1); TRC 1200–1–11–.02(3)(a); .02(5)(a); .03(1)(b); .03(4)(e)2(iv); .06(2)(a); .06(11)(a); .06(12)(a); .06(13)(a); .06(14)(a); .05(1)(b)1; .05(2)(a); .05(11)(a); .05(12)(a); .05(13)(a); .05(14)(a); .10(1)(a)1; .10(1)(a)5; .10(1)(a)9; .10(2)(a); .10(3)(a)1; .10(5)(a).
79	Hazardous Waste Treatment, Storage, and Disposal Facilities—Organic Air Emission Standards for Process Vents and Equipment Leaks.	55 FR 25454	6/21/90	TCA 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.01(2)(b)1; .02(1)(f); .06(2)(a); .06(5)(a); .06(30)(a); .06(31)(a); .05(2)(a); .05(27)(a); .05(28)(a); .07(5)(a); .07(5)(b).
80	Toxicity Characteristic; Hydrocarbon Recovery Operations.	55 FR 40834 56 FR 3978 56 FR 13406	10/5/90 2/1/91 4/2/91	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(1)(d)2(viii).
81	Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038); Correction.	55 FR 46354 55 FR 51707	11/2/90 12/17/90	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(a),(d)(1) & (d)(3); TRC 1200–1–11–.02(4)(a); .02(5)(a).

Checklist	Federal requirement	FR reference	FR promulgation date	State authority
82	Wood Preserving Listings	55 FR 50450	12/6/90	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.01(2)(a); .02(4)(b)1; .02(1)(d)1(ix)(I); .02(4)(f)3; .02(4)(f)3(i–xii); .02(5)(a); .03(4)(e)2(i)(III); .02(4)(f)3; .03(4)(e)2(i)(III)I–II; .03(4)(e)2(ii)–(iv); .06(10)(a); .06(26)(a); .02(4)(f)2(i–iii); .05(10)(a); .05(23)(a); .07(5)(b).
83	Land Disposal Restrictions for Third Third Scheduled Wastes; Technical Amendment.	56 FR 3864	1/31/91	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(a),(d)(1)&(d)(3); TRC 1200–1–11–.02(1)(c)4; .02(3)(a); .02(4)(a); .03(1)(a)2/Note; .03(1)(b); .03(4)(e)6(vi); .10(1)(a)1; .10(1)(a)5; .10(1)(a)9; .10(2)(a); .10(3)(a); .10(5)(a); .07(10)(a).
84	Toxicity Characteristic; Chlorofluorocarbon Refrigerants.	56 FR 5910	2/13/91	TCA 68–212–104(7); 68–212–106(a); 68–212–107(d)(1); TRC 1200–1–11–.02(1)(d)2(ix).
86	Removal of Strontium Sulfide from the List of Hazardous Waste; Technical Amendment.	56 FR 7567	2/25/91	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(a),(d)(1)&(3); TRC 1200–1–11–.02(4)(a); .02(5)(a).
87	Organic Air Emission Standards for Process Vents and Equipment Leaks; Technical Amendment.	56 FR 19290	4/26/91	TCA 68–212–107(a)&(d)3; 68–212–108(a)(1); TRC 1200–1–11–.06(30)(a); .06(31)(a); .05(2)(a); .05(5)(a); .05(27)(a); .05(28)(a); .07(5)(b).
88	Administrative Stay for K069 Listing	56 FR 19951	5/1/91	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(a),(d)(1)&(3); TRC 1200–1–11–.02(4)(a).
89	Revision of F037 and F038 Listings	56 FR 21955	5/13/91	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(a),(d)(1)&(3); TRC 1200–1–11–.02(4)(a).
90	Mining Exclusion III	56 FR 27300	6/13/91	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(1)(d)3(ii)(III)
91	Administrative Stay for F032, F034, and F035 Listings.	56 FR 27332	6/13/91	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(a),(d)(1&3); TRC 1200–1–11–.02(4)(a); .06(26)(a); .05(23)(a).
92	Wood Preserving Listings; Technical Corrections	56 FR 30192	7/1/91	TCA 68–212–104(7); 68–212–106(a)(1–2); 68–212–107(a),(d)(1,3,4,6); TRC 1200–1–11–.02(1)(d)1(ix)(I–II);.02(4)(f)1; .03(4)(e)2(i); .03(4)(e)2(i)(I–III); .03(4)(e)2(ii–iv); .06(26)(a)1; .05(23)(a)1; .07(5)(b)9; .07(5)(b)9(iii); .07(5)(b)9(XIV–XVI).
95	Land Disposal Restrictions for Electric Arc Furnace Dust.	56 FR 41164	8/19/91	TCA 68–212–104(7)&(15); 68–212–107(d)(1)&(3); 68–212–106(a)(1); TRC 1200–1–11–.02(1)(c)3(ii)(II)III(i); .02(1)(d)1(xi); .10(3)(a)1.
97	Exports of Hazardous Waste; Technical Correction.	56 FR 43704	9/4/91	TCA 68–212–106(a)(1–3); 68–212–107(d)(2,5,6); TRC 1200–1–11–.03(6)(a)1.
99	Amendments to Interim Status Standards for Downgradient Ground-Water Monitoring Well Locations.	56 FR 66365	12/23/91	TCA 68–212–106(a)(1); 68–212–107(b)(2); 68–212–107(d)(3); TRC 1200–1–11–.01(2)(a); .05(6)(b)1(iii); .05(6)(b)1(iii)(I–IV).
100	Liners and Leak Detection Systems for Hazardous Waste Land Disposal Units.	57 FR 3462	1/29/92	TCA 68–212–107(a)(d)(3,4,6); TRC 1200–1–11–.01(2)(a); .06(2)(f)2(iv); .06(2)(K)1; .06(5)(a)1; .06(11)(a)1; .06(12)(a)1; .06(14)(a)1,5 & 10; .05(2)(a)1; .05(5)(a)1; .05(11)(a)1; .05(12)(a)1; .05(14)(a); .05(14)(a)5; .07(8)(g)1; .07(8)(g)1(i–iii); .07(5)(b)3(ii); .07(5)(b)3(ii)(II–VII); .07(5)(b)3(iii); .07(5)(b)4(iii); .07(5)(b)4(iii)(I)I–V; .07(5)(b)4(iv); .07(5)(b)6(ii); .07(5)(b)6(ii)(I)I–V; .07(5)(b)6(iv); .07(10)(a)1.
101	Administrative Stay for the Requirement that Existing Drip Pads be Impermeable.	57 FR 5859	2/18/92	TCA 68–212–106(a)(1)&(2); 68–212–107(a)&(d)(3); TRC 1200–1–11–.06(26)(a)(1); .05(23)(a)1.

Checklist	Federal requirement	FR reference	FR promulgation date	State authority
102	Second Correction to the Third Third Land Disposal Restrictions.	57 FR 8086	3/6/92	TCA 68–212–104(7)&(15); 68–212–106(a)(1); 68–212–107(d)(1)&(3); TRC 1200–1–11–.06(2)(d)1(1); .05(2)(a)1; .10(1)(a)1; .10(3)(a)1.
103	Hazardous Debris Case-by-Case Capacity Variance.	57 FR 20766	5/15/92	TCA 68–212–104(7)&(15); 68–212–106(a)(1); 68–212–107(d)(1)&(3); TRC 1200–1–11–.10(2)(f)5.
104	Oil Filter Exclusion	57 FR 21524	5/20/92	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(1)(d)2(x); .02(1)(d)2(x)(I–IV).
105	Recycled Coke By-Product Exclusion	57 FR 27880	6/22/92	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(1)(d)1(x).
106	Lead-Bearing Hazardous Materials Case-by-Case Capacity Variance.	57 FR 28628	6/26/92	TCA 68–212–104(7)&(15); 68–212–106(a)(1); 68–212–107(d)(1)&(3); TRC 1200–1–11–.10(2)(f)3 & 11.
107	Used Oil Filter Exclusion Corrections	57 FR 29220	7/1/92	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(1)(d)2(x).
108	Toxicity Characteristic Revisions	57 FR 30657	7/10/92	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(1)(d)2(vi); .02(1)(d)2(iv); .05(14)(a).
109	Land Disposal restrictions for Newly Listed Waste and Hazardous Debris.	57 FR 37194	8/18/92	TCA 68–212–104(7); 68–212–106(a)(1)&(2); 68–212–104(7); 68–212–107(a); 68–212–107(d)(1,3&9); TRC 1200–1–11–.01(2)(a); .02(1)(c)1(ii)(III); .02(1)(c)3(ii)(II)III; .02(1)(c)3(ii)(II)(III); .02(1)(c)6; .03(4)(e)2(i)(IV); .03(4)(e)2(i)(IV)I–II; .03(4)(e)2(ii); .06(7)(a); .06(8)(a); .06(8)(c); .06(32)(a); .05(7)(a); .05(8)(a)&(c); .05(11)a; .05(30)(a); .10(1)(a); .10(1)(a)4; .10(1)(a)5; .10(1)(a)9; .10(1)(b)2; .10(2)(a); .10(3)(a); .10(4)(a); .10(5)(a); .07(4)(a)15; .07(5)(a); .07(9)(c)5; .07(10)(a); .07(3)(a).
110	Coke-By-Products Listings	57 FR 37284	8/18/92	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(1)(d)1(x); .02(4)(a); .02(5)(a).
112	Recycled Used Oil Management Standards	57 FR 41566	9/10/92	TCA 68–211–105(c); 68–212–106(a)(1)&(2); 68–211–107(a); 68–211–111(d); 68–211–1001 *et. seq*.; 68–212–104(7); 68–212–106(a)(1); 68–212–107(a);68–212–107(d)(1)&(3); TRC 1200–1–11–.02(1)(e)&(f); .09(1)(a); .11(1)(a); .01(2)(a); .02(1)(c)1(ii)(V)&(V)I&II; .11(1)(b); .11(1)(b)1,2&3(i).
113	Consolidated Liability Requirements: Financial Responsibility for Third–Party Liability, Closure, and Post–Closure.	57 FR 42832 53 FR 33938 56 FR 30200	9/16/92 9/1/88 7/1/91	TCA 68–212–107(d)(3); 68–212–107(d)(4); 68–212–108(a)(1),(c)&(d); TRC 1200–1–11–.06(8)(b); .06(8)(d)1&6; .06(8)(f); .06(8)(k); .06(8)(m)4&5; .06(8)(m)6(i–ii); .06(8)(m)7(2)(d); .06(8)(m)8(2)(d); .06(8)(m)9&10; .06(8)(m)11(i–ii); .06(8)(m)12(i–ii); .05(8)(b); .05(8)(d)(f)(k).
115	Chlorinated Toluenes Production Waste Listing	57 FR 47376	10/15/92	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(4)(a); .02(5)(a).
116	Hazardous Soil Case–by–Case Capacity Variance.	57 FR 47772	10/20/92	TCA 68–212–104(7); 68–212–106(a)(1)&(2); 68–212–107(a),(d)(1),(d)(3)&(d)(9); TRC 1200–1–11–.10(2)(a).
117B	Toxicity Characteristic Amendment	57 FR 23062	6/1/92	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(1)(d)2(vi); .02(1)(d)2(iv); .05(14)(a).
118	Liquids in Landfills II	57 FR 54452	11/18/92	TCA 68–212–104(7)(A)&(B); 68–212–106(a)(1); 68–212–107(a),(d)(1,3,&9); TRC 1200–1–11–.06(2)(a); .06(14)(a); .06(2)(a); .05(2)(a); .05(14)(a).
119	Toxicity Characteristic Revision; TCLP Correction	57 FR 55114 58 FR 6854	11/24/92 2/2/93	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1); TRC 1200–1–11–.02(5)(a).

Checklist	Federal requirement	FR reference	FR promulgation date	State authority
120	Wood Preserving; Amendments to Listings and Technical Requirements.	57 FR 61492	12/24/92	TCA 68–212–104(7); 68–212–106(a)(1); 68–212–107(d)(1),(3)&(4); 68–212–108(a)(1),(c)&(d); TRC 1200–1–11–.02(4)(a); .06(26)(a); .05(23)(a).
122	Recycled Used Oil Management Standards; Technical Amendments and Corrections I.	58 FR 26420 58 FR 33341	5/3/93 6/17/93	TCA 68–211–105(c); 68–211–106(a)(1)&(2); 68–211–107(a); 68–211–111(d); 68–211–1001 *et.seq.*; 68–212–104(7); 68–212–106(a)(1); 68–212–107(a),(d)(1)&(d)(3); TRC 1200–1–11–.02(1)(e); .11(1)(a); .02(1)(d)2(x–xi); .06(1)(b)2(ii); .05(1)(b)2(iii).
123	Land Disposal Restrictions; Renewal of the Hazardous Waste Debris Case–by–Case Capacity Variance.	58 FR 28506	5/14/93	TCA 68–212–104(7); 68–212–106(a) (1)&(2); 68–212–107(a),(d)(1),(d)(3) & (d)(9); TRC 1200–1–11–.10(2)(a).
124	Land Disposal Restrictions for Ignitable and Corrosive Characteristic Wastes whose Treatment Standards were Vacated.	58 FR 29860	5/24/93	TCA 68–212–104(7); 68–212–106 (a)(1) & (2); 68–212–107(a),(d)(1),(d)(3),&(d)(9); TRC 1200–1–11–.06(1)(b)2(v–vi); .10(1)(a)1,(a)(5)&(a)(9); .10(2)(a); .10(3)(a); .07(10)(a).

Approval of Tennessee's program revisions shall become effective July 7, 1995, unless an adverse comment pertaining to the State's revisions discussed in this notice is received by the end of the comment period.

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

EPA shall administer any RCRA hazardous waste permits, or portions of permits that contain conditions based upon the Federal program provisions for which the State is applying for authorization and which were issued by EPA prior to the effective date of this authorization. EPA will suspend issuance of any further permits under the provisions for which the State is being authorized on the effective date of this authorization.

C. Decision

I conclude that Tennessee's applications for these program revisions meet all of the statutory and regulatory requirements established by RCRA. Accordingly, Tennessee is granted final authorization to operate its hazardous waste program as revised.

Tennessee now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitations of its program revision application and previously approved authorities. Tennessee also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under Section 3007 of RCRA and to take enforcement actions under Section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12866

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

Certification Under the Regulatory Flexibility Act

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

This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 271

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

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

Dated: April 14, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–11144 Filed 5–5–95; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 6

Federally Supported Health Centers Assistance Act of 1992

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: The Secretary of Health and Human Services (the ''Secretary''), in consultation with the Attorney General, issues the following rules under the ''Federally Supported Health Centers Assistance Act of 1992.'' The Act provides for liability protection for certain health care professionals and entities. This rules sets forth information whereby an entity or a person can determine when, and the extent to which, it is likely to be protected under the Act.

EFFECTIVE DATE: May 8, 1995.

FOR FURTHER INFORMATION CONTACT: Richard C. Bohrer, Director, Division of Community and Migrant Health, Bureau of Primary Health Care, Health Resources and Service Administration, 4350 East/West Highway, Bethesda, Maryland 20814, Phone: (301) 594–4300.

SUPPLEMENTARY INFORMATION: Section 224(a) of the Public Health Service Act (the Act), (section 233(a) of Title 42 of the United States Code), provides that the remedy against the United States provided under the Federal Tort Claims Act (FTCA) resulting from the performance of medical, surgical, dental or related functions by any commissioned officer or employee of the Public Health Service while acting within the scope of his office or

employment shall be exclusive of any other civil action or proceeding. Public Law 102–501 provides that, subject to its provisions, certain entities and officers, employees and contractors of entities shall be deemed to be employees of the Public Health Service within the exclusive remedy provision of section 224(a). This rule implements certain provisions of Public Law 102–501.

On August 19, 1994, the Secretary published a Notice of Proposed Rulemaking in the **Federal Register** (59 FR 42790) to implement Public Law 102–501. The deadline for the submission of comments was September 19, 1994.

Changes to Proposed Regulations

Section 6.6(d) of the proposed rule provides that acts and omissions related to services provided to individuals who are not patients of a covered entity will be covered only if the Secretary determines that provision of such services will benefit the community served by the entity; facilitate the provision of services to patients of the entity; or are otherwise required to be provided under an employment contract or similar arrangement between the entity and the covered individual.

The final rule adds a new § 6.6(e) which lists examples of services to individuals who are not patients of a covered entity that will be covered under § 6.6(d).

Response to Comments

We received six comment letters: two from groups representing interested organizations, one from a U.S. Senator, and three from Community Health Centers. A discussion of these comments and our responses follow.

Comment 1: Three commenters wrote to express support for the proposed rule.

Comment 2: Two commenters expressed concern regarding coverage for services provided off-site and to persons not registered with the Center. One commenter requested that such coverage be guaranteed for providers. Another provider requested clarification regarding when a patient becomes a CHC enrolled patient.

Response: It is not feasible to determine in advance of an actual claim whether all of the activities of a provider are covered under FTCA, since the individual is covered only for activities within the scope of employment with the health center and activities within the scope of the approved Federal grant project. This is consistent with the treatment of Federal employees under the FTCA. Moreover, this rule is not intended to constitute, and does not constitute, a comprehensive notice pertaining to any provision of Pub. L. 102–501 except to the extent that procedures pertaining to implementation of Pub. L. 102–501 are described explicitly therein. The applicability of Pub. L. 102–501 and 42 U.S.C. 233(a) to a particular claim or case will depend upon the determination or certification (as appropriate) by the Attorney General that the individual or entity is covered by Pub. L. 102–501 and was acting within the scope of employment, in accordance with normal Department of Justice procedures.

However, we agree with the commenter regarding the need for additional clarification regarding coverage for services provided off-site and to persons not registered with the Center. Thus, we have added a new § 6.6(e) to the regulations, including the examples set forth in the preamble to the Notice of Proposed Rulemaking. This will provide in codified form guidance on coverage of common arrangements. In drafting this rule, we cannot foresee every possible situation, however, so covered entities and covered individuals who are uncertain whether their treatment of individuals who are not patients of the covered entity will be within the protection afforded by Public Law 102–501 should apply to the Secretary for a specific determination under § 6.6(d).

Comment 3: One commenter requested that the regulation provide for consultative and risk management functions.

Response: We did not address these functions in the regulation because they are not addressed in the statute being implemented, and because we currently provide assistance in these areas as a part of our management of the relevant grant programs. In addition to the on-going technical assistance available to address risk management and Quality Assurance issues, we are considering enhancing the scope and diversity of such activities.

Comment 4: One commenter expressed concern about its ability to take advantage of FTCA coverage unless Congress extends the coverage past December 31, 1995.

Response: This is not an issue under the scope of the regulation. However, we anticipate that Congress will consider an extension of the program next year. We have accordingly removed the reference to a specific date from section 6.6(a), so that should Congress extend the program, no further change to the rule will be needed.

Waiver of Delay in Effective Date

This final rule is effective ''upon issuance''. The Secretary has found that good cause exists to waive the requirement under the Administrative Procedure Act (5 U.S.C. 553(d)) that the effective date for a regulation be not less than 30 days from the date of publication. It is cost effective to permit health centers to take advantage of the statutory liability protection that is clarified by these regulations at the earliest possible date. Until these regulations are effective, health centers will continue to pay private insurance premiums for liability protection that is provided for under the FTCA.

Economic Impact

Executive Order 12866 requires that all regulations reflect consideration of alternatives, of costs, benefits, incentives, equity, and availability of information. Regulations which are ''significant'' because of cost, adverse effects on the economy, inconsistency with other agency actions, effects on the budget, or novel legal or policy issues, require special analysis. In addition, the Regulatory Flexibility Act of 1980 requires that we include an analysis of all rules that significantly impact small businesses.

These regulations provide information whereby health care entities or individuals can determine when, and to what extent, they are likely to be protected against certain malpractice claims under the FTCA. Therefore, the Secretary certifies that these regulations are not significant under Executive Order 12866 and that they will not have a significant effect on a substantial number of small entities. For this reason, a regulatory analysis is not required.

Paperwork Reduction Act of 1980

This rule contains no information collection or reporting requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980.

List of Subjects in 42 CFR Part 6

Grant programs—Health.

Dated: January 18, 1995.

Philip R. Lee,

Assistant Secretary for Health.

Approved: March 24, 1995.

Donna E. Shalala,

Secretary.

Part 6 is added to chapter I of title 42 to read as follows:

PART 6—FEDERAL TORT CLAIMS ACT COVERAGE OF CERTAIN GRANTEES AND INDIVIDUALS

Sec.
6.1 Applicability.
6.2 Definitions.
6.3 Eligible entities.
6.4 Covered individuals.
6.5 Deeming process for eligible entities.
6.6 Covered acts and omissions.

Authority: Sections 215 and 224 of the Public Health Service Act, 42 U.S.C. 216 and 233.

§ 6.1 Applicability.

This part applies to entities and individuals whose acts and omissions related to the performance of medical, surgical, dental, or related functions are covered by the Federal Tort Claims Act (28 U.S.C. 1346(b) and 2671–2680) in accordance with the provisions of section 224(g) of the Public Health Service Act (42 U.S.C. 233(g)).

§ 6.2 Definitions.

Act means the Public Health Service Act, as amended.

Attorney General means the Attorney General of the United States and any other officer or employee of the Department of Justice to whom the authority involved has been delegated.

Covered entity means an entity described in § 6.3 which has been deemed by the Secretary, in accordance with § 6.5, to be covered by this part.

Covered individual means an individual described in § 6.4.

Effective date as used in § 6.5 and § 6.6 refers to the date of the Secretary's determination that an entity is a covered entity.

Secretary means the Secretary of Health and Human Services (HHS) and any other officer or employee of the Department of HHS to whom the authority involved has been delegated.

Subrecipient means an entity which receives a grant or a contract from a covered entity to provide a full range of health services on behalf of the covered entity.

§ 6.3 Eligible entities.

(a) *Grantees.* Entities eligible for coverage under this part are public and nonprofit private entities receiving Federal funds under any of the following grant programs:

(1) Section 329 of the Act (relating to grants for migrant health centers);

(2) Section 330 of the Act (relating to grants for community health centers);

(3) Section 340 of the Act (relating to grants for health services for the homeless); and

(4) Section 340A of the Act (relating to grants for health services for residents of public housing).

(b) *Subrecipients.* Entities that are subrecipients of grant funds described in paragraph (a) of this section are eligible for coverage only if they provide a full range of health care services on behalf of an eligible grantee and only for those services carried out under the grant funded project.

§ 6.4 Covered individuals.

(a) Officers and employees of a covered entity are eligible for coverage under this part.

(b) Contractors of a covered entity who are physicians or other licensed or certified health care practitioners are eligible for coverage under this part if they meet the requirements of section 224(g)(5) of the Act.

(c) An individual physician or other licensed or certified health care practitioner who is an officer, employee, or contractor of a covered entity will not be covered for acts or omissions occurring after receipt by the entity employing such individual of notice of a final determination by the Attorney General that he or she is no longer covered by this part, in accordance with section 224(i) of the Act.

§ 6.5 Deeming process for eligible entities.

Eligible entities will be covered by this part only on and after the effective date of a determination by the Secretary that they meet the requirements of section 224(h) of the Act. In making such determination, the Secretary will receive such assurances and conduct such investigations as he or she deems necessary.

§ 6.6 Covered acts and omissions.

(a) Only acts and omissions occurring on and after the effective date of the Secretary's determination under § 6.5 and before the later date specified in section 224(g)(3) of the Act are covered by this part.

(b) Only claims for damage for personal injury, including death, resulting from the performance of medical, surgical, dental, or related functions are covered by this part.

(c) With respect to covered individuals, only acts and omissions within the scope of their employment (or contract for services) are covered. If a covered individual is providing services which are not on behalf of the covered entity, such as on a volunteer basis or on behalf of a third-party (except as described in paragraph (d) of this section), whether for pay or otherwise, acts of omissions which are related to such services are not covered.

(d) Only acts and omissions related to the grant-supported activity of entities are covered. Acts and omissions related to services provided to individuals who are not patients of a covered entity will be covered only if the Secretary determines that:

(1) The provision of the services to such individuals benefits patients of the entity and general populations that could be served by the entity through community-wide intervention efforts within the communities served by such entity;

(2) The provision of the services to such individuals facilitates the provision of services to patients of the entity; or

(3) Such services are otherwise required to be provided to such individuals under an employment contract or similar arrangement between the entity and the covered individual.

(e) *Examples:* The following are examples of situations within the scope of paragraph (d) of this section:

(1) A community health center deemed to be a covered entity establishes a school-based or school-linked health program as part of its grant supported activity. Even though the students treated are not necessarily registered patients of the center, the center and its health care practitioners will be covered for services provided, if the Secretary makes the determination in paragraph (d)(1) of this section.

(2) A migrant health center requires its physicians to obtain staff privileges at a community hospital. As a condition of obtaining such privileges, and thus being able to admit the center's patients to the hospital, the physicians must agree to provide occasional coverage of the hospital's emergency room. The Secretary would be authorized to determine that this coverage is necessary to facilitate the provision of services to the grantee's patients, and that it would therefore be covered by paragraph (d)(2) of this section.

(3) A homeless health services grantee makes arrangements with local community providers for after-hours coverage of its patients. The grantee's physicians are required by their employment contracts to provide periodic cross-coverage for patients of these providers, in order to make this arrangement feasible. The Secretary may determine that the arrangement is within the scope of paragraph (d)(3) of this section.

[FR Doc. 95–11217 Filed 5–5–95; 8:45 am]

BILLING CODE 4160–15–M

Health Care Financing Administration

42 CFR Part 406

[BPD–738–F]

RIN 0938–AG19

Medicare Program; Clarification of Resumption of Entitlement Rules for Medicare Patients With End-Stage Renal Disease (ESRD)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Final rule.

SUMMARY: In this final rule, we clarify the terms of Medicare entitlement when an individual resumes a regular course of renal dialysis treatment or receives a kidney transplant after a previous course of treatment has been terminated (with or without a transplant) and add the same considerations for those who have a second transplant or begin dialysis after a previous transplant. We also respond to comments on a proposal to revise the definition of ESRD for the purpose of qualifying for Medicare.

These revisions are necessary so that beneficiaries, providers, suppliers, and other insurers can determine with certainty when Medicare coverage begins and ends. Beneficiaries rely on this information to make informed decisions whether or not to enroll or re-enroll in the Medicare Supplementary Medical Insurance Program (part B).

EFFECTIVE DATE: These regulations are effective on June 7, 1995.

FOR FURTHER INFORMATION CONTACT: Denis Garrison, (410) 966–5643.

SUPPLEMENTARY INFORMATION:

I. Background

End-stage renal disease (ESRD) is a disease that results from the destruction of normal kidney tissues over a long period of time. The individual often does not experience any symptoms until the kidney has lost more than half of its function. The loss of kidney function in ESRD is usually irreversible and permanent.

Definition of ESRD

Section 226A of the Social Security Act (the Act) provides for Medicare coverage for certain individuals who are medically determined to have ESRD. Once an individual is medically determined to have ESRD, the Act specifies that one of two conditions must be met before entitlement begins. That is, the individual must begin a regular course of dialysis or receive a kidney transplant. The Act provides that entitlement begins with the third month after the month in which a regular course of renal dialysis is initiated or, if earlier, with the month the transplant occurs.

The Act does not define ESRD. Our regulations, in § 406.13(b), define it as that stage of kidney impairment that appears irreversible and permanent and requires a regular course of dialysis or kidney transplantation to maintain life. (A parallel definition of ESRD also appears in § 405.2102 which defines ESRD as it relates to the conditions for coverage that must be met by suppliers furnishing ESRD care to Medicare beneficiaries.)

Resumption of Entitlement to ESRD Benefits

Paragraphs (c)(2) and (c)(3) of section 226A of the Act specify the conditions for beginning a new period of entitlement when a kidney transplant fails or a regular course of dialysis begins again. However, this section refers to those instances when entitlement has not yet ended and specifies that Part A (Hospital Insurance) entitlement ''begins'' (although it may not yet have ended) with the month when regular dialysis treatments begin again. The importance of ''beginning'' Part A entitlement again is that it offers the opportunity for those who previously refused Part B (Supplementary Medical Insurance) entitlement or allowed their Part B entitlement to lapse to enroll in Part B without waiting for the annual general enrollment period (January through March). Most kidney dialysis treatments are covered under Part B.

Proposed Rule

On January 6, 1994, we published a proposed rule, at 59 FR 714, which proposed a change in the definition of end-stage renal disease (ESRD) and a clarification regarding Medicare entitlement when an individual's regular course of renal dialysis treatment resumes after a previous course of treatment has been terminated (with or without a transplant). The proposal resulted from our concern that there may be a misunderstanding of the extent of kidney failure that constitutes ESRD for which the law grants Medicare entitlement. We were also concerned that our regulations on resumption of entitlement based on ESRD might be misinterpreted resulting in loss of benefits for some individuals. Further, for those individuals whose Part A entitlement had not yet ended, we believe that the intention is to re-enroll the individual in Part A with that month, without a new application.

Proposed definition—We were concerned that data revealed nearly 1 percent of newly entitled individuals terminated their course of dialysis with a return of kidney function. We believed that physicians' certifications leading to eligibility for the patients who terminated dialysis may have arisen from a misunderstanding of the extent of the kidney failure that is a predicate to Medicare entitlement. Consequently, we proposed to amend the definition of ESRD that appeared in § 406.13 to require that the condition be ''evidenced by generally accepted diagnostic criteria and laboratory findings.'' We believed that this addition would make clear that an individual who receives dialysis does not necessarily have end-stage renal disease.

End of and Resumption of Entitlement—We proposed to treat the situation in which dialysis ends, then begins again within 12 months, or in which a second transplant is received within 36 months, as a *resumption* of entitlement. Accordingly, we proposed to delete from paragraph (f) of § 406.13 the reference to *continuation* of entitlement. We would revise paragraph (g), which specifies the conditions for resumption of entitlement, to include the situation where coverage resumes despite a previous course of treatment.

In our revision of § 406.13(g) we stated that entitlement would be resumed under any one of three conditions and we used the language we removed from paragraph (f). Under § 406.13(g)(1), a new period of entitlement would begin if an individual initiates a regular course of renal dialysis during the 12-month period after the previous course of dialysis ended, and he or she would be entitled to a new period of Part A benefits and, therefore, eligible to enroll in Part B effective with the month the regular course of dialysis is resumed.

The Act does not mention the beginning of a new period of entitlement when a second kidney transplant occurs during the 36-month period following the initial transplant, since there is never a waiting period for entitlement based on a transplant. However, we believe that, by analogy, the provisions for beginning a new period of entitlement in cases where a regular course of dialysis begins or recurs during the 36 months indicate that we should construe the law as requiring resumption of Part A entitlement and a new period of Part B enrollment in cases of re-transplantation that occur without the beneficiary's resuming (or initiating) dialysis treatments. We, therefore, proposed to revise § 406.13(g) to state that entitlement would begin when an individual initiates a new, regular

course of renal dialysis, or has a kidney transplant, during the 36-month period after an earlier kidney transplant, and that he or she would be entitled to resume Part A and be eligible to enroll in Part B effective with the month the regular course of dialysis begins or with the month the subsequent kidney transplant occurs.

We also proposed to make technical revisions to § 406.13(g) to clarify the other condition for resumption of entitlement. That is, entitlement is resumed if an individual initiates a regular course of renal dialysis more than 12 months after the previous regular course of dialysis ended or more than 36 months after the month of a kidney transplant, and the individual is eligible to enroll in Part A and Part B effective with the month in which the regular course of dialysis treatment is resumed. If he or she is otherwise eligible to Part A benefits under the conditions specified in § 406.13(c), and files an application, entitlement would begin with the month in which dialysis treatments are initiated or resumed, without a waiting period, subject to the basic limitations of entitlement in § 406.13(e)(1).

II. Analysis of and Responses to Public Comments

Comment: Several commenters were concerned that the proposed revision to the definition of ESRD would not achieve HCFA's stated goals of clarifying the entitlement to Medicare's ESRD benefit or eliminating the one percent alleged error rate. In fact, the change in the definition of ESRD to refer to ''generally accepted diagnostic criteria and laboratory findings'' could be inappropriate if HCFA attempts to establish one easily defined set of laboratory values or other criteria which represent a clear boundary between cases of ESRD and non-ESRD. One commenter remarked that patients with many comorbidities, especially cardiovascular complications, could die of heart attacks or other events while their physicians wait to put them on dialysis until their laboratory values reach an arbitrary and too strict standard. The commenters asked that any system that relies on sets of laboratory values or other criteria should provide for medical review of questionable cases by a group of knowledgeable physicians, with an opportunity for input by the physician of the patient in question.

Response: In creating the Medicare ESRD program, the Congress clearly intended that Medicare should be available only to patients who have ESRD and require regular dialysis treatments or a kidney transplant to survive. It was certainly not our intent in proposing a change in the definition of ESRD to cause physicians to delay prescribing dialysis for patients who do not yet meet a prescribed set of laboratory values but have other comorbid conditions that the physicians believe would benefit from dialysis treatment. In fact, we have always been confident that physicians who believe that dialysis is a necessary component in treating a patient's medical condition prescribe such treatment without regard to the expectation of Medicare coverage.

After considering the comments, we now believe that changes being made in the way we review medical evidence of ESRD will accomplish more to ensure that patients meet the definition of ESRD than would a change to the definition of ESRD in the regulations. Under the screening process that is expected to be used by the ESRD networks in reviewing ESRD medical evidence report forms, patients who meet certain prescribed laboratory test values will automatically be considered to have ESRD. Cases that fail to meet the laboratory test values will then be sent to the network's medical review board for further review. At this stage, the treating physician will have the opportunity to furnish additional information on the patient's condition. Only after the medical review board has completed its review of the case and concluded that the patient's condition is not ESRD will the patient's Medicare claim be denied. Therefore, we have decided not to revise the definition of ESRD, as proposed, and are retaining the existing definition of ESRD in § 406.13(b).

Comment: The proposed rule does not address the issues of notification to HCFA to ensure continuity of benefits when a patient returns to dialysis within 12 months after regaining kidney function or during the 36 months following transplantation.

Response: The actual process used to prevent terminations from occurring when an individual resumes dialysis or receives another transplant is not appropriate for inclusion in regulations. However, in cases in which an individual ceases dialysis or receives a transplant, the individual is notified immediately that Medicare will terminate in the future (12 months after dialysis ends or 36 months after transplant) unless by that time dialysis is resumed or another transplant is received. Three months before the termination is effective, we send the individual another notice and an ESRD medical evidence form (HCFA–2728) and advise the individual to have the form completed by the treating source without delay if dialysis has been resumed or another transplant received. We believe this process provides ample time for an individual to notify us about resumption of dialysis or receipt of a new transplant in order to prevent an incorrect termination of Medicare entitlement.

III. Provisions of the Final Regulations

Definition of ESRD—This final rule does not incorporate the proposed definition of ESRD. We are retaining the existing definition of ESRD in § 406.13(b).

Resumption of Entitlement to ESRD Benefits—We are incorporating the provisions of the proposed rule. In addition, we are making a technical revision by expanding § 406.13(g)(1) to indicate that a new period of Medicare entitlement begins if an individual receives a kidney transplant during the 12-month period after a course of dialysis ends; he or she is entitled to resume Part A benefits and eligible to enroll in Part B benefits effective with the month the transplant occurs. This was inadvertently omitted from the proposed rule and assures that both individuals who resume dialysis and those who receive a transplant during the 12-month period after a course of dialysis ends will be treated the same with respect to the right to immediately enroll in Part B benefits without having to wait for the annual general enrollment period.

IV. Collection of Information Requirements

This rule contains no information collection requirements. Consequently, this rule need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

V. Regulatory Impact Statement

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612) unless the Secretary certifies that a final rule will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we consider all physicians and dialysis facilities to be small entities. Individuals are not included in the definition of a small entity.

Also, section 1102(b) of the Act requires the Secretary to prepare a regulatory impact analysis if a final rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must

conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

This final rule incorporates the technical provisions of the proposed rule regarding resumption of entitlement. This rule has no budget impact because it merely conforms the regulations more closely to the intent of the Social Security Act in order to avoid any ambiguity concerning the conditions for resumption of Medicare entitlement. Therefore, we are not preparing analyses for either the RFA or section 1102(b) of the Act since we have determined, and the Secretary certifies, that this final rule will not result in a significant economic impact on a substantial number of small entities and will not have a significant impact on the operations of a substantial number of small rural hospitals. In accordance with the provisions of Executive Order 12866, this regulation was not reviewed by the Office of Management and Budget.

List of Subjects in 42 CFR Part 406

Health facilities, Kidney diseases, Medicare.

42 CFR chapter IV, part 406 is amended as follows:

PART 406—HOSPITAL INSURANCE ELIGIBILITY AND ENTITLEMENT

1. The authority citation for part 406 continues to read as follows:

Authority: Secs. 202(t), 202(u), 226, 226A, 1102, 1818, and 1871 of the Social Security Act (42 U.S.C. 402(t), 402(u), 426, 426–1, 1302, 1395i-2, and 1395hh) and 103 of Pub. L. 89–97 (42 U.S.C. 426a) unless otherwise noted.

2. In § 406.13, paragraphs (f) and (g) are revised to read as follows:

§ 406.13 Individual who has end-stage renal disease.

* * * * *

(f) *End of entitlement.* Entitlement ends with——

(1) The end of the 12th month after the month in which a regular course of dialysis ends; or

(2) The end of the 36th month after the month in which the individual has received a kidney transplant.

(g) *Resumption of entitlement.* Entitlement is resumed under the following conditions:

(1) An individual who initiates a regular course of renal dialysis or has a kidney transplant during the 12-month period after the previous course of dialysis ended is entitled to Part A benefits and eligible to enroll in Part B with the month the regular course of dialysis is resumed or the month the kidney is transplanted.

(2) An individual who initiates a regular course of renal dialysis or has a kidney transplant during the 36-month period after an earlier kidney transplant is entitled to Part A benefits and eligible to enroll in Part B with the month the regular course of dialysis begins or with the month the subsequent kidney transplant occurs.

(3) An individual who initiates a regular course of renal dialysis more than 12 months after the previous course of regular dialysis ended or more than 36 months after the month of a kidney transplant is eligible to enroll in Part A and Part B with the month in which the regular course of dialysis is resumed. If he or she is otherwise entitled under the conditions specified in paragraph (c) of this section, including the filing of an application, entitlement begins with the month in which dialysis is initiated or resumed, without a waiting period, subject to the limitations of paragraph (e)(1) of this section.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: November 29, 1994.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

Dated: January 5, 1995.

Donna E. Shalala,

Secretary.

[FR Doc. 95–11173 Filed 5–5–95; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 7139

[AZ–930–1430–01; AZA 26964]

Withdrawal of National Forest System Land for Houston Mesa Campground; Arizona

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws 320 acres of National Forest System land from mining for 20 years to protect the Houston Mesa Campground site. The land has been and will remain open to mineral leasing and other uses authorized by the Forest Service.

EFFECTIVE DATE: May 8, 1995.

FOR FURTHER INFORMATION CONTACT: John Mezes, BLM Arizona State Office, P.O. Box 16563, Phoenix, Arizona 85011, 602–650–0509.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1988), it is ordered as follows:

1. Subject to valid existing rights, the following described National Forest System land is hereby withdrawn from location and entry under the United States mining laws (30 U.S.C. Ch. 2 (1988)), but not from leasing under the mineral leasing laws, to protect the Houston Mesa Campground site.

Gila and Salt River Meridian

T. 11 N., R. 10 E.,
Sec. 27, N½.

The area described contains 320 acres in Gila County.

2. The withdrawal made by this order does not alter the applicability of those land laws governing the use of the National Forest System lands under lease, license or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1988), the Secretary determines that the withdrawal be extended.

Dated: April 21, 1995.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 95–11191 Filed 5–5–95; 8:45 am]

BILLING CODE 4310–32–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90–90; RM–7128, RM–7332, RM–7410, RM–7411, RM–7412]

FM Radio Broadcasting Services; Sulphur and South Fort Polk, LA; Bay City, Edna, Galveston, Jasper, LaGrange, New Ulm, Palacios, Redland, Rosenberg, and Winnie, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document grants the rule making petition filed by KSIG Broadcasting Company, Inc.,

substituting Channel 267C3 for Channel 265A at Sulphur, Louisiana and modifying the license of Station KTQQ-FM, Sulphur, to specify operation on Channel 267C3. *See Notice of Proposed Rule Making,* 55 FR 9148 (March 12, 1991). In order to accommodate this upgrade, we substitute Channel 239A for vacant Channel 267A at South Fort Polk, Louisiana. We also grant in part the counterproposal filed by Roy E. Henderson to substitute Channel 264C for Channel 264C2 at Jasper, Texas, reallot Channel 264C to Winnie, Texas, and modify the license of Station KMIA-FM, Jasper, to specify operation of Channel 264C at Winnie. In order to accommodate this upgrade and change of community of license, we substitute Channel 259A for vacant Channel 264A at Palacios, Texas. *See* Supplemental Information, *infra*.

DATES: Effective June 19, 1995. The window period for filing applications for Channel 239A at South Fort Polk, Louisiana and for Channel 259A at Palacios, Texas will open on June 19, 1995, and close on July 20, 1995.

FOR FURTHER INFORMATION, CONTACT: J. Bertron Withers, Jr., Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* MM Docket No. 90–90, adopted April 27, 1995 and released May 3, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Channel 267C3 can be allotted to Sulphur, Louisiana, in compliance with the Commission's minimum interstation distance separation requirements at Station KTQQ-FM's current transmitter site at coordinates North Latitude 30–14–55 and West Longitude 93–17–56. Channel 239A can be allotted to South Fort Polk, Louisiana, in compliance with the Commission's minimum interstation distance separation requirements at coordinates North Latitude 31–08–33 and West Longitude 93–15–15. Channel 264C can be allotted to Winnie, Texas, in compliance with the Commission's minimum interstation distance separation requirements at coordinates North Latitude 29–49–12 and West Longitude 94–23–00. Channel 259A can be allotted to Palacios, Texas, in compliance with the Commission's minimum interstation distance separation requirements at coordinates North Latitude 28–42–00 and West Longitude 96–12–48. With this action, the proceeding is terminated.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

Authority: Secs. 303, 48 Stat., as amended, 1082; 47 U.S.C. 154, as amended.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Louisiana, is amended by removing Channel 265A and adding Channel 267C3 at Sulphur, and by removing Channel 267A and adding Channel 239A at South Fort Polk.

3. Section 73.202(b), the Table of FM Allotments under Texas, is amended by removing Channel 264C2 at Jasper and adding Channel 264C at Winnie, and by removing Channel 264A and adding Channel 259A at Palacios.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–11215 Filed 5–5–95; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 73

[MM Docket No. 90–651; RM–7544]

Radio Broadcasting Services; Bald Knob and Clarendon, AR

AGENCY: Federal Communications Commission.

ACTION: Final Rule; Application for Review.

SUMMARY: The Commission dismisses the Application for Review filed by B&H Broadcasting Company. B&H sought review of the action taken by the Chief, Policy and Rules Division on April 12, 1993, which dismissed as untimely B&H's petition for reconsideration of the Commission's action in MM Docket No. 90–651, 57 FR 45002 published September 30, 1992. B&H had requested withdrawal of its application, stating that it had received no consideration for such withdrawal in excess of its legitimate and prudent expenses incurred during the course of the proceeding. With this action, the proceeding is terminated.

EFFECTIVE DATE: May 8, 1995.

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau, (202) 776–1660.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–11214 Filed 5–5–95; 8:45 am]

BILLING CODE 6712–01–F

Proposed Rules

Federal Register
Vol. 60, No. 88
Monday, May 8, 1995

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

DEPARTMENT OF LABOR

Employment Standards Administration

20 CFR Parts 702 and 703

RIN 1215–AA92

Longshore and Harbor Workers' Compensation Act and Related Statutes

AGENCY: Employment Standards Administration, Labor.

ACTION: Notice of proposed rulemaking; request for comment.

SUMMARY: The Department of Labor proposes to revise the regulations implementing the Longshore and Harbor Workers' Compensation Act to improve administration and clarify existing policy. The regulations as proposed would: provide that the jurisdictional boundaries will in the future be changed by direct notice to affected parties; eliminate the requirement for using certified mail in most circumstances; clarify that the Office of Workers' Compensation Programs fee schedule is the standard for determining what is a reasonable and customary medical charge where there is a dispute; and modify the requirement that an employer with geographically different work sites within one compensation district have only one insurance carrier.

DATES: Written comments must be submitted on or before July 7, 1995.

ADDRESSES: Send written comments to Joseph Olimpio, Director for Longshore and Harbor Workers' Compensation, Employment Standards Administrative, U.S. Department of Labor, Room C–4315, Frances Perkins Building, 200 Constitution Avenue NW., Washington, DC 20210; Telephone (202) 219–8721.

FOR FURTHER INFORMATION CONTACT: Joseph Olimpio, Director for Longshore and Harbor Workers' Compensation, Telephone (202) 219–8721.

SUPPLEMENTARY INFORMATION: The Longshore and Harbor Workers' Compensation Act (LHWCA) at 33 U.S.C. 901, *et seq.*, establishes a federal workers' compensation system for certain workers in covered employment. The Act establishes the general parameters of the compensation scheme, including the system for filing claims, the benefit levels to be paid, and how the liability of the employer is to be secured. In this connection the Secretary of Labor is given, among other things, general authority for initial adjudication of disputed claims, resolution of certain ancillary issues such as disputes involving the amount charged for medical treatment, and responsibility for authorizing private insurance carriers to underwrite coverage. These proposed rules address issues relating to these subjects by: (1) Clarifying that existing district office jurisdictional boundaries may be changed by notice to the affected parties; (2) eliminating certain requirements for using certified mail; (3) using the OWCP medical fee schedule as a tool to resolve disputes over the amount of medical bills; and (4) eliminating the requirement that an employer have only one insurance carrier for each compensation district.

Compensation Districts

The Act (section 39(b), 33 U.S.C. 939(b)) requires that compensation districts be established, and the regulations currently contain a listing of the districts and the states covered by them. These districts have jurisdiction over claims which arise in the states which fall within that district. The jurisdictional boundaries have changed periodically as work loads shift and other factors necessitate a change in the rules to reflect the boundary modifications. The modifications of the rules, however, have not always followed immediately after the actual change. For example, two districts were eliminated and the states therein incorporated into other districts (see 50 FR, January 3, 1985), and while the changes were purely administrative, only later were rules modified to reflect these changes.

With the increasing effort to streamline government, OWCP recognizes that the boundaries may need to be modified in the interest of efficiency of operation, and that the process for changing the boundaries should be flexible. By rescinding the existing description and providing that any changes in the future will be made through direct notice provision, the proposed rules would allow changes in the boundaries to be made more efficiently (without requiring a republication in the **Federal Register**), and more effectively (since all interested parties will be notified directly).

The change represents no substantive change, nor should this proposal be read as an indication that changes in existing boundaries are presently being considered. If is merely an attempt to take advantage of this opportunity to clarify and simplify the process.

Certified Mail

The current regulations require that the Longshore district office, or Administrative Law Judges (ALJs), as appropriate, serve the notice of deficiency of settlement applications 702.243(b)), memoranda of the informal conference 702.316 and the notice of claim given to the employer 702.224 via certified mail. The proposed rules would drop these requirements for using certified mail.

While certified mail does not add significantly to the security of the mail process, the requirement does increase costs and the amount of staff time it takes to mail a document. Approximately 9,000 pieces of mail per year must now be sent certified mail under these rules, at a cost of over $9,000 in extra mailing charges and more in staff time to complete the necessary Postal Service forms. The service to the recipients should not be significantly reduced; indeed because it will no longer be necessary for the staff to complete the mailing forms, the recipients should see an improvement in the level of service.

Use of OWCP Fee Schedule

The LHWCA provides to the Secretary significant authority for overseeing medical care of injured employees. The 1984 amendments to the Act expanded this authority to include ordering a change of physician or debarring a physician who submits bills for medical treatment where the charge exceeds the prevailing community rate for such service. The regulation implementing this provision (702.413) provides that, where a dispute arises as to whether a bill exceeds the prevailing community rate, it is resolved by the OWCP Director. The regulations provide that ''state medical fee schedules for workers' compensation charges *may* be

used'' (emphasis added) to determine what is the prevailing rate, but does not bind the Director or the parties to this methodology.

Since these regulations were put into effect, the OWCP itself has devised a medical fee schedule which the Department now proposes to use to determine the LHWCA prevailing rate. The OWCP fee schedule was enacted in 1986 and establishes a schedule of maximum allowable charges for most medical services provided to injured workers under the Federal Employees' Compensation Act (FECA), 5 U.S.C. 8101 *et seq.* See 20 CFR 10.410 and 10.411 and 51 FR 8276, for a complete explanation of the background and purpose of the schedule.

In brief, under the fee schedule and billing system, individual procedures are assigned a descriptor code using the Physicians' Current Procedural Terminology (CPT) scheme developed by the American Medical Association. Each code is then assigned a relative value unit (RVU) reflecting the relative skill, effort, risk, and time required to perform the procedure. The maximum allowable amount payable for a given service is calculated by multiplying the RVU by a conversion factor (CF). This product is in turn multiplied by a geographic index (GI) which allows for regional variations in medical costs (down to Metropolitan Statistical Areas) using the Urban Institute's Geographic Practice Cost Indices (GPCIs).

The OWCP fee schedule has proven itself over time as an efficient benchmark for determining the prevailing community rate. Indeed, it has in practice been used by district medical directors in determining prevailing community rates in LHWCA cases. This rule change, therefore, merely formalizes an existing practice.

Insurance Policies

The current rules require an employer operating within any one OWCP compensation district to insure all operations within that district through a single insurance carrier. Each LHWCA district is comprised of a number of different states (see current 20 CFR 702.101), the boundaries of which were drawn for internal administrative purposes. Insurance carriers, however, are regulated by the individual states and therefore may not do business or write LHWCA coverage in every state conforming to the LHWCA compensation districts in which an operator may have facilities. As a result, the rule requiring only one carrier severely limits the field from which an employer may choose a carrier, and could potentially leave an employer uninsured for a portion of its operations (since, for example, where may be no single insurance carrier operating in all the states in a district in which the employer has facilities). See *Simpson & Brown, Inc.* v. *Travelers Insurance Company.* CA No. 93–5287 (D. N.J. 1994) (regulation places the burden of obtaining one carrier per compensation district upon the employer and not upon an insurer).

The genesis of the rule appears to be limitations on record keeping, limitations which have long since been overcome through data processing and other improvements. OWCP recognizes the difficulties the existing rule may present and therefore proposes to abolish the requirement.

Statutory Authority

Subsections 39(a) and 39(b) of the Act, 33 U.S.C. 939(a) and (b), provide the general statutory authority for the Secretary to prescribe rules and regulations necessary for administration and enforcement of the Longshore and Harbor Workers' Compensation Act. 33 U.S.C. 907(a) provides that the Secretary of Labor may supervise the medical treatment and care, including determining the appropriateness of charges.

Classification

The Department of Labor has concluded that the regulatory proposal is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866.

Paper Reduction Act

The information collection requirements entailed by the proposed regulations have previously been approved by OMB.

Regulatory Flexibility Act

The Department believes that the rule will have ''no significant economic impact upon a substantial number of small entities'' within the meaning of section 3(a) of the Regulatory Flexibility Act. Pub. L. No. 96–354, 91 Stat. 1164 (5 U.S.C. 605(b)). Although this rule will be applicable to small entities it should not result in or cause any significant economic impact. The elimination of the requirement for insurance underwriting will provide increased flexibility and opportunity for covered employers to effect savings. The provision for determining medical charges is not expected to result in a significant difference in the outcome from that in the present method. The Secretary has so certified to the Chief Counsel for Advocacy of the Small Business Administration. Accordingly, no regulatory impact analysis is required.

List of Subjects

20 CFR Part 702

Administrative practice and procedure, Claims, Insurance, Longshoremen, Vocational rehabilitation, and Workers' compensation.

20 CFR Part 703

Insurance, Longshoremen, Workers' compensation.

For the reasons set out in the preamble, parts 702 and 703 of chapter VI of title 20 of the Code of Federal Regulations are amended as follows:

SUBCHAPTER A—LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT AND RELATED STATUTES

1. The authority citation for parts 702 and 703 are revised to read as follows:

Authority: 5 U.S.C. 301, 8171 et seq.; Reorganization Plan No. 6 of 1950, 15 FR 3174, 3 CFR, 1949–1953, Comp. p. 1004, 64 Stat. 1263; 33 U.S.C. 939; 36 D.C. Code 501 *et seq.;* 42 U.S.C. 1651 *et seq.;* 43 U.S.C. 1331; Secretary's Order 1–93, 58 FR 21190.

PART 702—ADMINISTRATION AND PROCEDURE

§ 702.101 [Removed and Reserved]

2. Section 702.101 is removed and reserved.

3. Section 702.102 is amended by revising the section heading and by redesignating paragraphs (a) and (b) as paragraphs (b) and (c) and by adding a new paragraph (a) to read as follows:

§ 702.102 Establishment and modification of compensation districts, establishment of suboffices and jurisdictional areas.

(a) The Director has, pursuant to section 39(b) of the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 939(b), established compensation districts as required for improved administration or as otherwise determined by the Director (see 51 FR 4282, Feb. 3, 1986). The boundaries of the compensation districts may be modified at any time, and the Director shall notify all interested parties directly by mail of the modifications.

(b) * * *

(c) * * *

§ 702.224 [Amended]

4. Section 702.224 is amended by removing the word ''certified.''

§§ 702.243 and 702.316 [Amended]

5. Sections 702.243(b) and 702.316 are amended by removing the words ''by certified mail.''

6. Section 702.413 is revised to read as follows:

§ 702.413 Fees for medical services; prevailing community charges.

All fees charged by medical care providers for persons covered by this Act shall be limited to such charges for the same or similar care (including supplies) as prevails in the community in which the medical care provider is located and shall not exceed the customary charges of the medical care provider for the same or similar services. Where a dispute arises concerning the amount of a medical bill, the Director shall determine the prevailing community rate using the OWCP Medical Fee Schedule (as described in 20 CFR 10.411) to the extent appropriate, and where not appropriate, may use other state or federal fee schedules. The opinion of the Director that a charge by a medical care provider disputed under the provisions of § 702.414 exceeds the charge which prevails in the community in which said medical care provider is located shall constitute sufficient evidence to warrant further proceedings pursuant to § 702.414 and to permit the Director to direct the claimant to select another medical provider for care to the claimant.

7. In § 702.414, paragraphs (a) and (c) are revised to read as follows:

§ 702.414 Fees for medical services; unresolved disputes on prevailing charges.

(a) The Director may, upon written complaint of an interested party, or upon the Director's own initiative, investigate any medical care provider or any fee for medical treatment, services, or supplies that appears to exceed prevailing community charges for similar treatment, services or supplies or the provider's customary charges. The OWCP medical fee schedule (see § 702.413) shall be used by the Director, where appropriate, to determine the prevailing community charges for a medical procedure by a physician or hospital (to the extent such procedure is covered by the OWCP fee schedule). A claim by the provider that the OWCP fee schedule does not represent the prevailing community rate will be considered only where the following circumstances are presented: (1) Where the actual procedure performed was incorrectly identified by medical procedure code; (2) that the presence of a severe or concomitant medical condition made treatment especially difficult; (3) the provider possessed unusual qualifications (board certification in a specialty is not sufficient evidence in itself of unusual qualifications); or (4) the provider or service is not one covered by the OWCP fee schedule as described by 20 CFR 10.411(d)(1). These are the only circumstances which will justify reevaluation of the amount calculated under the OWCP fee schedule. The Director's investigation may initially be conducted informally through contact of the medical care provider by the district director. If this informal investigation is unsuccessful further proceedings may be undertaken. These proceedings may include, but not be limited to: An informal conference involving all interested parties; agency interrogatories to the pertinent medical care provider; and issuance of subpoenas duces tecum for documents having a bearing on the dispute.

(b) * * *

(c) After any proceeding under this section the Director shall make specific findings on whether the fee exceeded the prevailing community charges (as established by the OWCP fee schedule, where appropriate) or the provider's customary charges and provide notice of these findings to the affected parties.

PART 703—INSURANCE REGULATIONS

§ 703.121 [Removed]

8. Section 703.121 is removed.

Signed at Washington, DC., this 1st day of May, 1995.

Ida L. Castro,

Deputy Assistant Secretary for Workers' Compensation Programs.

[FR Doc. 95–11149 Filed 5–5–95; 8:45 am]

BILLING CODE 4510–27–M

Occupational Safety and Health Administration

29 CFR Part 1926

Steel Erection Negotiated Rulemaking Advisory Committee

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of Committee meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act (FACA), notice is hereby given of a meeting of the Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC). Notice is also given of the location of the meeting. This meeting will be open to the public. Information on room numbers will be available in the lobby of the designated building. A schedule of additional meetings will be provided in a future notice.

DATES: The meeting is scheduled for May 24–26, 1995. The meeting will begin at 9:00 a.m. on May 24th.

ADDRESSES: Hyatt Hotel at Dulles Airport—2300 Dulles Corner Boulevard, Herndon, VA 22071; telephone (703) 713–1234.

FOR FURTHER INFORMATION CONTACT: Anne Cyr, Acting Director, Office of Information and Consumer Affairs, OSHA, U.S. Department of Labor, Room N–3647, 200 Constitution Avenue, N.W., Washington, D.C. 20210; telephone (202) 219–8151.

SUPPLEMENTARY INFORMATION: On May 11, 1994, OSHA announced that it had established the Steel Erection Negotiated Rulemaking Advisory Committee (SENRAC)(59 FR 24389) in accordance with the Federal Advisory Committee Act (FACA), the Negotiated Rulemaking Act of 1990 (NRA) and section 7(b) of the Occupational Safety and Health Act (OSH Act) to resolve issues associated with the development of a Notice of Proposed Rulemaking on Steel Erection. Appointees to the Committee include representatives from labor, industry, public interests and government agencies.

SENRAC began negotiations in mid June, 1994, and has met seven times since. Initial meetings dealt with procedural matters, including schedules, agendas and the establishment of workgroups. The Committee established workgroups to address issues on Fall Protection, Allocation of Responsibility, Construction Specifications and Scope. During subsequent meetings, foundations for negotiations were established and additional workgroups were formed. In addition, the resolution of issues and the drafting of a revised rule continues.

All interested parties are invited to attend the Committee meetings at the time and place indicated above. No advanced registration is required. Seating will be available to the public on a first-come, first-served basis. Persons with disabilities, who need special accommodations, should contact the Facilitator by May 17, 1995.

During the meeting, members of the general public may informally request permission to address the Committee.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N–2625, 200 Constitution Ave., N.W., Washington, D.C. 20210; telephone (202) 219–7894. Copies of these materials may be obtained by sending a written request to the Facilitator.

The Facilitator, Philip J. Harter, can be reached at Suite 404, 2301 M Street, NW, Washington, D.C. 20037; telephone (202) 887–1033, FAX (202) 887–1036.

Authority: This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, pursuant to section 3 of the Negotiated Rulemaking Act of 1990, 104 Stat. 4969, Title 5 U.S.C. 561 *et seq.*; and Section 7(b) of the Occupational Safety and Health Act of 1970, 84 Stat. 1597, Title 29 U.S.C. 656.

Signed at Washington, D.C., this 3rd day of May, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95–11236 Filed 5–5–95; 8:45 am]

BILLING CODE 4510–26–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AZ 47–1–6945b; FRL–5191–2]

Proposed Approval of Implementation Plans; Arizona—State Implementation Plan Revision, Maricopa Nonattainment Area; Basic and Enhanced Inspection and Maintenance Program for Carbon Monoxide and Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve revisions to the Arizona State Implementation Plan (SIP) which concern the implementation of both a basic inspection/maintenance (I/M) and enhanced I/M program to be implemented in ozone and carbon monoxide (CO) nonattainment areas of Arizona.

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

DATES: Comments on this proposed rule must be received in writing by June 7, 1995.

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

Copies of the SIP revision and EPA's evaluation of the SIP are available for public inspection at EPA's Region 9 office during normal business hours. Copies of the submitted SIP revisions are also available for inspection at the following locations: Arizona Department of Environmental Quality, Air Quality Division, 3033 North Central Avenue, Phoenix, Arizona 85012, Telephone: (602) 207–2300.

FOR FURTHER INFORMATION CONTACT: Roxanne Johnson, Mobile Sources Section, A–2–1, Air and Toxics Division, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, Telephone: (415) 744–1225.

SUPPLEMENTARY INFORMATION: This document concerns an Arizona Department of Environmental Quality (ADEQ) SIP revision to implement a basic and enhanced I/M program in CO and ozone nonattainment areas of Arizona. Because the Arizona legislature required upgrades for an enhanced I/M program that began January 3, 1995 which is currently running and operating smoothly, and because the State submitted a fully approvable SIP revision, the EPA decided to approve and take direct final action on the SIP submittal. For further information, please see the information provided in the direct final action which is located in the Rules Section of this **Federal Register**.

Authority: 42 U.S.C. 7401–7671q.

Dated: April 5, 1995.

John Wise,

Acting Regional Administrator.

[FR Doc. 95–10815 Filed 5–5–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[NC–60–1–6736b; FRL–5198–2]

Approval and Promulgation of Implementation Plans; North Carolina: Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program

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 North Carolina for the purpose of establishing a small business assistance program (SBAP). 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 that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by June 7, 1995.

ADDRESSES: Written comments should be addressed to: Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of North Carolina may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

State of North Carolina Department of Environment, Health and Natural Resources, Division of Environmental Management, P.O. Box 29535, Raleigh, North Carolina 27626–0535.

FOR FURTHER INFORMATION CONTACT: Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347–3555, ext. 4195.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: April 17, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–10982 Filed 5–5–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 52

[TN 107–1–6200b; FRL–5198–4]

Approval and Promulgation of Implementation Plans Tennessee: Title V, Section 507, Small Business Stationary Source Technical and Environmental Compliance Assistance Program

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 Tennessee for the purpose of establishing a Small Business Stationary Source Technical and Environmental Compliance Assistance Program (PROGRAM), which will be fully implemented by November 15, 1994. 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 that direct final rule, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this document. Any parties interested in commenting on this document should do so at this time.

DATES: To be considered, comments must be received by June 7, 1995.

ADDRESSES: Written comments should be addressed to: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Copies of the material submitted by the State of Tennessee may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365.

Division of Air Pollution Control, Tennessee Department of Environment and Conservation, L & C Annex, 9th Floor, 401 Church Street, Nashville, Tennessee 37243–1531.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Bingham, Regulatory Planning and Development Section, Air Programs Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365. The telephone number is 404/347–3555, ext. 4195.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: April 17, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–10979 Filed 5–5–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 95–58, RM–8627]

Radio Broadcasting Services; LaMesa and Tahoka, Texas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by 100.3 Radio, Inc., licensee of Station KIOL(FM), Channel 262C1, LaMesa, Texas, and West Texas Broadcasting Company, Inc., licensee of Station KMMX(FM), Channel 284C1, LaMesa, Texas, seeking the reallotment of Channel 262C1 from LaMesa to Tahoka, Texas, and the modification of Station KILO(FM)'s license to specify Tahoka as the station's community of license. Channel 262C1 can be allotted to Tahoka in compliance with the Commission's minimum distance separation requirements with a site restriction of 25.2 kilometers (15.6 miles) north. The coordinates for Channel 262C1 at Tahoka 33–23–00 and 101–43–00. In accordance with Section 1.420(i) of the Commission's Rules, we will not accept competing expressions of interest in use of Channel 262C1 at Tahoka or require the petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before June 26, 1995, and reply comments on or before July 11, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James P. Riley, Esq., Fletcher, Heald, Hildreth, 1300 North 17th Street, 11th Floor, Rosslyn, Virginia 22209 (Counsel for 100.3 Radio, Inc.); and Lawrence J. Bernard, Jr., Esq., 2000 L Street, NW, Suite 504, Washington, D.C. 20036 (Counsel for West Texas Broadcasting, Company).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making,* MM Docket No. 95–58, adopted April 26, 1995, and released May 3, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, D.C. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, Suite 140, Washington, D.C. 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95–11216 Filed 5–5–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 214

[FRA Docket No. RSOR 13, Notice No. 4]

RIN 2130–AA86

Roadway Worker Protection

AGENCY: Federal Railroad Administration (FRA); DOT.

ACTION: Schedule of Additional Advisory Committee Meetings.

SUMMARY: The Federal Railroad Administration is announcing an additional meeting of the Advisory Committee on Regulatory negotiation (concerning the protection of railroad employees who work on or adjacent to track and face the risk of injury from moving trains and equipment).

DATES: The Advisory Committee (Committee) will hold an additional meeting on the following dates:

1. Tuesday, May 16, 1995.
2. Wednesday May 17, 1995.

ADDRESSES: The meeting will be held in the 6th floor Conference room at the headquarters of the Association of American Railroads (AAR). The AAR's headquarters is located at 500 F Street N.W., Washington, D.C. 20001.

FOR FURTHER INFORMATION CONTACT: Cynthia B. Walters, Trial Attorney, Office of Chief Counsel, FRA 400 7th Street, SW, Room 8201, Washington, D.C. 20590 (Telephone: 202–366–0443).

SUPPLEMENTARY INFORMATION: On August 17, 1994 FRA published a notice of intent to establish an Advisory Committee (59 FR 42200). FRA also published a notice establishing this Committee on January 5, 1995 (60 FR 1761), as well as publishing a notice of scheduled meetings on February 15, 1995 (60 FR 8619). Consistent with these notices, the continued objective of this Committee is to produce a report, including a draft notice of proposed rulemaking (NPRM) recommending a course of action for FRA to follow that will prevent roadway worker injuries and fatalities.

The committee members, facilitators, and FRA determined that an additional meeting was needed to resolve pending issues. With this in mind, FRA continues to believe that public participation is critical to the success of this process. This negotiation session will also be open to the public, in accordance with the Federal Advisory Committe Act (Pub. L. 92–463).

Issued this 2nd day of May, 1995.

S. Mark Lindsey,

Chief Counsel, Federal Railroad Administration.

[FR Doc. 95–11211 Filed 5–5–95; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 671, 672, 675, and 676

[I.D. 050195A]

Limited Access Management of Federal Fisheries In and Off of Alaska; Groundfish and Crab Fisheries Moratorium

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

ACTION: Notice of availability of amendments to fishery management plans; request for comments.

SUMMARY: The North Pacific Fishery Management Council (Council) has submitted Revised Amendment 23 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, Revised Amendment 28 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (GOA), and Revised Amendment 4 to the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands (BSAI) for review by NMFS. Revised FMP Amendments 23, 28, and 4 would establish a moratorium on the entry of new vessels into groundfish fisheries of the GOA and the BSAI and the king and Tanner crab fisheries in the BSAI. Comments are requested from the public.

DATES: Comments on the revised amendments to the fishery management plans (FMP) are requested from the public and must be submitted by June 1, 1995.

ADDRESSES: Comments on the revised FMP amendments must be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, 709 West 9th Street, Juneau, AK 99801, or P.O. Box 21668, Juneau, AK 99802, Attention: Lori J. Gravel. Copies of the proposed amendments and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis for the moratorium may be obtained from the North Pacific Fishery Management Council, P.O. Box 103136, Anchorage, AK 99510.

FOR FURTHER INFORMATION CONTACT: Jay Ginter, 907–586–7228.

SUPPLEMENTARY INFORMATION:

The Magnuson Fishery Conservation and Management Act (Magnuson Act) requires that each Regional Fishery Management Council submit any fishery management plan or plan amendment it prepares to NMFS for review and approval, disapproval, or partial disapproval. The Magnuson Act also requires that NMFS, after reviewing the plan or plan amendment, immediately publish a notice in the **Federal Register** that the plan or plan amendment is available for public review and comment. NMFS will consider the public comments received during the comment period in determining whether to approve these revised FMP amendments.

The three revised FMP amendments would establish a 3-year moratorium on the entry of new vessels into the groundfish fisheries of the GOA and the BSAI and the king and Tanner crab fisheries of the BSAI. The purpose of the moratorium is to curtail increases in harvesting capacity and provide industry stability while the Council assesses long-term management alternatives for the affected fisheries.

The vessel moratorium would be implemented through the issuance of a Federal moratorium permit to a vessel that meets specific length restrictions and on which a legal landing of any moratorium species was made during the qualification period. A moratorium permit will not be valid unless the permit has at least one endorsement for the use of authorized fishing gear. Specific eligibility requirements for the moratorium permit and the fishing gear endorsements are contained in the Federal regulations proposed by the Council to implement Revised FMP Amendments 23, 28, and 4. The proposed regulations are scheduled to be published within 15 days of this document.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 2, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–11175 Filed 5–2–95; 3:53 pm]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 60, No. 88

Monday, May 8, 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

Foreign-Trade Zones Board

[Docket 16–95]

Proposed Foreign-Trade Zone—Lenoir County, North Carolina (Beaufort-Morehead City Customs Port of Entry)

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the North Carolina Global TransPark Authority, a North Carolina public corporation (the TransPark Authority), to establish a general-purpose foreign-trade zone in Lenoir County, North Carolina, adjacent to the Beaufort-Morehead City Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on April 25, 1995. The applicant is authorized to make the proposal under Chapter 55C of the North Carolina General Statutes.

The proposed zone would be the second general-purpose zone in the Beaufort-Morehead City Customs port of entry area. The existing zone is FTZ 67 in Morehead City, some 60 miles distant (Grantee: North Carolina Department of Commerce, Board Order 174, 46 F.R. 22919, April 22, 1981).

The proposed zone site (1,170 acres) would cover the Kinston Regional Jetport complex, approximately one mile northwest of the City of Kinston in Lenoir County. The Jetport is part of the North Carolina Global TransPark (TransPark) project, a new 15,000-acre manufacturing, distribution, transportation and logistics facility currently under development. The Jetport is owned by the City of Kinston and Lenoir County, and it is operated by the County of Lenoir-City of Kinston Airport Commission. The TransPark Authority has an option to acquire the Jetport.

The application contains evidence of the need for additional zone services in the Beaufort-Morehead City port of entry area. Several firms have indicated an interest in using zone procedures within the proposed project for warehousing/distribution of such items as plastics products, cedar wood products, electric forklift trucks, fine china, flashlights and lanterns, and cold storage products. Specific manufacturing approvals are not being sought at this time. Requests would be made to the Board on a case-by-case basis.

In accordance with the Board's regulations, a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

As part of the investigation, the Commerce examiner will hold a public hearing on June 8, 1995, 9:00 a.m., in the Auditorium, Main Building, Lenoir Community College, Intersection of US 58 South and US 70 East, Kinston, North Carolina.

Public comment on the application is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 7, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to July 24, 1995).

A copy of the application and accompanying exhibits will be available during this time for public inspection at the following locations:

Neuse Regional Library, Kinston-Lenoir County Public Library, 510 N. Queen Street, Kinston, North Carolina 28501

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: April 28, 1995

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–11254 Filed 5–5–95; 8:45 am]

BILLING CODE 3510–DS–P

[Docket A(32b1)–6–95]

Foreign-Trade Zone 122—Corpus Christi, TX, Subzone 122L, Koch Refining Company (Crude Oil Refinery Complex); Request for Modification of Restriction

A request has been submitted to the Foreign-Trade Zones Board (the Board) by the Port of Corpus Christi Authority, grantee of FTZ 122, pursuant to § 400.32(b)(1) of the Board's regulations, for modification of the restrictions in FTZ Board Order 535 authorizing Subzone 122L at the crude oil refinery complex of Koch Refining Company (Koch) in Corpus Christi, Texas. The request was formally filed on April 26, 1995.

The FTZ Board approved subzone status for the Koch refinery in 1991 (Subzone 122L, Board Order 535, 56 FR 43905, 9/5/91). The approval was subject to certain standard restrictions, including one that required the election of privileged foreign status on incoming foreign merchandise.

The company is now requesting that this restriction be modified so that it would have the option available under the FTZ Act to choose non-privileged foreign (NPF) status on foreign refinery inputs used to produce certain petrochemical feedstocks and by-products including the following: Benzene, toluene, xylenes, hydrocarbon mixtures, distillates/residual fuel oils, kerosene, naphthas, liquified natural gas, ethane, propane, butane, ethylene, propylene, butylene, butadiene, petroleum coke, asphalt, sulfur, sulfuric acid, cumene and pseudocumene.

The request cites the FTZ Board's recent decision in the Amoco, Texas City, Texas case (Board Order 731, 60 FR 13118, 3/10/95) which authorized subzone status with the NPF option noted above. In the Amoco case, the Board concluded that the restriction that precluded this NPF option was not needed under current oil refinery industry circumstances.

Public comment on the proposal is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is June 7, 1995.

A copy of the application and accompanying exhibits will be available for public inspection at the following

location: Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 3716, 14th & Pennsylvania Avenue NW., Washington, DC 20230.

Dated: May 1, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–11253 Filed 5–5–95; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

[A–570–835]

Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China

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

EFFECTIVE DATE: May 8, 1995.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Greg Thompson, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–5288 or (202) 482–2336, respectively.

Final Determination

We determine that furfuryl alcohol from the People's Republic of China (PRC) is being, or is likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the ''Continuation of Suspension of Liquidation'' section of this notice.

Case History

Since the preliminary determination of sales at LTFV on December 9, 1994, (59 FR 65009, December 16, 1994), the following events have occurred:

Verification of the questionnaire responses was conducted in February 1995. Reports concerning these verifications were issued in March 1995.

QO Chemicals, Inc. (the petitioner) as well as Qingdao Chemicals & Medicines & Health Products Import & Export Company (Qingdao) and Sinochem Shandong Import & Export Company (Sinochem Shandong) (together referred to as respondents) submitted case and rebuttal briefs on March 27 and 30, 1995, respectively. A public hearing was held on April 3, 1995. Inasmuch as the submitted briefs contained certain untimely, new information, the Department of Commerce (the Department) issued letters to the petitioner and the respondents concerning the redaction from the record of this new information on April 10, 1994.

Scope of Investigation

The product covered by this investigation is furfuryl alcohol ($C_4H_3OCH_2OH$). Furfuryl alcohol is a primary alcohol, and is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes.

The product subject to this investigation is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Period of Investigation

The period of investigation (POI) is December 1, 1993 through May 31, 1994.

Separate Rates

Both of the participating exporters, Qingdao and Sinochem Shandong have requested a separate, company-specific dumping margin. Their respective business licenses indicate that they are owned ''by all the people.'' In the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585, (May 2, 1994) (*Silicon Carbide*) and the *Final Determination of Sales at Less Than Fair Value: Coumarin from the People's Republic of China*, 59 FR 66895 (December 28, 1994) (*Coumarin*), we found that the PRC central government had devolved control of state-owned enterprises, *i.e.*, enterprises ''owned by all the people.'' As a result, we determined that companies owned ''by all the people'' were eligible for individual rates, if they met the criteria developed in the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China* 56 FR 20588 (May 6, 1991) (*Sparklers*) and amplified in *Silicon Carbide*. Under this analysis, the Department assigns a separate rate only when an exporter can demonstrate the absence of both *de jure* and *de facto* governmental control over export activities.

De Jure Analysis [1]

The PRC laws placed on the record of this investigation establish that the responsibility for managing companies owned by ''all the people,'' including the respondent companies, has been transferred from the government to the enterprises themselves. These laws include: ''Law of the People's Republic of China on Industrial Enterprises Owned by the Whole People,'' adopted on April 13, 1988 (1988 Law); ''Regulations for Transformation of Operational Mechanism of State-Owned Industrial Enterprises,'' approved on August 23, 1992 (1992 Regulations); and the ''Temporary Provisions for Administration of Export Commodities,'' approved on December 21, 1992 (1992 Export Provisions). In particular, the 1988 Law states that enterprises have the right to set their own prices (*see* Article 26). This principle was restated in the 1992 Regulations (*see* Article IX).

The 1992 Export Provisions list includes those products subject to direct government control. In April 1994, the ''Emergent Notice of Changes in Issuing Authority for Export Licenses Regarding Public Quota Bidding for Certain Commodities'' (1994 Quota Measure) entered into force, superseding earlier laws that had listed the subject merchandise. Although furfuryl alcohol was on the 1992 version of the Export Provisions list, it has since been removed. (*See* discussion in Comment 1.)

Consistent with *Silicon Carbide*, we determine that the existence of these laws demonstrates that Qingdao and Sinochem Shandong, companies owned by ''all the people,'' are not subject to *de jure* control.

In light of reports [2] indicating that laws shifting control from the government to the enterprises themselves have not been implemented uniformly, our analysis of *de facto* control becomes critical in determining whether respondents are, in fact, subject to governmental control.

De Facto Control Analysis [3]

In the course of verification, we confirmed that export prices for both

[1] Evidence supporting, though not requiring, a finding of *de jure* absence of central control includes: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; or (3) any other formal measure by the government decentralizing control of companies.

[2] *See* ''PRC Government Findings on Enterprise Autonomy,'' in Foreign Broadcast Information Service-China-93–133 (July 14, 1993) and 1992 Central Intelligence Agency Report to the Joint Economic Committee, Hearings on Global Economic and Technological Change: Former Soviet Union and Eastern Europe and China, Pt. 2 (102 Cong., 2d Sess.).

[3] The factors considered include: (1) Whether the export prices are set by or subject to the approval of a governmental authority; (2) whether the

Qingdao and Sinochem Shandong are not set by, nor subject to approval of, any government authority. This point was supported by the companies' sales documentation and customer correspondence. We also confirmed, based on examination of documents related to sales negotiations, written agreements and other correspondence, that respondents have the authority to negotiate and sign contracts and other agreements independent of government intervention. Moreover, the respondents' financial statements, accounting records, and bank statements support the conclusion that these companies retain the proceeds of their export sales and finance their losses.

Based on our examination of company records during verification, we have determined that both Qingdao and Sinochem Shandong had autonomy from the central government in making decisions regarding the selection of management. Qingdao's general manager is selected for a three-year term by worker elections. Sinochem Shandong's general manager is selected by worker elections for a term of five years. We found no involvement by any government entity in the selection of management or of hiring for either company. See the verification reports for Qingdao (March 3, 1995) and Sinochem Shandong (March 22, 1995).

Conclusion

For both Sinochem Shandong and Qingdao, the record demonstrates an absence of *de jure* and *de facto* government control. Accordingly, we determine that each of these exporters should receive a separate rate. (For further discussion, *see* Comment 1 below and the concurrence memorandum, dated May 1, 1995, on file in Room B–099 of the main Department of Commerce Building.)

Nonmarket Economy

The PRC has been treated as a nonmarket economy country (NME) in all past antidumping investigations. Given that no information has been provided in this proceeding that would lead us to conclude otherwise, in accordance with section 771(18)(c) of the Act, we continue to treat the PRC as an NME for purposes of this investigation.

Surrogate Country

Section 773(c)(4) of the Act requires the Department to value the NME producers' factors of production, to the extent possible, in one or more market economy countries that are (1) at a level of economic development comparable to that of the NME country, and (2) significant producers of comparable merchandise. As stated in our preliminary determination, the Department has determined that Indonesia is the most suitable surrogate for purposes of this investigation. Based on available statistical information, Indonesia is at a level of economic development comparable to that of the PRC. Further, Indonesian government statistics and other data indicate that the country is a significant producer of furfuryl alcohol. Based on available information, Indonesia is the only surrogate country, of those identified by our Office of Policy, that meets both of these criteria.

For those adjustments to United States price that we have been unable to value using information from Indonesia, we have used India as the surrogate. India is economically comparable to the PRC and is a significant producer of furfuryl, which is comparable to furfuryl alcohol within the meaning of section 773(c)(1). Furfuryl is the feedstock, and the major input, in the production of furfuryl alcohol. (*See* memoranda to the file, dated November 22, 1994 and March 23, 1995, and memorandum from David Mueller, Director, Office of Policy to Gary Taverman, Acting Director, Office of Antidumping Investigations, dated August 2, 1994, furfuryl alcohol from the People's Republic of China, Non-Market Economy Status and Surrogate Country Selection.)

Fair Value Comparisons

To determine whether sales of furfuryl alcohol from the PRC to the United States by Sinochem Shandong and Qingdao were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the ''United States Price'' and ''Foreign Market Value'' sections of this notice.

United States Price

United States price was calculated on the basis of purchase price, as described in the preliminary determination, in accordance with section 772(b) of the Act. Pursuant to findings at verification, we made minor adjustments to foreign inland freight, sales quantities and the date of payment for certain sales reported by Sinochem Shandong. We also made an adjustment for Sinochem Shandong's iso-tanker rental expense (*see* Comment 11). In the case of Qingdao, we adjusted its reported amounts for ocean freight. (*See* calculation memorandum, attached to the Department's concurrence memorandum of May 1, 1995).

Foreign Market Value

In accordance with section 773(c) of the Act, we calculated FMV based on the factors of production reported by the factories in the PRC which produced the subject merchandise for the two participating exporters. We calculated FMV for this final determination as discussed in the preliminary determination, making adjustments for specific verification findings and certain revisions to surrogate values, discussed below (*see*, also, calculation memorandum attached to the concurrence memorandum of May 1, 1995).

In our December 9, 1994, preliminary determination, we had valued individually the energy inputs used to produce the subject merchandise. We subsequently received additional information from the U.S. Embassy in Jakarta indicating that energy costs and indirect labor were included in the factory overhead rate used in our margin calculations (*see* memorandum to the file, dated March 23, 1995). Therefore, to avoid double-counting costs, we no longer have applied individual values for energy inputs in the final determination.

The Indonesian labor rates used in our preliminary determination were those that the Department had relied upon in the *Preliminary Determination of Sales at Less Than Fair Value: Disposable Pocket Lighters from the PRC,* 59 FR 64191, December 13, 1994 (*Lighters*). In the *Final Determination of Sales at Less Than Fair Value: Disposable Pocket Lighters from the PRC,* signed on April 27, 1995 (*Lighters Final*), the Department found that these labor rates were not appropriate for valuing labor factors. Therefore, for the *Lighters Final,* the Department relied on updated labor figures for skilled and unskilled labor obtained from *Doing Business in Indonesia* (1991) and the International Labor Office's *1994 Special Supplement to the Bulletin of Labor Statistics*. We have adopted the revised labor rates for this investigation as well.

Additionally, we revised the surrogate values for the material inputs of sulfuric acid and ammonia water because we determined that the 1993 Indonesian import values used in the preliminary determination were inappropriate. (For the details of our analysis of these

respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses (*see, Silicon Carbide*).

values, *see* the calculation memorandum attached to the concurrence memorandum of May 1, 1995). Since the Indonesian import values for both sulfuric acid and ammonia water were found to be inappropriate, we based our calculations on the export values derived from the Indonesian *Foreign Trade Statistical Bulletin—Exports,* November 1993.

For the primary material input, furfuryl, we continued to rely on the Indonesian selling price supplied by the U.S. Embassy in Jakarta because it was the information on the record most contemporaneous to the POI. We applied this value to furfuryl that was purchased and used in the production of furfuryl alcohol. For those factories that also produced their own furfuryl, we constructed a surrogate value from verified factor data for this input. This surrogate value was then applied to the amount of self-produced furfuryl used to make furfuryl alcohol during the POI (*see* Comment 4).

China-Wide Rate

The Ministry of Foreign Trade and Economic Cooperation (MOFTEC) and the China Chamber of Metals, Minerals & Chemical Importers & Exporters identified what we believe to be the only two PRC exporters of furfuryl alcohol to the United States during the POI. Both have responded in this investigation. We compared the respondents' sales data with U.S. import statistics for the period of investigation and found no inconsistencies. Accordingly, we have based the China-wide rate on the weighted-average of the margins calculated in this proceeding.

Verification

As provided in section 776(b) of the Act, we verified all the information relied upon for this final determination.

Interested Party Comments

Comment 1: Separate Rates Eligibility

The respondents contend that the Department should uphold its preliminary determination and issue separate rates to both Qingdao and Sinochem Shandong. They argue that the information on the record, as verified by the Department, supports their claims regarding the lack of central government ownership and the absence of *de jure* and *de facto* governmental control. Therefore, respondents assert, they are eligible for receiving separate, calculated margins in the final determination.

The petitioner argues that the respondents are subject to significant control by the PRC government and are, thus, ineligible to receive separate rates in the final determination. According to the petitioner, governmental control is evidenced by several factors that apply both generally and selectively to the respondents in this investigation.

First, the petitioner argues that the 1988 Law provides an example of *de jure* control by the central government. Petitioner points to chapter VI, article 55, of the 1988 Law, which states that the PRC government has the authority to ''issue mandatory plans'' to enterprises.

Second, the petitioner makes reference to a 1994 World Bank report, ''China Foreign Trade Reform,'' that was cited with approval in the Department's determination in *Coumarin*. This report states that the foreign contract system in the PRC has ''the effect of holding local authorities and FTCs [foreign trade companies] to what are in effect mandatory export targets.''

Third, the petitioner refers to the 1992 Export Provisions which indicate that furfuryl alcohol is subject to quotas on exports to Japan and the European Community (EC). According to the petitioner, the imposition of these export quotas had an indirect effect on exports of furfuryl alcohol to the U.S. market.

Fourth, the petitioner contends that the Department has determined that if a product is included on the 1992 Export Provisions list, then it is subject to mandatory plans and export targets (*see Coumarin*).

Focusing specifically on Sinochem Shandong, the petitioner alleges that this exporter is a subsidiary of the national trading company, China National Chemicals Import and Export Corporation (commonly known as Sinochem Import & Export Corporation) which, in turn, is under the control of the State Council. The petitioner argues that the linkage between these entities is established by (a) the 1994 company catalog of Sinochem Shandong, and (b) the 1992 ''Directory of Chinese Enterprises for Foreign Economic Relations and Trade'' which suggests that Sinochem Shandong is under the control of the State Council.

In response, Qingdao and Sinochem Shandong assert that the provisions of the 1988 Law concerning mandatory plans are not applicable to the furfuryl alcohol industry. Furthermore, the 1992 Regulations, indicate that the responsibility for managing enterprises ''owned by all of the people'' is with the enterprises themselves and not with the government.

On the subject of furfuryl alcohol export quotas, the respondents agree with the Department's preliminary determination that such quotas are not applicable to PRC exports to the United States. According to the respondents, any suggestion that the quotas on exports to the EC and Japan might have had some distortive effect on pricing of furfuryl alcohol exports to the United States is ''pure speculation.''

Regarding the specific allegation against Sinochem Shandong, that company states that the national trading company was dismantled during the 1992 decentralization and its former branches made independent. It notes, moreover, that the Department had granted Sinochem Shandong a separate rate in past investigations.

DOC Position

We disagree with the petitioner. Regarding petitioner's argument that the 1988 Law allows for the imposition of mandatory plans, we note that (1) the 1992 Regulations, which further devolved control from the government to the enterprises, provides that ''enterprises have the right to reject mandatory plan targets'' (Article VIII), and (2) we confirmed at verification that these exporters (a) establish their own export prices; (b) negotiate their own sales without guidance from any government entities; (c) select their own management without interference from any government entities; and d) retain the proceeds from the sales of the subject merchandise.

Regarding the petitioner's argument about the 1992 Export Provisions, we recognize that furfuryl alcohol was included on the list of commodities that were subject to export quotas. However, as stated in the preliminary determination, these quotas were confined to exports to Japan and the countries of the European Community and were not applicable to PRC exports to the United States. Petitioner did not offer any explanation as to how the quotas on exports to the EC countries and Japan might have affected the pricing of the PRC sales of furfuryl alcohol to the United States. Moreover, furfuryl alcohol is not included in the more recent 1994 Quota Measure.

With regard to the specific allegation concerning Sinochem Shandong, the Department found Sinochem Shandong eligible for a separate rate, on a *de jure* basis, on the ground that the national trading company was dismantled and its former branches became independent (*see Sparklers* and *Final Determination of Sales at Less Than Fair Value: Sulfur Dyes From the People's Republic of China*, 58 FR 7537–38 (February 8, 1993). The 1992 ''Directory of Chinese Enterprises for Foreign Economic Relations and Trade'' referenced by the

petitioner is outdated; the Sinochem national trading company was dismantled after the directory was compiled. As stated in the ''Separate Rates'' section of this notice, we therefore find that the administrative record in this investigation supports a final determination that there is the *de jure* and *de facto* absence of governmental control over the export activities of both respondents. Consequently, we find that these exporters have met the criteria for application of separate rates.

Comment 2: Assigning Separate Rates for Different Suppliers

The respondents urge the Department to determine separate rates for each manufacturing respondent and to establish dual rates for trading companies sourcing from two manufacturers. In support of this request, the respondents cite to the *Final Determination of Sales at Less Than Fair Value: Certain Cased Pencils* from the PRC, 59 FR 55625 (November 8, 1994) (*Pencils*).

The petitioner argues that respondents' reliance on *Pencils* is misplaced, noting that the Department established factory-specific rates in that case to prevent investigated producer/exporter combinations with no dumping margin from becoming conduits for merchandise produced by producers that had been found to have positive dumping margins. Accordingly, the petitioner urges that respondents' request be rejected.

DOC Position

We agree with the petitioner. The Department's practice is to apply separate rates only to those exporters of the subject merchandise who responded to the Department's questionnaire, whose responses were verified on this issue, and who satisfy the criteria of our separate rates test. For those exporters that have multiple suppliers, margins are based on weighted-average FMVs (*see, Coumarin*, 59 FR 66895, 66899).

In *Pencils*, the Department found no dumping margin for one exporter based upon the factors of production provided by the suppliers of that exporter. The Department determined that, for purposes of exclusion from the order, the exclusion applied only to the exporter's sales of merchandise produced by those suppliers. If the exporter sold merchandise produced by other suppliers, that merchandise would be subject to the order at the ''China-wide'' rate. The Department assigned a margin based on the weighted-average FMV of all suppliers to other exporters that did not qualify for exclusion. In this investigation, because none of the exporter-supplier combinations are without a dumping margin, the Department assigned each exporter a rate based on the respective weight-average FMV of the exporter/producer combinations.

Comment 3: Market-Oriented Treatment for Certain Inputs

At the preliminary determination, respondents requested market-oriented-industry (MOI) treatment and the use of domestic PRC prices for major *inputs* in the production of furfuryl alcohol (furfuryl and its primary material input, corn cobs). The Department rejected respondents' claim. In its subsequent briefs, the respondents argued that MOI treatment and the use of domestic PRC prices was appropriate for the furfuryl alcohol itself.

The petitioner cites the *Final Determination of Less Than Fair Value: Sulfanilic Acid from the PRC*, 57 FR 29705 (July 6, 1992) (*Sulfanilic Acid*), for the proposition that the MOI test is not and should not be applied on an input-by-input basis.

DOC Position

The Department's practice with MOI claims has been to require the respondents to show that the *subject merchandise* is produced within an MOI. Showing that a respondent purchases one input at a market-determined price (which we have not concluded in this investigation) is relevant but, alone, not sufficient to find an MOI for the subject merchandise (*Sulfanilic Acid*, 57 FR 29705). Respondents failed to show that the other inputs were available at market-determined prices. Accordingly, respondents have not demonstrated eligibility for MOI treatment and, in accordance with the statute, we must determine FMV on the basis of surrogate market economy values for inputs produced or purchased within the PRC.

Comment 4: Constructed Surrogate Value for All Furfuryl

The respondents urge the Department to use the reported factors of production to value both self-produced and purchased furfuryl during the POI. They argue that, according to the *Omnibus Trade and Competitiveness Act of 1988* (*1988 Act*), the Department's first preference in determining FMV in an NME investigation is the calculation of the value of factors of production. Since the Department has verified the factors of production in the PRC, using the actual factor inputs and surrogate values for those inputs is the most accurate way to value furfuryl. The respondents assert that, at a minimum, the factors of production of furfuryl should be used to value both the furfuryl produced and the furfuryl purchased for the producers that did both during the POI.

The petitioner contends that the respondents' reference to the change to using factor inputs and surrogate values for NME investigations in the *1988 Act* is both factually and legally incorrect. To support its assertion, the petitioner states: (1) The Department has not constructed a surrogate value for furfuryl produced in the PRC as claimed by the respondents—the factors of production for furfuryl, based on the few responding producers in this investigation, are not necessarily applicable to all furfuryl producers in the PRC; (2) the *1988 Act* requires merely that the Department value in a surrogate country input factors of production of the subject merchandise; and (3) no statutory support exists for applying one NME producer's factors of production to another NME manufacturer's product.

DOC Position

We agree with the petitioner that the *1988 Act* does not support the respondents' proposal. In accordance with the statute's direction to measure and value ''the factors of production utilized in the production of the merchandise,'' we valued the inputs for furfuryl for the factories producing furfuryl. For those factories that purchased furfuryl for their production of furfuryl alcohol, we continued to treat the purchased furfuryl as the input to be valued on the basis of a surrogate.

Comment 5: Corn Cob Value

The petitioner argues that corn cobs, a primary direct material of furfuryl and, therefore, furfuryl alcohol, should be assigned a value based on a price in one of the surrogate countries. In the preliminary determination the Department, based on information provided in a cable from the U.S. Embassy in Indonesia, treated corn cobs as an agricultural waste product and only assigned corn cobs the costs applicable to transporting corn cobs to the factory. The petitioner contends that it is inapposite to treat corn cobs as agricultural waste because the respondents have to pay for corn cobs. If a price for corn cobs is unavailable in Indonesia, the petitioner urges the Department to use a price from another surrogate country.

The respondents argue that if furfuryl production is based on the use of market factors, including corn cobs, then home market prices should be used for these factors. If, however, the Department continues to value furfuryl production

using the factor methodology, the respondents contend that corn cobs should be valued at Indonesian prices, as established in the preliminary determination.

DOC Position

We agree with the petitioner that corn cobs should be assigned a value based on a price in one of the surrogate countries. However, we disagree with the petitioner that it is inapposite to treat corn cobs as agricultural waste because the respondents pay for corn cobs. In this investigation, we obtained information relating to the value of corn cobs in the surrogate country, Indonesia. In Indonesia, corn cobs are treated as agricultural waste and have no commercial value. Inasmuch as we valued these corn cobs on the basis of our surrogate country methodology, the surrogate value is appropriate.

Comment 6: Inappropriate Import Value for Furfuryl

The petitioner contends that the Department should rely on publicly available information from 1992 Indonesian import statistics rather than a price quote received from a factory in Indonesia to value furfuryl.

DOC Position

As in the preliminary determination, we used the respective factors of production in our calculation of FMV for the furfuryl that was produced by the respondents; however, for the furfuryl that was purchased, we based the value on cable information received from the U.S. Embassy in Indonesia. As stated in the calculation memorandum attached to the concurrence memorandum, dated December 9, 1994, the 1992 value that the petitioner is referring to is publicly available, but it is less contemporaneous with the POI than the cable information, and therefore, was rejected.

Comment 7: Zhucheng's Claimed By-Product Credit

The petitioner urges the Department to reject Shandong Zhucheng Chemical Company Limited's (Zhucheng) claimed by-product credit for a factor of production because the information was submitted during verification and, therefore, constitutes an untimely submission of data.

The respondents argue that the record in this investigation indicates that the petitioner improperly characterized Zhucheng's claimed credit as untimely. Zhucheng indicates that it had reported the credit in its original response to Section D of the Department's questionnaire. While the respondents acknowledge that they provided a correction and calculation worksheet on this topic at verification, they argue that the documentation is fully in line with that which the Department normally accepts or requires at verification. Accordingly, the respondents request that the Department use the verified credit information in the final margin calculations.

DOC Position

While we agree with the respondents that this information was not untimely, we did not include this credit in our final margin calculations because, as noted in our verification report, Zhucheng was unable to provide documentation to support its worksheet calculations for the credit amount of the factor. (For a further discussion of this issue, *see* our calculation memorandum attached to the May 1, 1995, concurrence memorandum and Zhucheng's verification report at page 17, dated March 22, 1995).

Comment 8: Zhucheng's Understated Usage of Corn Cobs

The petitioner argues that the Department's verification revealed that Zhucheng underreported its consumption of corn cobs, and that the Department should base its final margin calculations on the verified amounts.

According to the respondents, the petitioner has mischaracterized the Department's verification findings. The respondents suggest that the understatement was related to impurities, not corn cobs. The respondents also suggest that Zhucheng quite properly reported corn cob consumption, not the consumption of both the factor corn cobs and the impurities. However, the respondents view petitioner's argument as irrelevant because corn cobs are considered an agricultural waste in the surrogate, Indonesia.

DOC Position

We agree with the petitioner that Zhucheng underreported its consumption of corn cobs. Our questionnaire requests respondents to report the gross, not net, amount of materials consumed in the production of the subject merchandise. Therefore, we have increased Zhucheng's consumption of this input, as verified. Inasmuch as the surrogate information in Indonesia assigns no monetary value to corn cobs, this increase in consumption will have an affect only on the expenses to transport the corn cobs to the furfuryl alcohol factory.

Comment 9: Zhucheng's Reallocation of Labor Hours

The petitioner contends that the Department should reject Zhucheng's reallocation of labor hours presented at verification because the information is both untimely and without merit.

According to the respondents, the petitioner has misinterpreted the record in arguing that Zhucheng submitted new data on labor hours in the middle of verification. The respondents emphasize that Zhucheng had reported labor hours in its original questionnaire responses to the Department. At verification, the respondents contend that the Department was able to review Zhucheng's records on labor and assess the proper division of direct, indirect and unrelated labor. Inasmuch as Zhucheng's reallocation verified without discrepancy, the respondents request that the Department include its verification findings on labor in its final margin calculations.

DOC Position

We agree with the respondents. As noted in our verification report, Zhucheng had overstated the amount of labor used for producing the input furfuryl because the reported amounts included both indirect and unrelated labor. Since our surrogate value for factory overhead includes indirect labor and it is the Department's practice to only include the production labor related to the subject merchandise, we have revised our final calculations on labor to avoid double counting indirect labor.

Comment 10: Zhucheng's Self-Produced Input, Hydrogen

Zhucheng requests that the Department revise its valuation of hydrogen for the final determination by not valuing it separately. The company argues that the costs associated with the manufacture of this input are included in the surrogate value for factory overhead and that the Department's separate valuation of this input constitutes double counting.

The petitioner argues that the Department should reject Zhucheng's attempt to disregard hydrogen as a direct material and assign a factor value to the process used to produce this input. Moreover, inasmuch as the respondent failed to report usage rates for this process, the petitioner urges that the Department assign a value based upon the best information otherwise available.

DOC Position

We confirmed that the process necessary to produce hydrogen is

accounted for in the surrogate value for factory overhead and that to value the company's input separately would involve double counting. Therefore, we have not assigned a separate value to hydrogen in our calculations for the final determination. (For a further discussion of this issue, see our calculation memorandum attached to the concurrence memorandum of May 1, 1995).

Comment 11: Iso-Tanker Rental Expense

The petitioner asserts that, in computing movement expenses, the Department should include a rental expense for iso-tankers used by Sinochem Shandong because the Department verified that these expenses were incurred. The petitioner argues that it is appropriate to rely on the public information provided in the petition for the valuation of these expenses in the final margin calculations.

DOC Position

We agree with the petitioner that Sinochem Shandong incurred a rental expense for transporting the subject merchandise in iso-tanker trucks during the POI. Given that we were unable to obtain any publicly available data, or other information, regarding this expense in any of our surrogate countries, we relied on the publicly available information in the petition for the rental of iso-tanker trucks from Thailand for shipments to the United States to derive a MT per kilometer cost. We applied this figure to the distance between the factory and the port for each PRC supplier of Sinochem Shandong.

Comment 12: BIA for Sinochem Shandong

The petitioner argues that the Department should use BIA to calculate a margin for Sinochem Shandong because it failed to furnish a complete list of suppliers that provided the furfuryl alcohol it sold to the United States during the POI. The petitioner states that the reported suppliers did not deliver furfuryl alcohol from a total of five invoices in time for one of Sinochem Shandong's shipments. Accordingly, the petitioner asserts that Sinochem Shandong must have purchased the furfuryl alcohol elsewhere, and has failed to disclose that supplier to the Department.

The respondents contend that the petitioner's allegation regarding Sinochem Shandong's sourcing is unfounded. The respondents argue that the integrity of Sinochem Shandong and its suppliers are demonstrated in the Department's verification reports and, therefore, there is no reason to use BIA. To support their argument, the respondents cite to the Department's verification reports.

DOC Position

We agree with the respondents that the sales reported by Sinochem Shandong and by its suppliers did, in fact, correspond, and that the discrepancy was only a result of differences in the bookkeeping practices of these different entities. For these reasons, we relied on Sinochem Shandong's verified data and did not resort to using BIA to calculate its margin.

Comment 13: Additional Movement Expenses for Qingdao

The petitioner asserts that the Department should deduct from the USP the additional expenses incurred for the movement of Qingdao's furfuryl alcohol from the point of shipment to the point of delivery. At verification, Qingdao indicated that it received partial payment for certain invoices and that the difference between the invoiced amounts and the actual payments represents movement expenses. The petitioner argues that these movement expenses must be accounted for in the Department's calculations.

The respondents indicate that the record demonstrates that these additional charges are not those of Qingdao and that this was affirmed at verification. Accordingly, it would be inappropriate to charge these additional movement expenses to Qingdao.

DOC Position

We agree with the respondents. The Department verified that only partial payments for three U.S. sales had been forwarded by the customer to Qingdao because of a dispute over shipping charges between the shipper and Qingdao's customer. Both Qingdao and its customer acknowledge that these charges are not the responsibility of Qingdao. The customer stated that it will complete payment to Qingdao as soon as the issue with the shipper is resolved (see Qingdao verification report, dated March 20, 1995). Accordingly, the Department is satisfied that a third party, not Qingdao, is liable for the additional movement expenses.

Comment 14: Ministerial Error on Packing

The respondents state that the Department should correct the multiplication errors made in calculating packing expenses in the preliminary determination. Specifically, they state that for the producers Zibo Gaintact Chemical Company Limited and Zhucheng, the Department incorrectly multiplied the drum cost per metric ton by the number of drums in a metric ton. In addition, the respondents state that with respect to the producers Linzi Organic Chemicals Co. Ltd. and Zibo, the Department confirmed that shipment of products by Sinochem Shandong was by iso-tanker. Accordingly, the respondents assert that packing material costs for these shipments should be zero.

The petitioner notes that although the Department's preliminary calculation has a mathematical error, it is not the error alleged by the respondent. In fact, the petitioner postulates that the packing figures used in the preliminary determination were partially correct. The petitioner makes the assumption that the Department charged all sales of furfuryl alcohol with packing cost to account for the packing that would be needed for the purchased furfuryl. Therefore, the petitioner states that all sales should include packing cost, and that the drum sales should have packing cost included twice.

DOC Position

We agree with the respondents. These were ministerial errors and have been corrected (see calculation memorandum attached to the concurrence memorandum, dated May 1, 1995).

Comment 15: Labor Rates

The respondents state that, in the preliminary determination, the Department used unrealistically high labor rates for both skilled and unskilled labor, and such rates did not accurately reflect the actual wage rates in Indonesia.

The petitioner argues that the Department should continue to rely on the U.S. Department of Labor statistics for Indonesian labor that were used in the preliminary determination.

DOC Position

We agree with the respondents. The labor rates used in the preliminary and final determinations are discussed above in the section on Foreign Market Value.

Comment 16: Indirect Labor & Energy

The respondents state that, based on the March 23, 1995, memorandum to the file, the calculations for all three manufacturers should be corrected to eliminate indirect labor, coal, steam, and electricity because the memorandum states that the costs of indirect labor and energy are included

in the Indonesian surrogate value for factory overhead.

The petitioner urges the Department not to eliminate indirect labor and energy, and instead use a surrogate valuation based on a percentage of direct materials, all labor and energy costs. In any event, the petitioner states that the Department should not ignore the respondent's energy costs.

DOC Position

We agree with the respondents. Based on the Department's surrogate value methodology, Indonesia is our preferred surrogate, and since the factory overhead percentage for Indonesia includes the above-mentioned items, we have not separately valued those items in our calculations for the final determination.

Comment 17: Salt

The respondents state that the Department verified that salt, not the originally reported factor, was used by two of the factories. To value this factor, the respondents suggest using either the Indonesian price, if available, or the U.S. price. Alternatively, the respondents state that the Department should consider disregarding the cost of salt altogether because it was not used in the production process. They point to the verification report for one of the factories, wherein salt was referred to as ''a low cost consumable'' used for equipment maintenance.

The petitioner argues that the Department's calculations of surrogate values in the preliminary determination were correct and should not be changed.

DOC Position

We agree with both parties, in part. For the factory that treats salt as a ''low cost consumable,'' we have treated these costs as part of factory overhead and have not valued them separately as a factor of production. For the other factory, there is no evidence concerning how salt was used in the production process or what kind of salt was used. Therefore, we have treated salt as a factor of production, and have continued to use the surrogate value that was used in the preliminary determination.

Comment 18: Sulfuric Acid

The respondents state that the surrogate value used for sulfuric acid in the preliminary determination is either erroneous or aberrational and should be corrected. They state that a more realistic value for sulfuric acid has been established in the *Pencils* investigation, where an Indian price was used.

The petitioner contends that the Department should follow the surrogate country hierarchy established in this case.

DOC Position

We agree with both parties, in part. We agree with the petitioner that the Department should use the established hierarchy. Based on our analysis, we also agree with the respondents that a more accurate value should be used. Because furfuryl alcohol is not produced in India, we based our calculations on the export values derived from the November 1993 Indonesian *Foreign Trade Statistical Bulletin— Exports*. Because this was a contemporaneous value, no adjustment for inflation was needed (*see* calculation memorandum attached to the concurrence memorandum, dated May 1, 1995).

Comment 19: Valuation of Ammonia Water

The respondents state that the surrogate value used for ammonia water in the preliminary determination was aberrational and should be corrected. The respondent cites to the Department's publication of an ''Index of Factor Values for Use in Antidumping Duty Investigations Involving Products from the People's Republic of China'' which lists a price for ammonia water in another approved surrogate, India.

The petitioner alleges that the respondents misuse the terms ''erroneous'' and ''aberrational'' and completely disregard the Department's factor valuation hierarchy. The petitioner urges the Department not to change its surrogate value for this factor.

DOC Position

We agree with the respondents in part. Based on our analysis, we determined that the surrogate value used in the preliminary determination was inappropriate. (For the details of our analysis of this value, *see* the calculation memorandum attached to the concurrence memorandum, dated May 1, 1995.) Since the Indonesian import value for ammonia water was found to be inappropriate, we based our calculations on the export values derived from the November 1993 Indonesian *Foreign Trade Statistical Bulletin—Exports*. Because this was a contemporaneous value, no adjustment for inflation was needed.

Continuation of Suspension of Liquidation

In accordance with sections 733(d)(1) and 735(c)(4)(B) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of furfuryl alcohol from the PRC, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The Customs Service shall require a cash deposit or posting of a bond equal to the estimated amount by which the FMV exceeds the USP as shown below. These suspension of liquidation instructions will remain in effect until further notice.

The weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Weighted-Average Margin Percentage
Sinochem Shandong	43.54
Qingdao	50.43
China-Wide	45.27

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will determine whether these imports are causing material injury, or threat of material injury, to the industry in the United States, within 45 days. If the ITC determines that material injury, or threat of material injury, does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

This determination is published pursuant to section 735(d) of the Act and 19 CFR 353.20(a)(4).

Dated: May 1, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

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[A–791–802]

Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From South Africa

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

EFFECTIVE DATE: May 8, 1995.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Donna Berg, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–5288 or 482–0114, respectively.

Final Determination

We determine that furfuryl alcohol from South Africa is being sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (''the Act''). The estimated margins are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the preliminary determination of sales at LTFV on December 9, 1994, (59 FR 65012, December 16, 1994), the following events have occurred:

On January 25, 1995, ISL submitted its response to Section D of the Department's questionnaire which requests information on the COP and constructed value (CV). The Department issued a supplemental cost questionnaire on January 30, 1995. ISL submitted its response to this supplemental questionnaire on February 8, 1995. QO Chemicals, Inc. (the petitioner) submitted comments concerning the respondent's Section D responses on February 14, 1995.

On January 17, 1995, the respondent submitted relevant audited financial statements for 1994. On January 20, 1995, ISL and Harborchem submitted revisions to its U.S. sales data.

The Department issued its verification outline to the respondent on January 24, 1995. Verifications of the respondent's sales and cost questionnaire responses were conducted during the months of January, February, and March 1995. The Department issued reports concerning these verifications in March 1995.

The respondent and the petitioner submitted case briefs on March 30, 1994, and rebuttal briefs on April 4, 1995. At the request of both the respondent and the petitioner, we held a public hearing on April 6, 1995.

Scope of Investigation

The product covered by this investigation is furfuryl alcohol ($C_4H_3OCH_2OH$). Furfuryl alcohol is a primary alcohol, and is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes.

The product subject to this investigation is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Period of Investigation

The period of investigation (POI) is December 1, 1993, through May 31, 1994.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Such or Similar Comparisons

For purposes of the final determination, we have determined that furfuryl alcohol constitutes a single ''such or similar'' category of merchandise. Further, because the respondent had sales in the home market of merchandise identical to that sold to the United States, similar comparisons were not necessary.

Fair Value Comparisons

To determine whether sales of furfuryl alcohol from South Africa to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the ''United States Price'' and ''Foreign Market Value'' sections of this notice. In accordance with 19 CFR 353.58, we made comparisons at the same level of trade, where possible.

United States Price

We have found that ISL and its exclusive selling agent, Harborchem, are related parties pursuant to section 771(13)(A) of the Act (*see* Comment 1 and the concurrence memorandum, dated May 1, 1995, on file in Room B–099 of the Main Commerce Department building), and that all of ISL's U.S. sales to the first unrelated purchaser took place after importation into the United States. Therefore, we based USP on exporter's sales price (ESP), in accordance with section 772(c) of the Act.

We calculated ESP based on FOB U.S. storage facility or delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for the following movement charges in accordance with section 772(e) of the Act: foreign loading on ship, foreign inland freight, ocean freight, marine insurance, tank car rental, U.S. inland freight, U.S. inland insurance, U.S. brokerage and handling, and U.S. duty. We also made deductions, where appropriate, for credit expenses, indirect selling expenses incurred in South Africa, and indirect selling expenses incurred in the United States, including quality control testing, inventory carrying expenses, warehousing expenses, and U.S. storage insurance. We also increased U.S. price, as appropriate, to account for additional freight revenue (*see* Comment 8).

In accordance with our standard practice, and pursuant to the decision of the U.S. Court of International Trade in *Federal-Mogul Corp.* v. *United States*, 834 F. Supp. 1391 (CIT 1993), our calculations include an adjustment to U.S. price for the consumption tax levied on comparison sales in South Africa. *See Preliminary Antidumping Duty Determination: Color Negative Photographic Paper and Chemical Components from Japan*, 59 FR 16177, 16179 (April 6, 1994), for an explanation of this methodology.

Cost of Production

As indicated in the preliminary determination, the Department initiated an investigation of sales below the COP in the home market on December 9, 1994. In order to determine whether home market sales prices were below COP within the meaning of section 773(b) of the Act, we calculated COP based on the sum of the respondent's cost of materials, fabrication, general, and packing expenses, in accordance with 19 CFR 353.51(c). We made the following adjustments to respondent's reported COP data:

1. We recalculated the cost of furfuryl, the primary material input into FA, used in the production of furfuryl alcohol during the POI based on ISL's normal first-in first out inventory valuation method;

2. We removed selling, general and administrative costs from the cost of sales figure used in the denominator of the submitted general and administrative rate calculation;

3. We increased ISL's reported furfuryl steam overhead expenses by the amount actual steam costs exceeded budgeted costs; and

4. We disallowed ISL's reduction of furfuryl production costs for a certain proprietary item.

After computing COP, we added the sales-specific VAT to the COP figure. We compared product-specific COP to reported prices that were net of movement charges, direct and indirect selling expenses, and inclusive of VAT. In accordance with section 773(b) of the

Act, we followed our standard methodology to determine whether the home market sales of each product were made at prices below their COP in substantial quantities over an extended period of time, and whether such sales were made at prices that would permit recovery of all costs within a reasonable period of time in the normal course of trade.

To satisfy the requirement of section 773(b)(1) that below-cost sales be disregarded only if made in substantial quantities, we apply the following methodology. Where we find that over 90 percent of a respondent's sales were at prices above the COP, we do not disregard any below-cost sales because we determine that a respondent's below-cost sales are not made in substantial quantities. If between ten and 90 percent of a respondent's sales were at prices above the COP, we disregard only the below-cost sales if made over an extended period of time. Where we find that more than 90 percent of a respondent's sales were at prices below the COP and were sold over an extended period of time, we disregard all sales and calculate FMV based on CV, in accordance with section 773(b) of the Act.

In accordance with section 773(b)(1) of the Act, in order to determine whether below-cost sales had been made over an extended period of time, we compare the number of months in which below-cost sales occurred to the number of months in the POI in which the product was sold. If a product is sold in three or more months of the POI, we do not exclude below-cost sales unless there are below-cost sales in at least three months during the POI. When we find that sales occur in one or two months, the number of months in which the sales occur constitutes the extended period of time; *i.e.*, where sales are made in only two months, the extended period of time is two months, where sales are made in only one month, the extended period of time is one month. (*See Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings from the United Kingdom* (60 FR 10558, 10560, February 27, 1995)).

In this case, we found that none of the respondent's sales of furfuryl alcohol were at prices below the COP. As a result, we did not need to test whether below-cost sales had been made over an extended period of time. Therefore, we included all home market sales in calculating a weighted-average FMV.

Foreign Market Value

As stated in the preliminary determination, we found that the home market was viable for sales of FA, in accordance with 19 CFR 353.48(a).

We calculated FMV based on FOB storage facility or delivered prices to unrelated customers. We treated both pre-sale home market movement expenses and pre-sale home market warehousing expenses as indirect expenses because these expenses could not be tied directly to specific sales. We also treated ISL's home market rebate as an indirect, rather than direct, expense because ISL did not adequately tie the rebate to specific home market sales (*see* Comment 4). We deducted these indirect selling expenses along with inventory carrying costs, capped by the sum of U.S. indirect selling expenses, in accordance with 19 CFR 353.56(b)(1) and (2).

FMV was reduced by home market packing costs and increased by U.S. packing costs in accordance with section 773(a)(1) of the Act. We deducted post-sale home market inland freight from FMV under the circumstance-of-sale provision of 19 CFR 353.56(a). The Department also made other circumstance-of-sale adjustments for home market direct selling expenses, which included imputed credit expenses, as recalculated by the Department, in accordance with 19 CFR 353.56(a)(2). The Department recalculated home market credit expenses based on gross prices exclusive of imputed valued added tax expenses.

We adjusted for the consumption tax in accordance with our practice (*see* ''United States Price'' section of this notice).

No deduction was made for the claimed quantity discount because ISL failed to place adequate information on the record to demonstrate that the discount met the criteria for quantity discounts set forth in 19 CFR 353.55(b) (*see* Comment 5). We did not exclude home market sales of furfuryl alcohol packed in drums from the base of home market sales used for comparison to U.S. sales, as requested by ISL, because ISL did not demonstrate that these sales were outside the ordinary course of trade (*see* Comment 7).

Currency Conversion

We have made currency conversions based on the official exchange rates, as certified by the Federal Reserve Bank of New York, in effect on the dates of the U.S. sales, pursuant to 19 CFR 353.60.

Verification

As provided in section 776(b) of the Act, we verified the information used in making our final determination.

Interested Party Comments

Comment 1: Purchase Price versus Exporter's Sales Price

In the preliminary determination, the Department relied on ESP methodology to calculate USP because we found that Harborchem was ISL's agent and thus, a related party within the meaning of section 771(13)(A) of the Act.

The petitioner argues that the Department should revise its methodology and base USP on purchase price because Harborchem failed to meet the criteria for an agent under either the law of agency or the Department's four-part test.

ISL asserts that reliance on ESP is appropriate in the final determination, maintaining that the information on the record, which the Department verified, confirms that ISL and Harborchem are related parties.

DOC Position

We agree with the respondent. Based on the findings at verification, the Department has determined that ISL and its exclusive U.S. selling agent, Harborchem, constitute the ''exporter'' pursuant to section 771(13)(A) of the Act (*see* concurrence memorandum, dated May 1, 1995), and that all of ISL's U.S. sales to the first unrelated purchaser took place after importation into the United States. Therefore, it is appropriate to base USP on exporter's sales prices, in accordance with section 772(c) of the Act.

In evaluating related party claims based on agency, the Department examines: (1) Whether the foreign manufacturer participates in the marketing of the product to the U.S. customers; (2) whether the foreign manufacturer participates in setting prices and in the negotiation of other terms of sales to U.S. customers; (3) whether U.S. customers look to the U.S. importer or the foreign manufacturer for product testing and quality control; and (4) whether the foreign manufacturer interacts directly with U.S. customers. *See Electrolytic Manganese Dioxide from Japan: Final Results of Antidumping Duty Administrative Review*, 58 FR 28551, 28555 (May 14, 1993), and *Final Determination of Sales at Not Less Than Fair Value: Certain Forged Steel Crankshafts from Japan*, 52 FR 36984, 36985 (October 2, 1987) (*Crankshafts*).

During verification, we were able to confirm that ISL and Harborchem view their relationship as one of principal and agent and communicate continually on matters related to U.S customer marketing and sales of furfuryl alcohol. Based on our examination of

correspondence files and interviews with company personnel we also determined that ISL: (1) Participates directly with Harborchem in marketing furfuryl alcohol to U.S. customers; (2) participates directly in pricing and sales negotiations with U.S. customers; (3) interacts directly, as well as through Harborchem, with U.S. customers on product testing and quality control matters; and (4) interacts with U.S. customers directly.

Therefore, because Harborchem meets the criteria established in *Crankshafts*, we determine that Harborchem is ISL's agent for sales made in the U.S. during the POI.

Comment 2: Related Party ''Commission'' Paid to Harborchem

Should the Department employ its ESP methodology in the final determination, the petitioner urges the Department to adjust USP to reflect the commission received by Harborchem. The adjustment is necessary, argues the petitioner, because the Department's practice is to deduct commissions paid to related parties from USP under the ESP methodology. Specifically, section 772(e)(1) of the Act provides that the exporter's sales price shall be reduced by the amount of ''commission for selling in the United States the particular merchandise under consideration.'' *See also* 19 CFR 353.41(e)(1).

ISL maintains that its compensation arrangement with Harborchem does not fit the traditional definition of commission for antidumping calculations, and, as such, an adjustment to USP is not appropriate.

DOC Position

We disagree with the petitioner. The petitioner's characterization of Departmental practice is misleading. Under the ESP methodology, the foreign exporter and its related importer are effectively treated as one unit. Thus, any compensation paid by ISL to its agent Harborchem, whether or not specifically called a commission, is considered a related party transfer and ignored for the purposes of the margin calculation. Instead, the Department deducts the amount of the related importer's (*i.e.*, Harborchem's) U.S. indirect and direct selling expenses pursuant to section 772(e)(2) of the Act. This methodology avoids double-counting the same expenses (*i.e.*, the commission which includes an amount for the related importer's selling expenses, and indirect selling expenses) and avoids deducting any profit of the related importer as established in *Timken Co.* v. *United States*, 630 F. Supp. 1327, 1343 (CIT 1986) (*Timken*).

These practices are fully described in the notice of the *Final Determination of Sales at Less Than Fair Value: Fresh Cut Roses from Colombia and Ecuador* 60 FR 7019, 7028 (February 6, 1995) (*Roses*), and are consistent with the Department's past practice on this issue (*see e.g., Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof*, 56 FR 39729 (July 26, 1993); *LMI—La Metalli Industriale, S.p.A.* v. *United States*, 912 F.2d 455, 459 (Fed. Cir. 1990); *Certain Fresh Cut Flowers from Colombia; Final Results of Administrative Review*, 55 FR 20491 (May 17, 1990); and *Porcelain-on-Steel Cooking Ware from Mexico*, 51 FR 36438 (October 10, 1986)).

Comment 3: Misreported Ocean Freight, Marine Insurance, and U.S. Duty

The petitioner contends that the respondent vastly underreported its ocean freight and marine insurance costs to the Department. It alleges that the underreporting is discernible from the official U.S. Customs entry documents for ISL's U.S. shipments, which indicate a difference between the CIF and FOB values greater than ISL's reported freight and insurance costs. Furthermore, contends the petitioner, this underreporting is also discernible from the responses which indicate that ISL reported the ocean freight and insurance charges for only one of the shipments corresponding to U.S. sales of furfuryl alcohol during the POI. Based on these contentions, the petitioner argues that the Department should reject the respondent's information and apply the amount deduced from the official Customs documents for ocean freight and marine insurance costs as the best information available.

According to the respondent, the Department should rely on the actual ocean freight, marine insurance, and U.S. duty charges as verified, not unverified estimates deduced from customs forms. The respondent argues that if the Department believes an adjustment is necessary, it should revise the amount of U.S. duty applicable to U.S. sales during the POI. ISL suggests that the adjustment to U.S. duty should equal the amount which would have been paid had the deductions to calculate FOB price been correctly calculated and applied in the customs entry documents.

DOC Position

Consistent with our treatment of minor changes to submitted data, the Department has used verified data for ocean freight and marine insurance (*see Roses*, 60 FR at 7035; and *Final Determination of Sales at Less Than Fair Value: New Minivans from Japan*, 57 FR 21937, 21952 (May 26, 1992)). Inasmuch as the Department has the necessary information to determine the actual ocean freight and insurance charges applicable to U.S. sales during the POI, it is appropriate to apply this information to the final margin calculations.

With respect to U.S. duty, we determined that it was appropriate to recalculate the amount applicable to the respondent's U.S. sales during the POI. This recalculation was necessary because we verified that the entry documents for the respondent's U.S. shipments incorrectly reflected the FOB value which was used to calculate U.S. duty and therefore, the actual duty paid by ISL was understated.

Comment 4: Home Market Rebate

ISL claims the rebates granted to one customer during the POI are related to POI sales and thus should be taken into account in the Department's final margin calculations. ISL reports that it granted rebates to a home market customer that manufactures and exports resins using furfuryl alcohol purchased from ISL. According to ISL, this rebate was granted based on the customer's providing documentation concerning the actual amount of furfuryl alcohol used in the resins exported from South Africa.

The petitioner alleges that ISL's claimed rebate should be rejected because there is no information on the record that ties ISL's rebate to specific sales in the POI.

DOC Position

We agree with the petitioner that ISL was unable to demonstrate that the reported rebates were directly linked to POI sales. However, it is the Department's practice in such instances to reclassify the adjustment as an indirect selling expense (*see e.g., Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan: Final Results of Antidumping Duty Administrative Review*, 57 FR 4976, 4982–83 (February 11, 1992)). Accordingly, we have treated ISL's home market rebate as an indirect expense in the calculations for the final determination.

Comment 5: Home Market Quantity Discount

The respondent contends that it has met the criterion established by section 353.55(b)(1) of the Department's

regulations to qualify for a quantity discount adjustment insofar as the quantity discount was granted to one home market customer that accounts for over 20 percent of home market sales of the same magnitude during the POI. ISL submits that no other home market customer receives the discount because no other home market customer regularly places orders of the same size as the customer in question.

According to the petitioner, the respondent's claim is defective because the quantity discount at issue was available to only one customer and not, as the Department requires, to any prospective purchasers. Furthermore, the petitioner argues that ISL failed to establish the necessary linkage between the discount in question and the volume of individual sales, as required by 19 CFR 353.55(b)(1). For these reasons, the petitioner argues that the Department should reject this claimed adjustment.

DOC Position

We agree with the petitioner. The Department requires that (1) quantity discounts are available to any prospective purchaser; (2) and that the discount is based on the quantity of the sale in question. This policy was articulated in *Circular Welded Non-Alloy Steel Pipe from Mexico: Final Determination*, 57 FR 42953, 42955, (September 17, 1992) and *Color Television Receivers from the Republic of Korea*, 55 FR 26225 (June 27, 1990). ISL was unable to establish that the discount was available to any prospective home market customer. ISL also was unable to sufficiently support its claim that the discount is linked to the volume of individual sales. Therefore, we have determined, pursuant to section 353.55(b) of the Department's regulations, that the information on the record does not justify granting ISL's claimed adjustment for quantity discounts.

Comment 6: Home Market Export Incentive Payments

ISL reports that it receives export incentive payments from the South African government for all of its exports of FA. ISL argues that the amount earned from the subsidy payments during the POI should be added to the gross unit price of each U.S. sale for the purpose of calculating dumping margins.

The petitioner argues that the Department abandoned its former practice of making circumstance of sale adjustments to account for payments from export programs. The Department's current practice is to make no adjustments to either FMV or to USP for payments received pursuant to export subsidy programs. Moreover, the petitioner contends that the Department has concluded that it does not have the statutory authority to adjust USP for the payments received from an export subsidy program. *See Oil Country Tubular Goods from Israel: Final Determination of Sales At Less Than Fair Value*, 52 FR 1511 (January 14, 1987) (*OCTG*).

DOC Position

We agree with the petitioner and reject the respondent's request for this adjustment to USP. Section 772(d)(1) of the Act permits the Department to increase U.S. price for purposes of fair value comparisons only under four specific circumstances: by the amount of the packing, if not included in the U.S. price; by the amount of import duties imposed and rebated upon export; by the amount of any taxes imposed on the merchandise that are rebated upon export; and by the amount of countervailing duties levied to offset an export subsidy. The Department does not make adjustments to the USP for export subsidy payments because payments of this type are not enumerated within section 772(d)(1) of the Act (*see OCTG*, 52 FR 1513).

There is no CVD investigation or order on the subject merchandise, thus, as required by section 772(d)(1)(D), we cannot adjust USP for an export subsidy.

Comment 7: Exclusion of Sales of Furfuryl Alcohol in Drums

ISL requests that the Department exclude its home market sales of furfuryl alcohol in drums in the pool of home market sales used for comparison to U.S. sales. ISL argues that exclusion of the drummed furfuryl alcohol sales is appropriate because they are not representative of home market sales in terms of price and quantity and because of the small amount of total sales involved.

The petitioner argues that the Department should uphold its decision in the preliminary determination to reject ISL's request. The petitioner maintains that there are two primary reasons for rejecting ISL's request. First, the petitioner argues that furfuryl alcohol is physically identical, whether sold on a drummed or semi-bulk basis. And second, the petitioner contends that ISL's sales listing indicates the drummed sales are comparable to ISL's bulk transactions.

DOC Position

We agree with the petitioner. There is no physical difference between furfuryl alcohol that is sold in drums and that sold on a semi-bulk basis. Furthermore, the quantities of these drum sales are comparable to many of ISL's sales on a semi-bulk basis. Accordingly, the Department has included these sales in the pool of home market sales used for comparison to U.S. sales.

Comment 8: U.S. Freight Charges

The respondent requests that the Department include the adjustment for U.S. freight cost reimbursement claimed by Harborchem. Although the Department disallowed the adjustment in the preliminary determination based on the lack of adequate information, ISL indicates that the Department specifically reviewed data on customer reimbursement of these freight expenses at verification. Inasmuch as the reported data verified, ISL requests that the Department include an adjustment to USP in the final margin calculations.

DOC Position

We agree with the respondent. The Department fully verified the respondent's information concerning the freight cost reimbursement. Accordingly, this information was included in the calculation of USP for the final determination.

Comment 9: Untimely Data

The petitioner alleges that ISL submitted new factual information in Exhibit 1 of its case brief concerning the COPs for furfuryl and FA. According to the petitioner, the Department should strike this information from the record.

DOC Position

We disagree with the petitioner. Careful examination of this information revealed Exhibit 1 to be a reconfiguration of information already on the record in this investigation. The majority of information contained in Exhibit 1 was submitted by ISL in its original and supplemental response to Section D of the questionnaire. Other data was derived from exhibits to the cost verification (*see* cost verification exhibits 4 and 13). Accordingly, this information is not *new* factual information, and the Department has allowed this information to remain on the record of this investigation.

Comment 10: Rescinding the COP Investigation

The respondent contends that the information on the record does not support the Department's finding that there are reasonable grounds to believe or suspect that sales below COP have been made. Rather, ISL argues that the information used to support the COP

investigation should properly be viewed as amounting to statistical aberrations in the data reported. Therefore, ISL requests that the Department rescind the COP investigation in this case.

According to the petitioner, the Department properly initiated the COP investigation after it conducted a thorough examination of the petitioner's allegation. Based on this examination, the Department determined that there were reasonable grounds to believe or suspect that sales were made at prices which were less than ISL's COP. Accordingly, the petitioner argues that ISL's request should be rejected.

DOC Position

We agree with the petitioner that the COP investigation should not be rescinded. Based on our analysis of the petitioner's COP allegations at the time they were made, we determined, in accordance with section 773(b) of the Act, that there was a reasonable basis to believe or suspect that home market sales of ISL were made at less than the COP. (For a description of the Department's analysis, *see* concurrence memorandum, dated December 9, 1994). As a result, initiation of the COP investigation was appropriate.

Comment 11: Use of Best Information Available (BIA)

The petitioner asserts that ISL has purposely impeded this investigation by failing to provide all of the costs for furfuryl used in furfuryl alcohol production during the POI. The petitioner contends that the Department has repeatedly asked ISL to submit actual cost data for all of the furfuryl used to produce furfuryl alcohol during the POI. In response to these requests, however, the petitioner maintains that ISL submitted two flawed furfuryl costing methodologies. Accordingly, pursuant to section 776(c) of the Act, the petitioner urges the Department to use noncooperative BIA to determine ISL's antidumping duty margin.

According to ISL, the petitioner's claim that ISL has significantly impeded the investigation by failing to provide sufficient furfuryl cost information is totally without merit. ISL maintains that it has complied with all of the Department's requests regarding the actual cost of furfuryl consumed during the POI. ISL submitted furfuryl cost data covering an eighteen-month period, including the six months of the POI. Moreover, ISL notes that it has submitted furfuryl costs using three different methodologies.

DOC Position

We have not found that ISL has impeded this investigation. Rather, ISL has cooperated in every aspect of this investigation. Therefore, we have determined that it is appropriate to use ISL's information in our margin calculation.

Comment 12: Furfuryl Costs

The petitioner argues that all three of ISL's submitted furfuryl costing methodologies fail to accurately reflect the cost of furfuryl used in production during the POI. The petitioner therefore contends that the Department should reject these methodologies and resort to BIA as the basis for computing ISL's antidumping margin.

ISL maintains that each of the methodologies used in the questionnaire responses to calculate furfuryl production costs are reasonable and should be accepted by the Department. However, ISL contends that its fiscal year furfuryl cost calculation is most appropriate because it represents all costs normally incurred during a full seasonal cycle.

DOC Position

We agree with the petitioner that none of the three methodologies ISL has proposed properly values the cost of furfuryl consumed in the furfuryl alcohol process during the POI. ISL's first methodology included the cost of furfuryl produced after the POI, June through September 1994. ISL's second methodology reflected furfuryl production costs for only part of the furfuryl consumed during the POI. Lastly, the furfuryl costs computed by the company under the third methodology were based on a weighted-average cost rather than on ISL's normal first-in first-out (FIFO) inventory valuation method. However, the information on the record is sufficient to allow the Department to recalculate the furfuryl cost.

We have recalculated the cost of furfuryl used to produce furfuryl alcohol during the POI based on ISL's normal FIFO inventory valuation method. The Department normally follows the respondent's inventory valuation method unless it fails to reasonably reflect the costs associated with producing the merchandise. There is no information on the record to indicate that ISL's FIFO method distorts per-unit furfuryl costs.

Comment 13: Accounting Adjustment

The petitioner argues that ISL's submission methodology for a particular proprietary adjustment distorts the COP. The respondent argues that its submission methodology provides a reasonable basis for the calculation of the effect of this item on the COP.

DOC Position

Because of the business proprietary nature of this item, we have addressed the parties comments and analyzed the issue in detail in the proprietary concurrence memorandum dated May 1, 1995. But, our determination was not to allow respondent's submitted methodology but rather to rely on respondent's normal accounting practice with respect to this adjustment.

Comment 14: Bagasse

The petitioner asserts that ISL failed to properly account for the value of its bagasse used to produce furfuryl and that the value should be included in ISL's COP. The petitioner notes that during the POI, ISL sold bagasse generated from one of its sugar mills to an unrelated paper producer located near the mill. It argues that the Department should utilize this sales value in assigning a cost to bagasse consumed during the POI.

The respondent maintains that its submission methodology of assigning no cost to bagasse usage is reasonable and consistent with its financial and cost accounting systems. The respondent contends that its methodology considers the value of bagasse based on its energy content. Additionally, respondent argues that there is no market for bagasse from its Sezela mill where the company produced the subject merchandise. Furthermore, respondent notes that the sale of bagasse from one of ISL's other mills was possible only because of the close proximity of this mill to the purchaser's manufacturing plant.

DOC Position

ISL's furfuryl and furfuryl alcohol plant is located adjacent to its sugar cane processing plant. Bagasse is generated from the processing of sugar cane. Bagasse generated at the sugar mill is transferred to the furfural plant. In the first stage of the furfural process, ISL extracts a chemical from bagasse called pentosan. After the furfural plant performs the extraction, the remaining bagasse residue is transferred to the boiler as an energy source. The bagasse loses a minimal amount of its energy content from the extraction process. ISL has one boiler which generates high pressure steam for both its sugar mill and furfural process. ISL uses coal, bagasse and bagasse residue to fuel this boiler.

In its normal accounting system, ISL assigns no costs to the bagasse used to

extract pentosan and as a fuel source for the boiler. All coal costs incurred for the boiler are charged to furfural production.

During verification, we noted that the energy content of the coal charged to the furfural process exceeded the sum of the energy content of steam used in the furfural process plus the net energy loss from bagasse used in furfural production. Consequently, we found that ISL's actual reported coal costs charged to furfural exceeded the value of the bagasse and steam used in the furfural production process. We therefore consider it reasonable for ISL to assign no cost to the bagasse consumed in the furfural production process.

We believe that the circumstances surrounding ISL's bagasse sales during the POI do not reflect the operations of the Sezela mill where ISL produces the subject merchandise. The Sezela sugar mill has no bagasse customers located within its vicinity, whereas the bagasse customer of ISL's other mill is located next to that mill. Thus, unlike the Sezela mill, sales between the other ISL sugar mill and the unrelated company were economically feasible because transportation of bagasse between seller and customer was reasonably available and relatively inexpensive.

Comment 15: General and Administrative (G&A)

The petitioner maintains ISL's G&A calculation methodology is flawed for numerous reasons and urges the Department to reject it. Specifically, the petitioner maintains that ISL's G&A expense calculation methodology failed to compute G&A on a company-wide basis and included both G&A and selling expenses in the denominator.

ISL contends its reported G&A expense methodology is appropriate. The G&A expenses were based on amounts recorded in separate general ledger accounts for the chemical division G&A departments and were properly allocated to the operations receiving the benefit. However, respondent agrees that the denominator incorrectly included both G&A and selling expenses.

DOC Position

To compute G&A expenses for COP, ISL calculated a company-wide G&A rate for G&A expenses that related to the operations of the company as a whole. In addition, ISL calculated separate G&A rates for its chemical operations and the operations of its Sezela furfuryl alcohol plant. These rates excluded G&A expenses relating to the company's sugar operations (*i.e.,* non-subject merchandise).

During verification, ISL demonstrated that it normally records certain G&A expenses by product line for chemical operations (including furfuryl and furfuryl alcohol) and sugar. The company showed that it recorded these product-line expenses in specific G&A accounts maintained in its general ledger. Since ISL demonstrated that some of its G&A expenses relate exclusively to the company's non-subject sugar operation, we consider respondent's submitted G&A expense methodology reasonable.

We further note that because we are applying the G&A rate to cost of manufacturing exclusive of selling, general and administrative (SG&A) expenses, we recalculated ISL's G&A rate by excluding SG&A from the cost of sales figure used as the denominator in the calculation.

Comment 16: Decentralization Incentive

ISL claims its decentralization incentive payments were approved by and received from the South African government during fiscal year 1994. Since the revenue was recorded in its audited financial statements, ISL maintains that it appropriately included this amount in its submitted G&A rate calculation.

The petitioner argues the Department should exclude ISL's decentralization incentive revenue as the revenue relates to expenses incurred before the POI. Additionally, the petitioner argues this revenue is not linked to the sales made during the POI.

DOC Position

According to both South African and U.S. generally accepted accounting principles (GAAP), companies do not normally recognize revenue in the income statement unless they are relatively certain that the amount will be collected. In ISL's case, even though the government approved ISL's grant application in 1993, the company did not record the revenue for financial statement purposes until the money was received in 1994. We consider ISL's conservative treatment of not recording the grant revenue for financial statement purposes until the year of receipt a reasonable approach. Accordingly, we included the grant revenue in ISL's G&A calculation.

Comment 17: Overhead Expense Allocation

ISL contends that the method used to allocate overhead costs for submission purposes is the same as that applied in its normal accounting records.

The petitioner contends ISL's overhead allocation method distorts costs. According to the petitioner, ISL understated furfuryl costs by allocating an excessive amount of overhead expenses to the furfuryl alcohol process.

ISL maintains that, contrary to the petitioner's arguments, its normal overhead allocation methodology is reasonable. Moreover, ISL asserts that the method of allocation between furfuryl and furfuryl alcohol does not significantly effect the overall furfuryl alcohol costs.

DOC Position

The Department normally relies on the respondent's books and records prepared in accordance with the home country GAAP unless these accounting principles do not reasonably reflect the COP of the merchandise. ISL's reported overhead costs were based on its normal accounting books and records. We have found no evidence on the record to indicate ISL's allocation of overhead costs between furfuryl and furfuryl alcohol distorts the production costs. Accordingly, we accepted ISL's submission methodology for allocating overhead costs.

Comment 18: Steam Costs

The petitioner asserts the Department should increase ISL's steam costs by the amount suggested in the cost verification report. The respondent agrees with this adjustment to steam costs.

DOC Position

We increased ISL's reported steam cost.

Continuation of Suspension of Liquidation

In accordance with section 735(d) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of furfuryl alcohol from South Africa, as defined in the ''Scope of Investigation'' section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after December 16, 1994, the date of publication of our preliminary determination notice in the **Federal Register**.

The Customs Service shall require a cash deposit or posting of a bond on all entries equal to the estimated dumping margin, as shown below. The suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Margin percentage
Illovo Sugar Limited	15.48
All Others	15.48

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. The ITC will make its determination whether these imports materially injure, or threaten injury to, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or canceled.

However, if the ITC determines that such injury does exist, we will issue an antidumping duty order directing the Customs Service officers to assess an antidumping duty on furfuryl alcohol from South Africa, that are entered, or withdrawn from warehouse, for consumption on or after the date of suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the United States price.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)) and 19 CFR 353.20.

Dated: May 1, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–11261 Filed 5–5–95; 8:45 am]

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[A–549–812]

Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From Thailand

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

EFFECTIVE DATE: May 8, 1995.

FOR FURTHER INFORMATION CONTACT: John Brinkmann or Greg Thompson, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–5288 or 482–2336, respectively.

Final Determination

We determine that furfuryl alcohol from Thailand is being, or is likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The estimated margins are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

Since the preliminary determination of sales at LTFV on December 9, 1994 (59 FR 65014, December 16, 1994), the following events have occurred.

At the request of the petitioner, QO Chemicals, the Department postponed the final determination until May 1, 1995 (59 FR 66901, December 28, 1994). Pursuant to the Department's request, on January 17, 1995, the respondent, Indo-Rama Chemicals (Thailand) Ltd. (IRCT), submitted additional information pertaining to its potential exports sales price (ESP) transactions. In addition, IRCT submitted its response to Section D of the questionnaire, which requests information on the cost of production (COP) and constructed value (CV). The petitioner commented on this response, which IRCT later supplemented pursuant to our request on February 6, 1995.

Verification of IRCT's sales and COP/CV questionnaire responses was conducted during the months of February and March, 1995. The Department issued reports concerning these verifications on March 21, 1995.

IRCT and the petitioner submitted case briefs on March 29, 1995, and rebuttal briefs on March 31, 1995. At the petitioner's request, the Department held a hearing on April 4, 1995.

Scope of Investigation

The product covered by this investigation is furfuryl alcohol ($C_4H_3OCH_2OH$). Furfuryl alcohol is a primary alcohol, and is colorless or pale yellow in appearance. It is used in the manufacture of resins and as a wetting agent and solvent for coating resins, nitrocellulose, cellulose acetate, and other soluble dyes.

The product subject to this investigation is classifiable under subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Period of Investigation

The period of investigation (POI) is December 1, 1993, through May 31, 1994.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Such or Similar Comparisons

For purposes of the final determination, we have determined that furfuryl alcohol constitutes a single ''such or similar'' category of merchandise. Since the respondent sold merchandise in the home market identical to that sold in the United States during the POI, we made identical merchandise comparisons.

Fair Value Comparisons

To determine whether sales of furfuryl alcohol from Thailand to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the ''United States Price'' and ''Foreign Market Value'' sections of this notice. In accordance with 19 CFR 353.58 (1994), we made comparisons at the same level of trade, where possible.

United States Price

We based USP on purchase price, in accordance with section 772(b) of the Act, because the subject merchandise was sold to an unrelated purchaser before importation into the United States and because exporter's sales price methodology was not otherwise indicated (*see* Comment 2 below).

With regard to the calculation of movement expenses, we made deductions from the U.S. sales price, where appropriate, for foreign brokerage, foreign inland freight, ocean freight, and marine insurance in accordance with section 772(d)(2)(A) of the Act.

Since IRCT discounts all account receivables pertaining to its U.S. sales, we calculated U.S. credit expenses based on IRCT's average short-term interest rate. In accordance with section 772(d)(1)(B) of the Act, we added to USP the amount of the Thai import duties, not collected on material inputs, by reason of exportation of the subject merchandise to the United States.

In accordance with our standard practice, pursuant to the decision of the U.S. Court of International Trade (CIT) in *Federal-Mogul Corporation and The Torrington Company* v. *United States,* 834 F. Supp. 1391 (CIT 1993), our calculations include an adjustment to U.S. price for the consumption tax levied on comparison sales in Thailand (*See Preliminary Antidumping Duty Determination: Color Negative Photographic Paper and Chemical Components from Japan,* 59 FR 16177, 16179 (April 6, 1994), for an explanation of this methodology).

Cost of Production

As we indicated in our preliminary determination, the Department initiated an investigation of potential below-cost home market sales on November 21, 1994. In order to determine whether home market sales prices were below COP within the meaning of section 773(b) of the Act, we calculated COP based on the sum of the respondent's cost of materials, fabrication, general expenses and packing, in accordance with 19 CFR 353.51(c). We made the following adjustments to the respondent's reported COP data:

1. We recalculated IRCT's corn cob consumption based on the weighted-average cost of corn cobs used in the production of furfuryl alcohol during the POI;

2. We recalculated depreciation expense based on the fixed asset lives reported in IRCT's 1993 audited financial statements; and

3. We allocated annual general and administrative expenses based on annual cost of sales.

After computing COP, we added the sales-specific VAT and home market packing to the COP figure. We compared COP to reported prices that were net of movement charges, direct and indirect selling expenses, and inclusive of VAT and home market packing. In accordance with section 773(b) of the Act, we followed our standard methodology to determine whether the home market sales of each product were made at prices below COP in substantial quantities over an extended period of time, and whether such sales were made at prices that would permit recovery of all costs within a reasonable period of time in the normal course of trade.

To satisfy the requirement of section 773(b)(1) that below-cost sales be disregarded only if made in substantial quantities, we apply the following methodology. Where we find that over 90 percent of a respondent's sales were at prices above the COP, we do not disregard any below-cost sales because we determine that a respondent's below-cost sales are not made in substantial quantities. If between ten and 90 percent of a respondent's sales were at prices above the COP, we disregard only the below-cost sales if made over an extended period of time. Where we find that more than 90 percent of a respondent's sales were at prices below the COP and were sold over an extended period of time, we disregard all sales and calculate FMV based on CV, in accordance with section 773(b) of the Act. In this case, we found that between ten and 90 percent of the sales were made below the COP. As a result, we tested whether those below cost sales had been made over an extended period of time.

In accordance with section 773(b)(1) of the Act, in order to determine whether below-cost sales had been made over an extended period of time, we compare the number of months in which below-cost sales occurred to the number of months in the POI in which the product was sold. If a product was sold in three or more months of the POI, we do not exclude below-cost sales unless there were below-cost sales in at least three months during the POI. When we find that sales occurred in one or two months, the number of months in which the sales occurred constitutes the extended period of time; *i.e.*, where sales were made in only two months, the extended period of time was two months, where sales were made in only one month, the extended period of time was one month. (*See Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings from the United Kingdom* (60 FR 10558, 10560, February 27, 1995)). In this case, we found that the respondent had made sales of furfuryl alcohol at prices below the COP in two of the months that sales were made. As a result, none of the sales made below the COP were disregarded.

Foreign Market Value

As stated in the preliminary determination, we found that the home market was viable for sales of furfuryl alcohol, in accordance with 19 CFR 353.48(a). We calculated FMV based on delivered prices, and deducted home market inland freight, unloading charges and insurance in accordance with 19 CFR 353.56(a).

FMV was reduced by home market packing costs and increased by U.S. packing costs in accordance with section 773(a)(1) of the Act. The Department also made circumstance-of-sale adjustments for home market direct selling expenses, which included imputed credit expenses and technical services in accordance with 19 CFR 353.56(a)(2). We also deducted commissions incurred on home market sales and added total U.S. indirect selling expenses, capped by the amount of home market commissions in accordance with 19 CFR 353.56(b). The total U.S. indirect selling expenses included U.S. inventory carrying costs, and indirect selling expenses incurred in Thailand on U.S. sales.

We adjusted for the consumption tax in accordance with our practice (*see* ''United States Price'' section of this notice).

Currency Conversion

We have made currency conversions based on the official exchange rates, as certified by the Federal Reserve Bank of New York, in effect on the dates of the U.S. sales, pursuant to 19 CFR 353.60.

Verification

As provided in section 776(b) of the Act, we verified the information used in making our final determination.

Interested Party Comments

What follows are summaries of the parties' arguments, followed by the Department's positions on each of the issues raised.

Comment 1: Using Best Information Otherwise Available (BIA)

The petitioner states that the Department should use BIA for purposes of the final determination because IRCT impeded the conduct of the investigation by failing to divulge the extent of its relationship with the U.S. importer, Indo-Rama Chemicals (America), Inc. (IRCA). The petitioner claims that IRCT should have reported its U.S. sales as ESP rather than on a purchase price basis, and only reported ESP data after the Department specifically requested it to do so.

The respondent states that it provided the Department with all the necessary ESP data in a timely manner when it was requested and, further, that it fully cooperated in the investigation regarding the relationship between IRCA and IRCT.

DOC Position

We agree with the respondent that IRCT and IRCA cooperated with the Department throughout this investigation. They submitted all requested information, and documented it during verification. Because IRCT did not impede our investigation, we have used the respondent's data for purposes of the final determination.

Comment 2: ESP or Purchase Price

IRCT contends that its categorization of IRCA as an unrelated party is consistent with the Department's definition of related parties pursuant to section 771(13), was verified by the Department, and that the U.S. price should be based upon the purchase price methodology. The respondent's argument is fully discussed in the proprietary version of its case brief.

The petitioner argues that the record evidence indicates that IRCT and IRCA are related parties and, therefore, if the Department decides not to resort to BIA, it should base USP on ESP. The petitioner's argument is fully discussed

in the proprietary version of its case brief. The following are some of the non-proprietary points that the petitioner raises: (1) The owner of IRCA is also president and director to a sister company of IRCT; and (2) the ESP response was filed on behalf of IRCT by, and the entire response was certified only by, IRCT's counsel.

DOC Position

We determined that the information on the record, as verified by the Department, does not satisfy the criteria set forth in section 771(13) of the Act for recognizing the U.S. sales as ESP transactions. An analysis of the individual criteria considered requires reference to proprietary information and is discussed in the proprietary version of the concurrence memorandum, dated May 1, 1995. Because we found that IRCA does not act as IRCT's principal or agent, under 771(13), at least one of the parties would have to own or control an interest in the other, or some other person or persons would have to own or control sufficient interest in both, for the Department to determine USP on the basis of ESP data (*see Small Business Telephone Systems from Korea*, 54 FR 53141 (1989) and/or *Certain Forged Steel Crankshafts from Japan*, 52 FR 36984 (1987)). The Department confirmed at verification that there was no ownership or controlling interest between IRCT and IRCA, and no common ownership or controlling interest by a third party. Therefore, we have based the USP on purchase price.

Comment 3: Indirect Selling Expenses

The petitioner argues that, because the respondent failed to provide the Department with information concerning additional indirect selling expenses and storage charges incurred in the United States, the Department should use BIA to determine the indirect selling expenses for the POI. As BIA, the petitioner requests that the Department rely on information in the petition.

The respondent asserts that it did not understate any selling expenses incurred in the importation, storage, or sale of furfuryl alcohol. The respondent argues that the Department verified both IRCT and IRCA with respect to these expenses. Therefore, in the event the Department makes its final determination based on ESP, the respondent argues that the Department should calculate U.S. indirect selling expenses on the information provided. The respondent further states that many of the indirect selling expenses that the petitioner referenced simply do not exist.

DOC Position

Based on the Department's decision to use the purchase price methodology, this issue has been rendered moot.

Comment 4: Interest Rate

The petitioner argues that the Department should use the appropriate interest rate from IRCA's response in computing any credit expenses and inventory carrying cost. The petitioner's argument is fully discussed in the proprietary version of its March 29, 1995 case brief.

The respondent states that it is not related to IRCA. However, should the Department base its determination on ESP sales, the respondent argues that the Department should not use IRCA's interest rate. The respondent's argument is fully discussed in the proprietary version of its case brief.

DOC Position

The use of the importers's interest rate in the calculation of credit expense and inventory carrying cost for U.S. sales is not at issue because the calculation of USP is based on the purchase price methodology. Therefore, the interest rate used to calculate both expenses for U.S. sales is based on IRCT's short-term borrowing experience. Because the U.S. sales are made in U.S. dollars, the interest rate used to calculate the credit expense and inventory carrying cost is the rate that IRCT incurs for its U.S. dollar denominated short-term borrowing for the POI (*see Final Determination of Sales at Less than Fair Value: Disposable Pocket Lighters from Thailand*, 51 FR 14270, 14265 (March 16, 1995)).

Comment 5: Technical Service

IRCT contends that home market ''outside'' technical service expenses are directly related to specific sales, and are properly deductible as direct selling expenses.

DOC Position

This issue is moot because the expenses were incurred on sales which are not included in our final calculations, having occurred at a level of trade different than that of the U.S. sales.

Comment 6: Home Market Sale Outside the Ordinary Course of Trade

In its original sales listing, IRCT categorized one home market sale as outside of the ordinary course of trade. IRCT states that the sale was inadvertently reported as a normal sale in the revised sales listing. IRCT states that this sale was (1) a single isolated trial sale for a different application, (2) of a quantity far smaller than the standard quantity sold for all other home market sales, and (3) at a price substantially higher than that charged to IRCT's regular customers.

DOC Position

We agree with the respondent. Section 771(15) of the Act defines ''ordinary course of trade'' as those conditions and practices which are ''normal in the trade under consideration.'' The documents for this sale were verified and the sale was found to be an isolated, non-recurring sale, and at a quantity inconsistent with the standard quantity shipped. Therefore, because the sale was not normal in the trade under consideration, we found it to be made outside the ordinary course of trade under section 771(15) of the Act. Accordingly, we have not included it in our margin analysis.

Comment 7: Allocation of Indirect Selling Expenses

IRCT argues that the Department should use the revised allocation percentages for unassigned indirect selling expenses (*e.g.*, office rental, phone, etc.) that were presented during verification because these percentages more accurately reflect the actual time spent by the sales personnel.

The petitioner contends that this revised allocation constitutes a submission of untimely, unsupported data in the middle of verification and, therefore, should not be relied upon by the Department.

DOC Position

Based on the fact that neither IRCT's original allocation nor its revised allocation of indirect selling expenses was supported by documentation, neither was used in our final determination. Instead, the Department allocated these expenses based on the quantity of furfuryl alcohol sold in the domestic and export markets. Given the lack of information, this was the most reasonable allocation methodology available (*see* concurrence memorandum dated, May 1, 1995).

Comment 8: Corn Cob Costs

The petitioner asserts that the cost of corn cobs, a primary direct material of furfuryl and furfuryl alcohol, should be calculated based on the respondent's actual corn cob expenses incurred during the POI, rather than on the annual weighted-average methodology submitted by IRCT. Further, the petitioner argues for the use of actual expenses because the respondent's corn cob prices vary according to competitive

market conditions, rather than the seasonality of corn production claimed by the respondent.

The respondent contends that its methodology accurately reflects corn cob consumption because it eliminates seasonal trends in pricing, availability, and purchases. Additionally, the respondent states its submission methodology is consistent with its normal accounting system. Moreover, the petitioner's proposed methodology ignores the value of corn cob in beginning inventory. Therefore, the respondent argues that the Department should reject the petitioner's claim.

DOC Position

The most appropriate cost calculation methodology for corn cobs used in the production of furfuryl alcohol should take into account the actual corn cobs used during the POI based on IRCT's normal weighted-average inventory cost flow assumption. Therefore, we have recalculated IRCT's corn cob cost based on the weighted-average cost of corn cob inventories at the beginning of the POI, plus all purchases of the input made during the POI.

Comment 9: Depreciation

The petitioner argues that the Department should reject IRCT's claimed increase in the useful lives of its buildings and machinery which was submitted in accordance with a change in IRCT's depreciation policy. According to the petitioner, IRCT's proposed change in its depreciation policy was approved after the initiation of this case. It maintains that, at a minimum, the Department should recompute depreciation expense for IRCT's buildings and machinery based on the original useful lives of the assets. However, the petitioner claims that even these useful lives, as well as the useful lives of other assets owned by IRCT, are inconsistent with U.S. generally accepted accounting principals (GAAP) and thus distort the costs associated with the production of furfuryl alcohol.

IRCT argues that its submitted depreciation expense reflects its normal record keeping for the period that most closely corresponds to the POI. It claims that it extended the useful lives of its buildings and machinery because the assets were constructed of ''high-quality, long-lasting'' materials. The decision to change the estimated useful lives of its assets, IRCT states, was made prior to the initiation of this investigation.

DOC Position

In computing COP for the subject merchandise, the Department generally relies on the accounting records maintained by respondent in the normal course of its operations. These records, however, must be kept in accordance with respondent's home country GAAP if those GAAP reasonably reflect the costs associated with producing the subject merchandise.

In IRCT's case, the change in the useful lives of buildings and machinery assets, although reflected in the company's accounting records during 1994, had yet to be approved by the company's independent auditors or the Thai government as of the date of our verification. Thus, we believe that it is inappropriate for us to determine whether IRCT's change in the useful lives of these assets reasonably reflects the company's depreciation expense for the POI since it is impossible for us to conclude that the new policy is in accordance with Thai GAAP.

We disagree with the petitioner's argument that the original useful lives of IRCT's assets are not in accordance with U.S. GAAP and thus distort furfuryl alcohol production costs. U.S. GAAP allows companies to determine the useful lives of production assets based on the estimated economic lives of those assets. In IRCT's case, we have no reason to believe that the depreciable lives historically utilized by the company fail to reflect the economic lives of the underlying assets. Therefore, we have calculated depreciation expense based on the original useful lives of the assets.

Comment 10: General and Administrative Expense (''G&A'') Allocation

The petitioner contends that IRCT provided no justification for deviating from the Department's normal G&A calculation methodology by allocating G&A expenses to non-productive cost centers. According to the petitioner, IRCT's methodology distorts the cost of production for furfuryl alcohol. Therefore, as BIA, the petitioner asserts the Department should allocate all G&A expenses solely to furfuryl alcohol.

IRCT argues that its G&A allocation methodology is consistent with GAAP and appropriate for this investigation. According to IRCT, the Department's normal methodology of allocating G&A, on the basis of cost of sales, overstates furfuryl alcohol production costs. IRCT contends that, its G&A allocation methodology more properly matches benefits received from G&A expenditures to the appropriate business cost centers.

DOC Position

We agree with the petitioner that IRCT did not adequately support is G&A allocation methodology. To compute G&A expense for COP, IRCT allocated its G&A expense equally among its four cost centers. Two of those cost centers did not produce any products during the POI.

During verification, IRCT provided no evidence to support its allocation methodology for G&A expenditures, nor did IRCT demonstrate that the allocation methodology was used in its normal accounting system. Instead, we found that IRCT's submitted G&A allocation methodology was based on subjective factors. We have, therefore, recalculated IRCT's G&A expenses by allocating reported fiscal year 1993 company-wide G&A expense based on the company's cost of sales for that year. This is in accordance with our normal G&A methodology, as stated in section D of the Department's questionnaire.

Comment 11: G&A Expense Calculation Period

IRCT reported G&A expenses based on the six-month POI rather than on an annual basis. IRCT contends its six-month G&A expense calculation accurately reflects the actual G&A costs incurred during the POI.

DOC Position

Ordinarily, G&A expenses are considered to be period costs for accounting purposes. As such, they differ from product costs like direct materials, labor, and overhead in that G&A expenses are not included in inventory costs but, instead, are accounted for as expenses during the period in which they are incurred. This is because, unlike product costs, G&A can neither be easily nor accurately matched to the revenues generated from the sales of an individual unit of production. Instead, G&A expenses are typically incurred in connection with a company's overall operations. Many expenses categorized as G&A, such as insurance and bonus payments, are incurred sporadically throughout the fiscal year. Moreover, G&A expenses are often accrued during the fiscal year based on estimates that are then adjusted to actual expenses at year-end. Because of their nature as period costs, and due to the irregular manner in which many companies record G&A expenses, the Department generally looks to a full-year period in computing G&A expenses for COP and CV. Such a period encompasses operating results over a longer time span than the POI and typically reports the results of at

least one business cycle. Under ordinary circumstances, the most appropriate full-year G&A period is that represented by the latest fiscal year for which the respondent has complete and audited financial statements.

IRCT provided no evidence to justify deviating from the Department's normal practice of using annual financial data for G&A. As of the last day of verification, IRCT's 1994 audited financial statements were not available. Consequently, we calculated G&A expense based on IRCT's 1993 annual audited financial statements.

Comment 12: Waste Water

The petitioner states that IRCT excluded certain waste water treatment expenses from its submitted COP. As BIA, the petitioner suggests that the Department include the accounts payable amount reported in IRCT's May 1994 Trial Balance.

The respondent asserts that it has properly included all waste water treatment costs in its submitted COP. It states that the particular account noted by the petitioner reflects costs associated with the purchase of waste water treatment equipment.

DOC Position

We agree with the respondent. The respondent included all waste water treatment expenses incurred during the POI in its COP submission. Therefore, no adjustment is required.

Comment 13: Insurance Proceeds

IRCT offset its submitted COP for furfuryl alcohol by insurance proceeds received due to an unexpected equipment failure during the POI. IRCT contends that it properly included insurance revenue received for both equipment repair costs and for the increase in per-unit costs resulting from the equipment failure.

The petitioner concedes that IRCT tied part of the insurance settlement directly to equipment repair costs and should be allowed a partial offset for these costs. According to the petitioner, however, IRCT did not show how the remaining proceeds relate to the company's claimed increase in per-unit costs.

DOC Position

We agree with the respondent that the insurance proceeds should be used to offset IRCT's furfuryl alcohol costs. During verification, we found that the insurance proceeds were paid to IRCT for equipment failure and overhead costs incurred during the period in which the equipment was under repair. Thus, these proceeds relate directly to the equipment failure which occurred during the POI. Due to this equipment failure, IRCT incurred higher per-unit production costs in addition to the cost of repairs. Accordingly, we consider it reasonable for IRCT to offset its submitted COP by all proceeds received for the insurance claim.

Suspension of Liquidation

In accordance with section 735(d) of the Act, we are directing the Customs Service to suspend liquidation of all entries of furfuryl alcohol from Thailand, as defined in the ''Scope of Investigation'' section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of our final determination [1] in the **Federal Register**.

The Customs Service shall require a cash deposit or posting of a bond on all entries equal to the estimated amount by which the FMV exceeds the USP, as shown below. The suspension of liquidation will remain in effect until further notice.

Producer/manufacturer/exporter	Margin percentage
IRCT	5.94
All Others	5.94

ITC Notification

In accordance with section 735(d) of the Act, we have notified the ITC of our determination. The ITC will make its determination whether these imports materially injure, or threaten injury to, a U.S. industry within 45 days of the publication of this notice. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted as a result of the suspension of liquidation will be refunded or cancelled.

However, if the ITC determines that such injury does exist, we will issue an antidumping duty order directing the Customs Service officers to assess an antidumping duty on furfuryl alcohol from Thailand, entered, or withdrawn from warehouse, for consumption on or after the date of suspension of liquidation, equal to the amount by which the foreign market value of the merchandise exceeds the United States price.

This determination is published pursuant to section 735(d) of the Act (19 U.S.C. 1673(d)) and 19 CFR 353.20.

[1] The preliminary determination was negative in this case.

Dated: May 1, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–11263 Filed 5–5–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–807]

Industrial Belts and Components and Parts Thereof, Whether Cured or Uncured, From Japan; Partial Termination and Preliminary Results of Antidumping Duty Administrative Review

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

ACTION: Notice of partial termination and preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests from Mitsuboshi Belting Limited (MBL) and Nakamichi America Corporation (Nakamichi), the respondents, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on industrial belts and components and parts thereof, whether cured or uncured (hereinafter referred to as industrial belts), from Japan. Subsequently, Nakamichi made a timely request to withdraw its request for an administrative review, and since there were no other requests for review of Nakamichi's exports to the United States, the Department is terminating its 1993/94 administrative review of Nakamichi. Therefore, this review covers one manufacturer/exporter, MBL, during the period June 1, 1993, through May 31, 1994.

As a result of this review, the Department has preliminarily determined to assess antidumping duties for MBL based upon the best information otherwise available (BIA). Interested parties are invited to comment on the preliminary results of this administrative review.

EFFECTIVE DATE: May 8, 1995.

FOR FURTHER INFORMATION CONTACT: Charles Vannatta in the Office of Antidumping Compliance; Import Administration; International Trade Administration; 14th & Constitution Avenue, N.W.; U.S. Department of Commerce; Washington, D.C. 20230; telephone number (202) 482–5253.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are references

to the provisions as they existed on December 31, 1994.

Background

On June 14, 1989, the Department published in the **Federal Register** (54 FR 25314) the antidumping order on industrial belts from Japan. On June 16, 1994, and June 30, 1994, Nakamichi and MBL, respectively, requested that the Department conduct an administrative review of the period June 1, 1993, through May 31, 1994. The Department published a notice of initiation of the antidumping administrative review on July 15, 1994 (59 FR 36160). The Department is now conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

On September 2, 1994, the Department received a timely request from Nakamichi to withdraw its request for an administrative review. There were no other requests from interested parties for an administrative review of Nakamichi. Therefore, with respect to Nakamichi, the Department is terminating this administrative review, in part, in accordance with 19 CFR 353.22(a)(5).

On July 19, 1994, the Department presented its questionnaire to the counsel for MBL requesting information concerning MBL's U.S. and home market sales made during the period of review. MBL did not respond to the Department's request for information.

Scope of the Review

Imports covered by the review are shipments of industrial belts and components and parts thereof, whether cured or uncured, from Japan. These products include V-belts, synchronous belts, and other industrial belts, in part or wholly of rubber or plastic, and containing textile fiber (including glass fiber) or steel wire, cord or strand, and whether in endless (*i.e.*, closed loops) belts, or in belting in lengths or links. This review excludes conveyor belts and automotive belts, as well as front engine drive belts found on equipment powered by internal combustion engines, including trucks, tractors, buses, and lift trucks.

During the period of review, the merchandise was classifiable under Harmonized Tariff Schedule (HTS) subheadings 3926.90.55, 3926.90.56, 3926.90.57, 3926.90.59, 3926.90.60, 4010.10.10, 4010.10.50, 4010.91.11, 4010.91.15, 4010.91.19, 4010.91.50, 4010.99.11, 4010.99.15, 4010.99.19, 4010.99.50, 5910.00.10, 5910.00.90, and 7326.20.00. The HTS subheadings are provided for convenience and Customs purposes. The written description remains dispositive.

For these preliminary results, this review covers sales and entries made during the period of review from one Japanese manufacturer and exporter of industrial belts to the United States, Mitsuboshi Belting Limited.

Best Information Available

In accordance with section 776(c) of the Tariff Act, the Department has preliminarily determined that the use of BIA is appropriate for MBL. In determining what to use as BIA, 19 CFR 353.37(b) provides that the Department may take into account whether a party fails to provide requested information. When a company fails to provide the information requested in a timely manner, or otherwise significantly impedes the Department's review, the Department considers that company to be uncooperative, and, in accordance with its two-tier BIA methodology, generally assigns to that company the higher of (1) the highest rate for any company for the same class or kind of merchandise from any previous review or the original investigation, or (2) the highest rate for a responding firm with shipments of the same class or kind of merchandise during the current review period (*Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From the Federal Republic of Germany, et al; Final Results of Antidumping Duty Administrative Review*, 56 FR 31692, 31704–05 (July 11, 1991); *Allied-Signal Aerospace Co.* v. *United States*, 996 F.2d 1185 (Fed. Cir. 1993)).

Because MBL did not respond to the Department's request for information, the Department has used the rate from the less-than-fair-value investigation to establish MBL's margin in accordance with the first tier of the Department's two-tier BIA methodology. This rate is 93.16 percent.

Preliminary Results of Review

The Department preliminarily determines that MBL's margin for this administrative review is 93.16 percent.

Parties to the proceeding may request disclosure and/or an administrative protective order within five days of the date of publication of this notice. Interested parties may also request a public hearing within 10 days of the date of publication of this notice. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Case briefs and/or written comments may be submitted to the Department not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed with the Department not later than 37 days after the date of publication. The Department will include in its publication of the final results of administrative review an analysis of the issues raised in any written comments or at the hearing.

Upon completion of the final results of this administrative review, the Department will determine, and the U.S. Customs Service will assess, antidumping duties on all appropriate entries. Individual differences between the United States price and the foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of industrial belts from Japan, entered for consumption, or withdrawn from warehouse for consumption, on or after its publication date, as provided by section 751(a)(1) of the Tariff Act:

(1) The cash deposit rate for MBL will be that established in the final results of this administrative review;

(2) For subject merchandise exported by manufacturers or exporters not covered in this review but covered in previous reviews or in the original less-than-fair-value investigation, a cash deposit based upon the most recently published rate in a final result or determination for which the manufacturer or exporter received a company-specific rate;

(3) For subject merchandise exported by an exporter not covered in this review, a prior review, or the original investigation, but where the manufacturer of the merchandise has been covered by this or a prior final result or determination, a cash deposit based upon the most recently published company-specific rate for that manufacturer; and

(4) For merchandise exported by all other manufacturers and exporters who are not covered by this or any previous administrative review conducted by the Department, the cash deposit rate will be the ''all others'' rate established in the less-than-fair-value investigation, 93.16 percent.

These cash deposit requirements, when imposed, shall remain in effect until the publication of the final results of the next administrative review.

This notice also serves as a preliminary reminder to all importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties

prior to liquidation of the relevant entries during the review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred, and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22(c)(5).

Dated: April 19, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–11258 Filed 5–5–95; 8:45 am]

BILLING CODE 3510–DS–M

[C–549–802]

Ball Bearings and Parts Thereof From Thailand; Preliminary Results of a Countervailing Duty Administrative Review

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

ACTION: Notice of preliminary results of countervailing duty administrative review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on ball bearings and parts thereof from Thailand. We preliminarily determine the total bounty or grant to be 4.29 percent *ad valorem* for all companies for the period January 1, 1992, through December 31, 1992. If the final results remain the same as these preliminary results of administrative review, we will instruct U.S. Customs Service to assess countervailing duties as indicated above. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: May 8, 1995.

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

SUPPLEMENTARY INFORMATION:

Background

On May 3, 1989, the Department published in the **Federal Register** (54 FR 19130) the countervailing duty order on ball bearings and parts thereof from Thailand. On April 28, 1993, the Department published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' (58 FR 25802) of this countervailing duty order. On May 28, 1993, Torrington Company, the petitioner, requested an administrative review of the order. On May 28, 1993, Pelmec Thai Ltd. (Pelmec) and NMB Thai Ltd. (NMB Thai), the respondent companies in prior reviews also requested an administrative review.

On June 25, 1993 (58 FR 34414), we initiated the review, covering the period January 1, 1992, through December 31, 1992. The review covers nine programs and three related producers/exporters, NMB Thai, Pelmec, and NMB Hi-Tech Bearings Ltd. (NMB Hi-Tech), which are wholly owned by Minebea, Co., Ltd. of Japan.

Applicable Statute and Regulations

The Department is conducting this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act). Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994.

Scope of Review

Imports covered by this review are ball bearings and parts thereof. Such merchandise is described in detail in Appendix A to this notice. The *Harmonized Tariff Schedule* (HTS) item numbers listed in Appendix A are provided for convenience and Customs purposes. The written description remains dispositive.

Calculation Methodology

In the first administrative review, respondents claimed that the F.O.B. value of the subject merchandise entering the United States is greater than the F.O.B. price charged by the companies in Thailand (57 FR 26646; June 15, 1992). They explained that this discrepancy is due to a mark-up charged by the parent company, located in a third country, through which the merchandise is invoiced. However, the subject merchandise is shipped directly from Thailand to the United States and is not transshipped, combined with other merchandise, or repackaged with other merchandise. In other words, for each shipment of subject merchandise, there are two invoices and two corresponding F.O.B. export prices: (1) The F.O.B. export price at which the subject merchandise leaves Thailand, and on which subsidies from the Royal Thai Government (RTG) are earned by the companies, and upon which the subsidy rate is calculated; and (2) the F.O.B. export price which includes the parent company mark-up, and which is listed on the invoice accompanying the subject merchandise as it enters the United States, and upon which the cash deposits are collected and the countervailing duty is assessed. Respondents argued that the calculated *ad valorem* rate should be adjusted by the ratio of the export value from Thailand to the export value charged by the parent company to the U.S. customer so that the amount of countervailing duties collected would reflect the amount of subsidies bestowed. The Department agreed and made this adjustment in the first and second administrative reviews (57 FR 26646; June 15, 1992; and 58 FR 36392; July 7, 1993).

In the present review, we again verified on a transaction-specific basis the direct correlation between the invoice which reflect the F.O.B. price on which the subsidies are earned and the invoice which reflects the marked-up price that accompanies each shipment as it enters the United States. Since the mark-up is not part of the export value upon which the respondents earn bounties or grants, the Department has followed the methodology adopted in the first and second administrative reviews, and calculated the *ad valorem* rate as a percentage of the original export value from Thailand and then multiplied this rate by the adjustment ratio—the original export value from Thailand divided by the marked-up value of the goods entering the United States.

We did not calculate a separate rate for each company because NMB Thai, Pelmec, and NMB Hi-Tech are wholly owned by one parent company, and are therefore related. As a result of this relationship, we considered the three companies as one corporate entity in our calculations. We calculated the bounty or grant by first totalling the benefits received by the three companies for each program used. Dividing these sums by total Thai export value for the three companies, we calculated the adjusted bounty or grant for each program used. As described above, we adjusted these rates by multiplying them by the ratio of the original export price from Thailand to the marked-up price of the goods entering the United States. Finally, we summed the adjusted bounty or grant for each program, to arrive at the total country-wide bounty or grant.

Analysis of Programs

1. Investment Promotion Act of 1977—Sections 31, 28 and 36(1)

The Investment Promotion Act of 1977 (IPA) is administered by the Board of Investment (BOI) and is designed to provide incentives to invest in Thailand. In Order to receive IPA benefits, each company must apply to the BOI for a Certificate of Promotion (license), which specifies goods to be produced, production and export requirements, and benefits approved. These licenses are granted at the discretion of the BOI and are periodically amended or reissued to change benefits or requirements. Each IPA benefit for which a company is eligible must be specifically stated in the license.

The BOI licenses for Pelmec, NMB Thai and NMB Hi-Tech all originally included export requirements. In the *Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Ball Bearings and Parts Thereof from Thailand* (54 FR 19130; May 3, 1989), we determined that because the receipt of benefits under the IPA licenses was contingent upon export performance, these benefits were countervailable. However, effective January 1, 1990, producers of electronic parts (BOI Category 4.6) became eligible to apply to have export requirements eliminated from their BOI licenses. Most of the subject merchandise is classified by BOI under Category 4.6, and consequently, NMB Thai, NMB Hi-Tech, and Pelmec all applied for eliminations of their export requirements. NMB Thai's export requirements were lifted effective October 16, 1992, for one license, and effective November 9, 1992, for its three remaining licenses. The export requirements for NMB Hi-Tech's two licenses were lifted effective February 26, 1990, and November 19, 1990. Export requirements were eliminated from two of Pelmec's three licenses, effective November 9, 1992. However, because the BOI considers some of the subject merchandise produced by Pelmec under one of its BOI licenses to be ''ball bearings and parts for *general industry*,'' the export requirement has not been eliminated completely from its remaining license.

During the period of review, export requirements were specified in most of the companies' licenses. Furthermore, the subject merchandise constitutes one class or kind of merchandise and export requirements remain in place for certain ball bearings subject to the countervailing duty order. Consequently, we preliminarily determine that IPA benefits continued to be tied to export performance for manufacturers of subject merchandise during the review period and are, therefore, countervailable.

Pelmec, NMB Thai and NMB Hi-Tech received benefits under three sections of the IPA during the review period: IPA Sections 31, 28, and 36(1).

Section 31: IPA Section 31 allows companies an exemption from payment of corporate income tax on profits derived from promoted exports. Pelmec, NMB Thai, and NMB Hi-Tech all claimed an income tax exemption under Section 31 on the income tax return filed during the review period.

Section 28: Prior to the review period, IPA Section 28 allowed companies to import fixed assets free of import duties, the business tax and the local tax. However, effective January 1, 1992, the RTG eliminated both the business and the local tax and instituted a value added tax (VAT) system.

According to Section 21(4) of the VAT Act, if Section 28 benefits were granted by BOI to a company before January 1, 1992, that company, when importing fixed assets under Section 28, would continue to be subject to the business tax provisions under Chapter IV, Title II, of the Revenue Code before being amended by VAT Act. In accordance with Section 21(4), the company would be required to pay the business and local taxes only if its BOI license requirements were violated. Section 21(4) of the VAT Act applies to Pelmec, NMB Thai, and NMB Hi-Tech because all of their licenses were granted before January 1, 1992, and contain Section 28 benefits. The respondents argued in their questionnaire response that given the provisions of the VAT Act and, specifically Section 21(4), their exemption from the business and local taxes no longer constitutes a benefit to the companies because: (1) No other companies are required to pay the business and local taxes, and (2) under Section 21(4), payment of the business and local taxes serves only as a penalty for noncompliance with BOI license requirements. We verified that under the new VAT law, companies are no longer required to pay business and local taxes with the exception of the noncompliance penalty noted above. For these reasons, we preliminarily determine that the business and local tax exemptions under Section 28 no longer constitute a countervailable benefit for companies subject to Section 21(4) of the VAT Act.

However, under provisions of Section 21(4) of the VAT Act, companies that were granted Section 28 benefits under the IPA before January 1, 1992, are not required to pay VAT on imports of fixed assets. The respondents argued in their supplementary questionnaire that this exemption from VAT on imports of fixed assets did not constitute a benefit to the companies because all companies are effectively exempted from VAT on their imports of fixed assets. According to the Section 82 of the VAT Act, the VAT liability is computed by subtracting the ''input tax'' (the VAT paid) from the ''output tax'' (the VAT collected). Consequently, companies that pay VAT on imports of fixed assets are effectively exempted from this VAT payment as they receive a credit for the VAT they paid on purchases of all inputs, including imports of fixed assets, when their monthly VAT liability is computed. We examined this issue at verification and through questionnaires. We confirmed that under the VAT system, companies receive credit for the VAT paid on the purchases of inputs and, as a result, no VAT is effectively paid by companies on these purchases. Since VAT liability is computed on a monthly basis, any possible time-value-of-money benefit under Section 21(4) of the VAT Act in the review would be insignificant. On this basis, we preliminarily determine at this time that the exemption of the VAT on imports of fixed assets under Section 21(4) of the VAT Act does not constitute a countervailable benefit to the companies specified in Section 21(4). In future administrative reviews, however, the Department will continue to examine provisions of the VAT Act, including Section 21(4), to ascertain that no countervailable benefits are being provided to manufacturers of subject merchandise.

Since the business and local tax exemptions under Section 28 of the IPA and the VAT exemption under Section 21(4) of the VAT Act do not confer countervailable benefits to companies subject to Section 21(4) of the VAT Act, we preliminarily determine that only the exemptions of import duties on fixed assets under Section 28 of IPA continue to provide countervailable benefits to the respondent companies which were all subject to Section 21(4) of the VAT Act during the review period.

Section 36(1): IPA Section 36(1) allows companies to import essential materials (nonfixed assets that are not physically incorporated into the exported good) free of import duties. Pelmec, NMB Thai, and NMB Hi-Tech all claimed such exemptions during the review period.

To calculate the benefit from Sections 31, 28, and 36(1) of the IPA, we followed the same methodology that has been used in past administrative

reviews (*see, e.g.*, 58 FR 16174, March 25, 1993; 57 FR 9413, March 18, 1992). For Section 31, we calculated the benefit by calculating the difference between what each company paid in corporate income tax during the review period and what it would have paid absent the exemption. We did this by multiplying the corporate income tax rate in effect during the review period by the amount of each company's income that was exempted from income tax. For Sections 28 and 36(1), we calculated the benefit by obtaining the amount of import duties that would have been paid on the imports absent the exemption. We then added all duty and tax savings under all the IPA programs and divided this aggregat benefit by the total export value of the subject merchandise. We then made the adjustment for the parent company mark-up discussed in the ''Calculation Methodology'' section above. On this basis, we preliminarily determine the bounty or grant from IPA Sections 31, 28 and 36(1) to be 4.27 percent *ad valorem* during the review period.

2. Electricity Discounts for Exporters

Electricity discounts for exporters were terminated effective January 1, 1990. However, because government authorities can defer action on company applications for up to five years, residual benefits are possible up to five years after termination of the program.

Pelmec and NMB Thai received such residual benefits during the review period. We calculated the benefit attributable to these residual benefits by dividing the amount of the electricity discount by the total F.O.B. export value of subject merchandise. We then made the adjustment for the parent company mark-up discussed in the ''Calculation Methodology'' section above. On this basis, we preliminarily determine the bounty or grant from residual electricity discounts to be 0.02 percent *ad valorem* during the review period.

3. Tax Certificates for Exporters

The RTG issues tax certificates to exporters of record which are transferable and which rebate indirect taxes and import duties levied on inputs used to produce exports. This rebate program is provided for in the ''Tax and Duty Compensation of Exported Goods Produced in the Kingdom Act'' (Tax and Duty Act).

The Thai Ministry of Finance computes the value of the rebate rates under the Tax and Duty Act based on the *Basic Input-Output Table of Trailand* (I–O table). Using this table, the Ministry computes the value of total inputs (both imported and domestic) at ex-factory prices, and the import duties and indirect taxes on each input. As determined in the *Final Affirmative Countervailing Duty Determination and Countervailing Duty Order: Ball Bearings and Parts Thereof from Thailand* (54 FR 19130; May 3, 1989), these rebates are countervailable only to the extent that the remissions of duties and taxes exceed those actually levied on physically incorporated inputs.

Prior to 1992, there were two rates for tax certificates, the ''A'' rate, which rebated import duties and business taxes, and the ''B'' rate, which rebated only business taxes. Exporters of the subject merchandise were eligible for the ''B'' rate only. Because of their IPA benefits, they were ineligible to receive the ''A'' rate.

Effective January 1, 1992, as a result of the adoption of the VAT, the ''B'' rate was terminated and the ''A'' rate was revised to rebate only import duties. Accordingly, none of the companies under review were eligible to apply for or earn rebates under this program during the review period. Based on prior Department practice, we countervailed the benefits under the Tax Certificates program at the time the tax certificates were earned. *See, e.g., Final Affirmative Countervailing Duty Determination: Carbon Steel Butt-Weld Pipe Fittings from Thailand,* 55 FR 1695, 1699 (January 18, 1990). All tax certificates received during the 1992 review period were earned in prior years and were countervailed in prior review periods.

At verification, we examined the official announcement that terminated the ''B'' rebate rate and we examined individual company documentation showing that none of the companies earned ''B'' rate tax certificates. Additionally, we confirmed with RTG officials that the companies under review are not eligible for the ''A'' rate rebate. As no tax certificates were earned during the review period, we preliminarily determine that producers of the subject merchandise received no bounty or grant from the tax certificate program during the review period.

4. Other Programs

We also examined the following programs and preliminarily determine that the exporters of the subject merchandise did not apply for or receive benefits under these programs during the review period:

- Export Packing Credits
- Rediscount of Industrial Bills
- Export Processing Zones
- IPA Sections 33 and 36(4)
- Reduced Business Taxes for Producers of Intermediate Goods for Export Industries
- International Trade Promotion Fund

Preliminary Results of Review

As a result of our review, we preliminarily determine the total bounty or grant to be 4.29 percent *ad valorem* for the period January 1, 1992, through December 31, 1992. If the final results of this review remain the same as the preliminary results, the Department intends to instruct the Customs Service to assess countervailing duties of 4.29 percent of the F.O.B. invoice price on all shipments from Thailand of the subject merchandise exported on or after January 1, 1992, and on or before December 31, 1992. The Department also intends to instruct the Customs Service to collect a cash deposit of estimated countervailing duties of 4.29 percent of the F.O.B. invoice price on all shipments from Thailand of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review.

Interested parties may request disclosure of the calculation methodology and may request a hearing within 10 days of the date of publication of this notice. Case briefs or other written comments from interested parties may be submitted not later than 30 days after the date of publication of this notice. Rebuttal briefs and rebuttal comments, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publications of this notice. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with section 355.38(e) of the Department's regulations.

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in event later than the date the case briefs, under 19 CFR 355.38(c)(1994), are due. The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief, or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)(1994)) and 19 CFR 355.22(1994).

Dated: April 27, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

Appendix A

Scope of the Review

The products covered by this review, ball bearings, mounted or unmounted, and parts thereof, constitute the following as outlined below.

Ball Bearings, Mounted or Unmounted, and Parts Thereof

These products include all antifriction bearings which employ balls as the rolling element. During the review period, imports of these products were classifiable under the following categories: antifriction balls; ball bearings with integral shafts; ball bearings (including radial ball bearings) and parts thereof; ball bearing type pillow blocks and parts thereof; ball bearing type flange, take-up, cartridge, and hanger units, and parts thereof; and other bearings (except tapered roller bearings) and parts thereof. Wheel hub units which employ balls as the rolling element are subject to the review. Finished but unground or semiground balls are not included in the scope of this review. Imports of these products are currently classifiable under the following HTS item numbers: 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.10, 8482.99.70, 8483.20.40, 8483.20.80, 8483.30.40, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.99.50.

This review covers all of the subject bearings and parts thereof outlined above with certain limitations. With regard to finished parts (inner race, outer race, cage, rollers, balls, seals, shields, etc.), all such parts are included in the scope of this review. For unfinished parts (inner race, outer race, rollers, balls, etc.), such parts are included if: (1) They have been heat treated, or (2) heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by this review are those where the part will be subject to heat treatment after importation.

[FR Doc. 95–11257 Filed 5–5–95; 8:45 am]

BILLING CODE 3510–DS–M

Kansas State University, Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 94–142. *Applicant:* Kansas State University, Manhattan, KS 66506-5501. *Instrument:* IR Mass Spectrometer System, Model 20-20. *Manufacturer:* Europa Scientific, United Kingdom. *Intended Use:* See notice at 60 FR 442, January 4, 1995.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States. *Reasons:* The foreign instrument provides: (1) dual isotope capabilities for carbon and nitrogen, (2) trace gas analysis for CH_4, CO_2, N_2O and (3) ^{13}C analysis in areas currently hindered by limitations on ^{14}C based analysis. The National Institutes of Health advises in its memorandum dated March 20, 1995 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 95–11256 Filed 5–5–95; 8:45 am]

BILLING CODE 3510–DS–F

Yale University, et al.; Notice of Consolidated Decision on Application for Duty-Free Entry of Scientific Instrument

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR 301). Related records can be viewed between 8:30 AM and 5:00 PM in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 94–150. *Applicant:* Yale University, New Haven, CT 06520. *Instrument:* Stopped Flow Adaptor for Optical Spectrometer, Model RX.1000. *Manufacturer:* Applied Biophysics Inc., United Kingdom. *Intended Use:* See notice at 60 FR 3394, January 17, 1995.

Docket Number: 94–151. *Applicant:* National Institute of Standards and Technology, Gaithersburg, MD 20899. *Instrument:* Multicollector System for Mass Spectrometer. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* See notice at 60 FR 3394, January 17, 1995.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments, for the purposes for which the instruments are intended to be used, is being manufactured in the United States. *Reasons:* These are compatible accessories for existing instruments for the use of the applicants. The National Institutes of Health advises in its memoranda dated March 22, 1995 that the accessories are pertinent to the intended uses and that it knows of no comparable domestic accessories.

We know of no domestic accessories which can be readily adapted to the existing instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 95–11255 Filed 5–5–95; 8:45 am]

BILLING CODE 3510–DS–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increase of Guaranteed Access Levels for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Guatemala

May 2, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing guaranteed access levels.

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. For information on the quota status of these levels, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

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).

The United States Government has agreed to increase the 1995 Guaranteed Access Levels (GALs) for Categories 340/640 and 347/348.

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 60 FR 14931, published on March 21, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 2, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 15, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Guatemala and exported during the twelve-month period which began on January 1, 1995 and extends through December 31, 1995.

Effective on May 4, 1995 you are directed to increase the current Guaranteed Access Levels (GALs) for the following categories:

Category	Guaranteed access level
340/640	620,000 dozen.
347/348	1,300,000 dozen.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 95–11206 Filed 5–5–95; 8:45 am]

BILLING CODE 3510–DR–F

Establishment of a New Export Visa Arrangement for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

May 3, 1995.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing a new export visa arrangement.

EFFECTIVE DATE: May 15, 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 an exchange of notes dated November 3 and 23, 1994, the Governments of the United States and the People's Republic of China agreed to cancel the existing visa arrangement and establish a new export visa arrangement for cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products produced and manufactured in China and exported on and after May 15, 1995. Goods exported during the period May 15-31, 1995 shall not be denied entry if visaed in accordance with the old visa requirements. Goods exported on and after June 1, 1995 must be visaed in accordance with the new visa requirements, as set forth in the following directive to the Commissioner of Customs.

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 November 20, 1994). Also see 49 FR 7269, published on February 28, 1984; and 52 FR 28741, published on August 3, 1987.

A facsimile of the visa stamp was published in the **Federal Register** on September 23, 1993 (58 FR 49475).

Interested persons are advised to take all necessary steps to ensure that textile products that are entered into the United States for consumption, or withdrawn from warehouse for consumption, will meet the visa requirements set forth in the letter published below to the Commissioner of Customs.

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 3, 1995.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive cancels and supersedes the directives issued to you on February 23, 1984, as amended, and July 29, 1983, as amended, by the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit entry of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China for which the Government of the People's Republic of China has not issued an appropriate export visa.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); and pursuant to the January 17, 1994 Memorandum of Understanding (MOU) between the Governments of the United States and the People's Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on May 15, 1995, entry into the Customs territory of the United States (i.e., the 50 states, the District of Columbia and the Commonwealth of Puerto Rico) for consumption and withdrawal from warehouse for consumption of cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products in Categories 200–239, 300–369, 400–469, 600–670, and 800–899, including merged and part categories (see Annex A), produced or manufactured in China and exported from China on and after May 15, 1995, for which the Government of the People's Republic of China has not issued an appropriate export visa fully described below. Goods exported during the period May 15-31, 1995 shall not be denied entry if visaed in accordance with the visa requirements in the directives dated February 23, 1984, as amended and July 29, 1983, as amended. Should additional categories, merged categories or part categories be added to the bilateral agreement, the entire category(s) or part category(s) shall be included in the coverage of this arrangement on an agreed effective date.

A visa must accompany each commercial shipment of the aforementioned textile products. A circular stamped marking in blue ink will appear on the front of the original textile export license/commercial invoice or successor document. The original visa shall not be stamped on duplicate copies of the invoice. The original license/invoice with the original visa stamp will be required to enter the shipment into the United States. Duplicates of the license/invoice and/or visa may not be used for this purpose.

Each visa stamp shall include the following information:

1. The visa number. The visa number shall be in the standard nine digit letter format, beginning with one numerical digit for the last digit of the year of export, followed by the two character alpha country code specified by the International Organization for Standardization (ISO)(the code for the People's Republic of China is ''CN''), and a six digit numerical serial number identifying the shipment; e.g., 5CN123456.

2. The date of issuance. The date of issuance shall be the day, month and year on which the visa was issued.

3. The signature of the issuing official.

4. The correct category(s), merged category(s), part category(s), quantity(s) and unit(s) of quantity in the shipment as set forth in the U.S. Department of Commerce Correlation and in the Harmonized Tariff Schedule of the United States (HTS or successor documents) shall be reported in the spaces provided within the visa stamp (e.g., ''Cat. 340–510 DOZ'').

Quantities must be stated in whole numbers. Decimals or fractions will not be

accepted. Merged category quota merchandise may be accompanied by either the appropriate merged category visa or the correct category visa corresponding to the actual shipment (e.g., Categories 347/348 may be visaed as 347/348 or if the shipment consists solely of 347 merchandise, the shipment may be visaed as ''Cat. 347,'' but not as ''Cat. 348'').

U.S. Customs shall not permit entry if the shipment does not have a visa, or if the visa number, date of issuance, signature, category, quantity or units of quantity are missing, incorrect or illegible, or have been crossed out or altered in any way. If the quantity indicated on the visa is less than that of the shipment, entry shall not be permitted. If the quantity indicated on the visa is more than that of the shipment, entry shall be permitted and only the amount entered shall be charged to any applicable quota.

If the visa is not acceptable then a new visa must be obtained from the Government of the People's Republic of China, replacement visa issued by the Embassy of the People's Republic of China in Washington, DC., or a visa waiver may be issued by the Department of Commerce at the request of the Embassy of the People's Republic of China in Washington, DC., and presented to the U.S. Customs Service before any portion of the shipment will be released. The waiver, if used, only waives the requirement to present a visa with the shipment. It does not waive the quota requirement.

Replacement visas shall consist of a textile export visa/invoice form bearing an official Chinese Embassy embossed stamp on the front and include the standard information required on an export visa and the signature of an official authorized by the Government of the People's Republic of China to issue replacement visas. The signature must match one of two original signatures of authorized officials provided to the Government of the United States of America by the Government of the People's Republic of China. U.S. Customs will not permit entry of the shipment if any of the information required on the replacement visa is missing, incorrect or illegible, or has been crossed out or altered in any way.

If the visaed invoice is deficient, the U.S. Customs Service will not return the original document after entry, but will provide to the importer a certified copy of that visaed invoice or visa waiver.

If import quotas are in force, U.S. Customs Service shall charge only the actual quantity in the shipment to the correct category limit. If a shipment from China has been allowed entry into the commerce of the United States with either an incorrect visa or no visa, and redelivery is requested but cannot be made, U.S. Customs shall charge the shipment to the correct category limit whether or not a replacement visa or visa waiver is provided.

The complete name and address of a company actually involved in the manufacturing process of the textile product covered by the visa shall be provided on the textile visa document.

Merchandise imported for the personal use of the importer and not for resale, regardless of value, and properly marked commercial sample shipments valued at U.S.$250 or less, do not require a visa for entry.

The existing visa stamp remains unchanged.

The actions taken concerning the Government of the People's Republic of China with respect to imports of textiles and textile products in the foregoing categories have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1). This letter will be published in the **Federal Register**.

Sincerely,

Rita D. Hayes,

Chairman, Committee for the Implementation of Textile Agreements.

ANNEX A

Part Categories	
224–V	Only HTS numbers 5801.21.0000, 5801.23.0000, 5801.24.0000, 5801.25.0010, 5801.25.0020, 5801.26.0010, 5801.26.0020, 5801.31.0000, 5801.33.0000, 5801.34.0000, 5801.35.0010, 5801.35.0020, 5801.36.0010 and 5801.36,0020.
224–O	All HTS numbers in Category 224 except 224–V.
338–S	All HTS numbers except 6109.10.0012, 6109.10.0014, 6109.10.0018 and 6109.10.0023.
339–S	All HTS numbers except 6109.10.0040, 6109.10.0045, 6109.10.0060 and 6109.10.0065.
340–Z	Only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2050 and 6205.20.2060.
341–Y	Only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054.
359–C	Only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.
359–V	Only HTS numbers 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070.
359–O	All HTS numbers in Category 359 except 359–C and 359–V.
360–P	Only HTS numbers 6302.21.3010, 6302.21.5010, 6302.21.7010, 6302.21.9010, 6302.31.3010, 6302.31.5010, 6302.31.7010 and 6302.31.9010.
369–D	Only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.
369–H	Only HTS numbers 4202.22.4020, 4202.22.4500 and 4202.22.8030.

ANNEX A—Continued

369–L	Only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3015 and 4202.92.6090.
369–S	Only HTS number 6307.10.2005.
369–O	All HTS numbers in Category 369 except 369–D, 369–H, 369–L and 369–S.
410–A	Only HTS numbers 5111.11.3000, 5111.11.7030, 5111.11.7060, 5111.19.2000, 5111.19.6020, 5111.19.6040, 5111.19.6060, 5111.19.6080, 5111.20.9000, 5111.30.9000, 5111.90.3000, 5111.90.9000, 5212.11.1010, 5212.12.1010, 5212.13.1010, 5212.14.1010, 5212.15.1010, 5212.21.1010, 5212.22.1010, 5212.23.1010, 5212.24.1010, 5212.25.1010, 5311.00.2000, 5407.91.0510, 5407.92.0510, 5407.93.0510, 5407.94.0510, 5408.31.0510, 5408.32.0510, 5408.33.0510, 5408.34.0510, 5515.13.0510, 5515.22.0510, 5515.92.0510, 5516.31.0510, 5516.32.0510, 5516.33.0510, 5516.34.0510 and 6301.20.0020.
410–B	Only HTS numbers 5007.10.6030, 5007.90.6030, 5112.11.2030, 5112.11.2060, 5112.19.9010, 5112.19.9020, 5112.19.9030, 5112.19.9040, 5112.19.9050, 5112.19.9060, 5112.20.3000, 5112.30.3000, 5112.90.3000, 5112.90.9010, 5112.90.9090, 5212.11.1020, 5212.12.1020, 5212.13.1020, 5212.14.1020, 5212.15.1020, 5212.21.1020, 5212.22.1020, 5212.23.1020, 5212.24.1020, 5212.25.1020, 5309.21.2000, 5309.29.2000, 5407.91.0520, 5407.92.0520, 5407.93.0520, 5407.94.0520, 5408.31.0520, 5408.32.0520, 5408.33.0520, 5408.34.0520, 5515.13.0520, 5515.22.0520, 5515.92.0520, 5516.31.0520, 5516.32.0520, 5516.33.0520 and 5516.34.0520.
440–M	Only HTS numbers 6203.21.0030, 6203.23.0030, 6205.10.1000, 6205.10.2010, 6205.10.2020, 6205.30.1510, 6205.30.1520, 6205.90.3020, 6205.90.4020 and 6211.31.0030.
604–A	Only HTS number 5509.32.0000.
604–O	All HTS numbers in Category 604 except 604–A.
651–B	Only HTS numbers 6107.22.0015 and 6108.32.0015.
659–C	Only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

ANNEX A—Continued

659–H	Only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.
659–S	Only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.
659–O	All HTS numbers in Category 659 except 659–C, 659–H, and 659–S.
669–P	Only HTS numbers 6305.31.0010, 6305.31.0020 and 6305.39.0000.
669–O	All HTS numbers in Category 669 except 669–P.
670–L	Only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025.
670–O	All HTS numbers in Category 670 except 670–L
863–S	Only HTS number 6307.10.2015.
863–O	All HTS numbers in Category 863 except 863–S.

Merged Categories
300/301
317/326
338/339
338–S/339–S
347/348
445/446
638/639
644/844
645/646

[FR Doc. 95–11259 Filed 5–5–95; 8:45 am]
BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

Notice of Delegation of Authority

SUMMARY: Notice is hereby given that the Commodity Futures Trading Commission has delegated, on an interim basis, certain authority to the Program Coordinator of the Division of Enforcement.

FOR FURTHER INFORMATION CONTACT: Susan R. Cornell, Attorney, Division of Enforcement, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Telephone: (202) 254–7424.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Commodity Futures Trading Commission has delegated to the Program Coordinator of the Division of Enforcement all of the authority which has been delegated to the Director of the Division of Enforcement, including but not limited to the authority to conduct investigations as set forth in Part 11—Rules Relating to Investigations, 17 CFR part 11, and all other delegations set forth in that Part, and the authority set forth in Part 140—Organization, Functions and Procedures of the Commission, 17 CFR part 140. This delegation shall be in effect only until such time as a Director of the Division of Enforcement is appointed and assumes office. (7 U.S.C. 4a, 9, 15, 12, and 12a(5)).

Issued in Washington, D.C. on May 2, 1995, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 95–11172 Filed 5–5–95; 8:45 am]
BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Finding of No Significant Impact (FNSI) and Environmental Assessment (EA) for Realignment of Five Business Areas From Fort Belvoir, Virginia, to Detroit Arsenal, Michigan

AGENCY: Department of the Army, DoD.

ACTION: Finding of no significant impact.

SUMMARY: The proposed action analyzed by this document is the realignment of the following business areas: a) Supply Distribution, b) Bridging, c) Mechanical Counter Mobility, d) Water Purification, and e) Fuels and Lubricants to the Detroit Arsenal, Michigan, as required by the Base Closure and Realignment Act of 1990 (Public Law 101–510).

The 1993 Defense Base Closure and Realignment Commission recommended certain realignment and closure actions for military installations on July 1, 1993 (BRAC 93), including the realignment of a portion of the Belvoir Research, Development and Engineering Center (BRDEC), Fort Belvoir, Virginia, to the Tank-Automotive Research, Development and Engineering Center (TARDEC), Detroit Arsenal, Michigan. Recommended actions were approved by the President of the United States and subsequent review by the United States Congress did not alter any of the BRAC 93 recommendations.

The purpose of the EA is to identify and evaluate the anticipated effects of the realignment of these five business areas upon the receiving location. Because the recommended realignment is a statutory requirement and must be implemented, No Action, or not implementing the proposed action is not currently a viable alternative. The Army is required to move and consolidate these activities to the maximum extent possible. This mandate does not allow the Army to seek off-post sites as options for consolidation of activities. Sufficient office space is available in existing Building 201 which is currently undergoing renovation to accommodate the office functions of the realigned Supply Distribution, and Bridging business areas, however, existing on-post laboratory facilities are either occupied or not configured to allow efficient use by the Mechanical Counter Mobility, Water Purification, and Fuels and Lubricants business areas. There are no feasible alternatives to the following construction activities proposed to execute this BRAC 93 action.

The EA studied in detail two possible alternatives: (a) Preferred construction site and (b) an alternative construction site. Under the Preferred Construction Site Alternative the Fuels and Lubricants, Water Purification and Mechanical Counter Mobility business areas would be accommodated on Detroit Arsenal in a new 38,000 square foot facility. This facility would be built between and connect two existing buildings (Buildings 212 and 215) in the north-central portion of Detroit Arsenal. The building location was selected on the basis of its proximity to existing facilities and its compatibility with current utilization.

Under the Alternative Construction Site the Fuels and Lubricants, Water Purification and Mechanical Counter Mobility business areas would be accommodated at the Detroit Arsenal in a new 40,000 square foot facility. This facility would be a free standing structure built over approximately one acre of undeveloped land just west of Building 215 in the north-central sector of the Detroit Arsenal. This site is currently used as a softball field.

Regarding the preferred construction site alternative, no significant impacts were identified. Potential for only minor, insignificant impacts are anticipated regarding: Air Quality, soils, and groundwater. Building 212 has been recommended as being eligible for the National Register of Historic Places. Proposed construction plans for the new connecting building will be coordinated with the Michigan State Historic Preservation Officer (SHPO) prior to undertaking any construction activities. If necessary, a Memorandum of Agreement detailing the actions the Army will take to avoid or mitigate for any adverse effects to National Register properties will be concluded among the Army, the Michigan SHPO, and the Advisory Council.

Regarding the Alternative Construction Site, no significant impacts were identified. Potential for only minor, insignificant, impacts are anticipated regarding: land use, air quality, soils, surface drainage, and

groundwater. This site would require an archaeological reconnaissance.

Based on the environmental impact analyses found in the EA, it has been determined that implementation of the proposed action would not have significant individual or cumulative impacts on the quality of the natural or the human environment. Because there would be no significant environmental impacts resulting from implementation of the proposed action, a FNSI has been prepared, and an Environmental Impact Statement is not required for the realignment of these five business areas to the Detroit Arsenal, Michigan.

DATES: Comments must be received by no later than May 23, 1995.

ADDRESSES: Persons wishing to comment may obtain a copy of the EA or inquire regarding the FNSI by writing to the U.S. Army Engineer District, Louisville, ATTN: CEORL–PD–R (Jim Baker), P.O. Box 59, Louisville, Kentucky 40201–0059.

FOR FURTHER INFORMATION CONTACT: Questions regarding this FNSI may be directed to the U.S. Army Corps of Engineers, ATTN: Mr. Jim Baker, at (502) 582–5774.

Dated: May 3, 1995.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, (Environment, Safety and Occupational Health) OASA (IL&E).

[FR Doc. 95–11234 Filed 5–5–95; 8:45 am]

BILLING CODE 3710–08–M

Department of the Navy

Community Redevelopment Authority and Available Surplus Buildings and Land at Military Installations Designated for Closure: Naval Station, New York, Brooklyn, NY

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: This Notice provides information regarding the redevelopment authority that has been established to plan the reuse of the Naval Station, New York, Brooklyn, NY, the surplus property that is located at that base closure site, and the timely election by the redevelopment authority to proceed under new procedures set forth in the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

FOR FURTHER INFORMATION CONTACT: John J. Kane, Director, Real Estate Operations Division, Naval Facilities Engineering Command, 200 Stovall Street, Alexandria, VA 22332–2300, telephone (703) 325–0474, or Marian E. DiGiamarino, Special Assistant for Real Estate, Base Closure Team, Northern Division, Naval Facilities Engineering Command, 10 Industrial Highway, Mail Stop #82, Lester, PA 19113–2090, telephone (610) 595–0762. For detailed information regarding particular properties identified in this Notice (i.e., acreage, floor plans, sanitary facilities, exact street address, etc.), contact Lieutenant Commander R. M. Pondelick, Caretaker Site Office, Naval Station, New York, 109 Mont Sec Avenue, Staten Island, NY 10305–5015, telephone (718) 816–1111.

SUPPLEMENTARY INFORMATION: In 1988, the Naval Station, New York, Brooklyn, NY, was designated for closure pursuant to the 1988 Base Closure and Realignment Act, Public Law 100–526, as amended. Pursuant to this designation, the excess land and facilities at this installation were on 27 September 1991 and 3 March 1992, declared surplus to the federal government and available for use by: (a) Non-federal public agencies pursuant to various statutes which authorize conveyance of property for public projects, and (b) homeless provider groups pursuant to the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended.

Election to Proceed Under New Statutory Procedures

Subsequently, the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (Public Law 103–421) was signed into law. Section 2 of this statute gives the redevelopment authority at base closure sites the option of proceeding under new procedures with regard to the manner in which the redevelopment plan for the base is formulated and how requests are made for future use of the property by homeless assistance providers and non-federal public agencies. On November 4, 1994, the Deputy Mayor, Planning and Community Relations, of the City of New York submitted a timely request to proceed under the new procedures. Accordingly, this notice of information regarding the redevelopment authority fulfills the Federal Register publication requirement of Section 2(e)(3) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994.

Also, pursuant to paragraph (7) of Section 2905(b) of the Defense Base Closure and Realignment Act of 1990, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the following information regarding the surplus property at the Naval Station, New York, Brooklyn, NY, is published in the **Federal Register**.

Redevelopment Authority

The redevelopment authority for the Naval Station, New York, Brooklyn, NY, for purposes of implementing the provisions of the Defense Base Closure and Realignment Act of 1990, as amended, is the City of New York, acting by and through Mayor Rudolph W. Giuliani. For further information contact the Deputy Mayor Fran Reiter, Planning and Community Relations, City of New York, Office of the Mayor, New York, NY, telephone (212) 788–3060.

Surplus Property Descriptions

The following is a listing of the land and facilities at the Naval Station, New York, Brooklyn, NY, that were declared surplus to the federal government on 27 September 1991 and 3 March 1992.

Land

Approximately 28 acres of improved and unimproved fee simple land at the U.S. Naval Station, New York, in the Borough of Brooklyn, County of Kings, City and State of New York.

Buildings

The following is a summary of the facilities located on the above described land which are presently available. The station closed on 1 July 1993. Property numbers are available on request.

—Administrative/office facility (1 structure). Comments: Approx. 245,146 square feet.
—Bachelor quarters housing (1 structure). Comments: Approx. 55,783 square feet.
—Community facilities (8 structures). Comments: Approx. 11,616 square feet. Public rest room, tennis courts, hobby shops, service station building, bathhouse, outdoor swimming pool.
—Dining and mess facility (1 structure). Comments: Approx. 28,536 square feet.
—Family housing with detached garages (3 structures). Comments: Approx. 7,668 square feet.
—Family housing; single and multi-family units (8 structures). Comments: Approx. 40,740 square feet.
—Gate houses (3 structures). Comments: Approx. 1,567 square feet.
—General warehouse facilities (4 structures). Comments: Approx. 14,213 square feet.
—Medical facility (1 structure). Comments: Approx. 104,250 square feet.
—Miscellaneous facilities. Comments: Measuring systems vary. Flag poles,

fencing, parking areas, roads, sidewalks.
—Motion picture exchange building (1 structure). Comments: Approx. 21,583 square feet.
—Playing field (1 structure). Comments: Approx. 67,974 square feet. Baseball, softball.
—Police/security facilities (2 structures). Comments: Approx. 12,610 square feet.
—Public works shops/administrative facilities (4 structures). Comments: Approx. 144,166 square feet.
—Utilities. Comments: Measuring systems vary. Electrical substations, steam tunnels.

Expressions of Interest

Pursuant to paragraph 7 of Section 2905(b) of the Defense Base Closure and Realignment Act of 1990, as amended by the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, State and local governments, representatives of the homeless, and other interested parties located in the vicinity of the Naval Station, New York, Brooklyn, shall submit to the redevelopment authority (City of New York) a notice of interest, of such governments, representatives, and parties in the above described surplus property, or any portion thereof. A notice of interest shall describe the need of the government, representative, or party concerned for the desired surplus property. Pursuant to paragraph 7 of Section 2905(b), the redevelopment authority shall assist interested parties in evaluating the surplus property for the intended use and publish in a newspaper of general circulation in Brooklyn, NY, the date by which expressions of interest must be submitted. Under Section 2(e)(6) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994, the deadline for submissions of expressions of interest may not be less than one (1) month nor more than six (6) months from the date the Deputy Mayor, Planning and Community Relations, City of New York elected to proceed under the new statute, i.e., November 4, 1994.

Dated: May 2, 1995.

M.D. Schetzsle,

LT, JAGC, USNR, Alternate Federal Register Liaison Officer.

[FR Doc. 95–11204 Filed 5–5–95; 8:45 am]

BILLING CODE 3810–FF–P

CNO Executive Panel; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Chief of Naval Operations (CNO) Executive Panel will meet May 18-19, 1995, from 9:00 a.m. to 4:00 p.m., each day at 4401 Ford Avenue, Alexandria, Virginia. These sessions will be closed to the public.

The purpose of this meeting is to conduct policy discussions to prepare a final briefing on naval warfare innovations in the areas of joint operations, information warfare, naval doctrine, and research and development. These matters constitute classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and are, in fact, properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that the public interest requires that sessions of the meeting be closed to the public because they will be concerned with matters listed in section 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: Timothy J. Galpin, Assistant for CNO Executive Panel Management, 4401 Ford Avenue, Suite 601, Alexandria, Virginia 22302–0268, Phone: (703) 756–1205.

Dated: April 27, 1995.

L.R. McNees,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 95–11205 Filed 5–5–95; 8:45 am]

BILLING CODE 3810–FF–F

DEPARTMENT OF ENERGY

Environmental Management Site Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting; Environmental Management Site Specific Advisory Board (EM SSAB), Savannah River Site

DATES AND TIMES: Monday, May 22, 1995: 6 p.m.–7 p.m. (public comment session); Tuesday, May 23, 1995: 8:30 a.m. to 4 p.m.

ADDRESSES:

The public comment session will be held at: The Partridge Inn, 2110 Walton Way, Augusta, GA.,

The Board meeting will be held at: Savannah River Site Main Administration, Building 703–41 A, Aiken, SC.

FOR FURTHER INFORMATION CONTACT: Tom Hennan, Manager, Environmental Restoration and Solid Waste, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, SC 29802 (803) 725–8074.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

Monday, May 22, 1995

6:00 p.m. Public Comment Session 95-minute rule)
7:00 p.m. Adjourn

Subcommittee meetings will follow the public comment session.

Tuesday, May 23, 1995

8:00 a.m. Coffee
8:30 a.m. Approval of Minutes, Agency Updates
8:45 a.m. Membership Replacement Election, Election Bylaws Chairperson
9:30 a.m. Board organizational issues
12:00 noon Lunch
1:00 p.m. Subcommittee reports and discussion of recommendations
3:30 p.m. Public Comment Session (5-minute rule)
4:00 p.m. Adjourn

If needed, time will be allotted after public comments for items added to the agenda, and administrative details.

A final agenda will be available at the meeting Monday, May 22, 1995.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Tom Heenan's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday–Friday

except Federal holidays. Minutes will also be available by writing to Tom Heenan, Department of Energy Savannah River Operations Office, P.O. Box A, Aiken, S.C. 29802, or by calling him at (803)–725–8074.

Issued at Washington, DC on May 3, 1995.

Gail Cephas,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–11265 Filed 5–5–95; 8:45 am]

BILLING CODE 6450–01–M

Energy Information Administration

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of request submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. 96–511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed on or before June 7, 1995. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Norma White, Office of Statistical Standards, (EI–73), Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585. Ms. White may be telephoned at (202) 254–5327.

SUPPLEMENTARY INFORMATION: The energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–576
3. 1902–0004
4. Report by Certain Natural Gas Companies on Service Interruptions
5. Extension
6. Annual
7. Mandatory
8. Businesses or other for-profit
9. 12 respondents
10. 1 response
11. 1 hour per response
12. 12 annual responses
13. Data are required to give the Commission sufficient information to oversee natural gas pipeline continuity of service. The information notifies the Commission in a timely manner (initial notification by fax, followed by a mailed hard copy) of any interruption to service.

Statutory Authority: Sec. 5(a), 5(b), 13(b), and 52, Pub. L. 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. § 764(a), 764(b), 772(b), and 790a.

Issued in Washington, DC, May 2, 1995.

Douglas R. Hale,

Acting Director, Office of Statistical Standards, Energy Information Administration.

[FR Doc. 95–11268 Filed 5–5–95; 8:45 am]

BILLING CODE 6450–01–P

Agency Information Collections Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of requests submitted for review by the Office of Management and Budget.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection(s) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act (Pub. L. 96–511, 44 U.S.C. 3501 *et seq.*). The listing does not include collections of information contained in new or revised regulations which are to be submitted under section 3504(h) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The sponsor of the collection (the DOE component or Federal Energy Regulatory Commission (FERC)); (2) Collection number(s); (3) Current OMB docket number (if applicable); (4) Collection title; (5) Type of request, e.g., new, revision, extension, or reinstatement; (6) Frequency of collection; (7) Response obligation, i.e., mandatory, voluntary, or required to obtain or retain benefit; (8) Affected public; (9) An estimate of the number of respondents per report period; (10) An estimate of the number of responses per respondent annually; (11) An estimate of the average hours per response; (12) The estimated total annual respondent burden; and (13) A brief abstract describing the proposed collection and the respondents.

DATES: Comments must be filed by no later than June 7, 1995. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. (Comments should also be addressed to the Office of Statistical Standards at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Norma White, Office of Statistical Standards, (EI–73), Forrestal Building, U.S. Department of Energy, Washington, DC 20585. Ms.

White may be telephoned at (202) 254–5327.

SUPPLEMENTARY INFORMATION: The first energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–1
3. 1902–0021
4. Annual Report of Major Electric Utilities, Licensees and Others
5. Extension
6. Annually
7. Mandatory
8. Business or other for-profit
9. 193 respondents
10. 1 response
11. 1,217 hours per response
12. 234,881 annual responses
13. This comprehensive financial and operating report is needed by the Commission to carry out its regulatory responsibilities under the Federal Power Act and PURPA. It is to be used to establish rates in rate proceedings, in formal investigations, financial audits, and in the continuous review of the final conditions of the regulated utilities.

The second energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–1F
3. 1902–0029
4. Annual Report of Nonmajor Electric Utilities and Licensees
5. Extension
6. Annually
7. Mandatory
8. Business or other for-profit
9. 17 respondents
10. 1 response
11. 32 hours per response
12. 544 annual responses
13. This comprehensive financial and operating report is needed by the Commission to carry out its regulatory responsibilities under the Federal Power Act and PURPA. It is to be used to establish rates in rate proceedings, in formal investigations, financial audits, and in the continuous review of the final conditions of the regulated utilities.

The third energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–537
3. 1902–0060
4. Gas Pipeline Certificates: Construction, Acquisition and Abandonment
5. Extension
6. Annually
7. Mandatory
8. Business or other for-profit
9. 50 respondents
10. 11.6 responses
11. 252 hours per response
12. 146,160 annual responses
13. This data is necessary to evaluate the feasibility of: certificate applications to construct and operate gas pipeline facilities; the acquisition of pipeline facilities and service; and the abandonment of facilities and service. The data include information on engineering and capacity design, marketing and cost information, environmental and locational data necessary to determine economic feasibility and public interest.

The fourth energy information collection submitted to OMB for review was:

1. Federal Energy Regulatory Commission
2. FERC–566
3. 1902–0114
4. Annual Report of a Utility's Largest Purchasers
5. Extension
6. Annually
7. Mandatory
8. Business or other for-profit
9. 175 respondents
10. 1 response
11. 6 hours per response
12. 1,050 annual responses
13. Information from FERC–566 enables the Commission to exercise its interlocking position oversight and enforcement responsibilities under Section 305 of the Federal Power Act to identify large purchasers of electric energy and possible conflicts of interest.

Statutory Authority: Sec. 2(a) of the Paperwork Reduction Act of 1980, (Pub. L. No. 96–511), which amended Chapter 35 of Title 44 United States Code (See 44 U.S.C. 3506 (a) and (c)(1).

Issued in Washington, DC, May 2, 1995.

Douglas R. Hale,

Acting Director, Office of Statistical Standards, Energy Information Administration.

[FR Doc. 95–11267 Filed 5–5–95; 8:45 am]

BILLING CODE 6450–01–P

Forms RW–859, ''Nuclear Fuel Data,'' and RW–859S, ''Nuclear Fuel Data Supplement''

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Notice of proposed revision to the Form RW–859, ''Nuclear Fuel Data,'' and solicitation of comments on proposed new supplemental schedule, RW–859S, ''Nuclear Fuel Data Supplement.''

SUMMARY: The Energy Information Administration (EIA), as part of its continuing effort to reduce paperwork and response burden as required by the Paperwork Reduction Act of 1980, is providing the general public and other Federal agencies with an opportunity to comment on proposed revisions to the Form RW–859, ''Nuclear Fuel Data,'' and implementation of a new, five-year supplemental schedule, RW–859S, ''Nuclear Fuel Data Supplement.'' By doing so, the EIA seeks to ensure that requested data is provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents is properly assessed.

DATES: Written comments must be submitted by no later than June 7, 1995. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below of your intention to do so as soon as possible.

ADDRESSES: Send comments to Ms. Kathy Gibbard, Program Manager, Forms RW–859 and RW–859S, U.S. Department of Energy, Energy Information Administration (EI–531), 1000 Independence Avenue, SW., Washington DC 20585, (202)254–5559.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Ms. Gibbard at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Nuclear Waste Policy Act of 1982 as amended (NWPA), 42 U.S.C. 10101 *et seq.*, requires that the Secretary develop and implement programs to dispose of spent nuclear fuel. The Office of Civilian Radioactive Waste Management (OCRWM) uses the information from Form RW–859 to understand and explore the specific requirements of developing and conducting programs to effectuate the purposes of the NWPA.

The EIA administers the Form RW–859, ''Nuclear Fuel Data'', which is used to collect data from owners of commercial nuclear power plants and owners and caretakers of spent nuclear fuel. The Federal Energy Administration Act of 1974 (15 U.S.C. 761 *et seq.*) authorizes the EIA to collect data. The current Form RW–859 collects data on

every fuel assembly discharged from domestic commercial nuclear reactors, spent fuel projected to be discharged, and spent fuel storage pool inventories and capacities. The form has been approved through December 31, 1997. Major revisions to Form RW–859 necessitate that the proposed form and new supplemental schedule be approved by the Office of Management and Budget (OMB).

II. Current Actions

This notice is to solicit comments on proposed revisions to Form RW–859 and corresponding instructions. The extension request to OMB will be through December 31, 1998. The DOE is proposing to reduce the content of the Form RW–859 survey to only collect data elements that require annual update. Data that are not subject to annual revision will be collected every five years on a new Form RW–859S supplementary survey form. A summary of the proposed changes follows.

The following items will no longer be collected on the survey:

- Capacity data other than licensed capacity and current usable capacity
- Temporarily discharged fuel (all discharged fuel will now be designated as permanently discharged) and changes in assembly status
- Cross-reference assembly identifiers including American National Standard Institute (ANSI) identifier and fuel fabricator assembly identifiers
- Data on reconstituted fuel.

The following items will no longer be collected annually on the Form RW–859 survey, but will be collected once every five years on the Form RW–859S survey supplement:

- Dates not subject to annual revision (license renewal, reactor retirement, etc.)
- Cask-handling data
- Specific data on canisters and their contents
- Nonfuel components data.

The following items have been added to the annual Form RW–859 survey:

- Questions on quality assurance procedures and traceability
- Assembly-specific information on initial uranium content, initial enrichment, and burnup
- Current cycle start date.

The following will now be collected on the five-year Form RW–859S supplement:

- Reactor information including type, nuclear steam system supplier, design type, operational status, location, and rating
- Pool site configuration
- Crane data including capacity, limiting factors, dimensions, and clearance
- Site specific access and configuration data for the receiving/upending area, cask handling area, pool cask loading area, and set-down platform area
- Transportation data including information on on-site roads, rail, and barge
- Historical assembly-specific data not previously reported.

III. Request for Comments

Prospective respondents and other interested parties should comment on the proposed revisions to the form and instructions and proposed supplement. The following general guidelines are provided to assist in the preparation of responses.

As a Potential Respondent

A. Are the instructions and definitions clear and sufficient? If not, which instructions require clarification?

B. Can the data be submitted using the definitions included in the instructions?

C. Can data be submitted within the response time specified in the instructions?

D. Public reporting burden for the annual Form RW–859 data collection is estimated to average 40 hours per response. Public reporting burden for the five year Form RW–859S supplement is estimated to be 100 hours for the initial data collection and 20 hours for subsequent data collections. How much time, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and reviewing the collection of information do you estimate it will require you to complete and submit the required forms?

E. What is the estimated cost of completing these forms, including the direct and indirect costs associated with the data collection? Direct costs should include all costs, such as administrative cost, directly attributable to providing this information.

F. How can the forms be improved?

G. Do you know of any other Federal, State, or local agency that collects similar data? If you do, specify this agency, the data element(s), and the means of collection.

As a Potential User

A. Can you use data at the level of detail indicated on the forms?

B. For what purpose would you use the data? Be specific.

C. How could the forms be improved to better meet your specific need?

D. Are there alternate sources of data and do you use them? What are their strengths and/or weaknesses?

EIA is also interested in receiving comments from persons regarding their views on the need for the information contained in the Form RW–859, ''Nuclear Fuel Data,'' and the Form RW–859S, ''Nuclear Fuel Data Supplement.''

Comments submitted in response to this notice will be summarized and/or included in the requests for OMB approval of the forms; they also will become a matter of public record.

Statutory Authority: Sections 5(a), 5(b), 13(b), and 52 of Public Law 93–275, Federal Energy Administration Act of 1974, 15 U.S.C. 764(a), 764(b), 772(b) and 790a.

Issued in Washington, DC May 1, 1995.

Douglas R. Hale,

Acting Director, Office of Statistical Standards, Energy Information Administration.

[FR Doc. 95–11266 Filed 5–5–95; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. RP95–257–000]

Equitrans, Inc.; Notice of Proposed Changes in FERC Gas Tariff

May 2, 1995.

Take notice that on April 28, 1995, Equitrans, Inc. (Equitrans) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the proposed tariff sheets:

Second Revised Sheet No. 1
Original Sheet No. 71
Original Sheet No. 72
Original Sheet No. 73
Original Sheet No. 74
Original Sheet No. 75
Original Sheet No. 76
Original Sheet Nos. 77–199
Second Revised Sheet No. 203A
First Revised Sheet No. 215
First Revised Sheet No. 216
First Revised Sheet No. 228
First Revised Sheet No. 229
First Revised Sheet No. 236
First Revised Sheet No. 238
Second Revised Sheet No. 253
Second Revised Sheet No. 264
Original Sheet No. 357
Original Sheet No. 358
Original Sheet No. 359
Original Sheet No. 360
Original Sheet Nos. 361–399

Equitrans requests that the Commission accept the tariff sheets set forth above by June 1, 1995, and suspend the tariff sheets for two months. Equitrans states that it will move to put the tariff sheets into effect no later than August 1, 1995, after it has completed the electronic and administrative modifications necessary to implement its Appalachian Pooling Service.

Equitrans states that it is proposing these amendments in order to provide a new Appalachian pooling service for its customers (APS service). This service is an accounting transportation service which will permit parties or ''Pool Operators'' to aggregate Appalachian gas supplies from receipt points within four designated Pooling Areas as defined in Section 3.1 of the Rate Schedule. This service will make it easier for customers to nominate Appalachian production on the Equitrans' system, while reducing the administrative responsibility of the pipeline in scheduling and balancing the numerous Appalachian receipt points which it operates.

This new APS service will allow a party to aggregate Appalachian supply from any and all receipt points within specific pooling areas for delivery to confirmed transportation services downstream of the pooling points. The Pool Operator will assume the responsibility of balancing, for each pool, the scheduled receipts of gas into the pool with the scheduled quantities delivered out of the pool. APS service is available to any party who executes a supply aggregation service agreement with Equitrans under Rate Schedule APS and who meets Equitrans's qualifications for receipt of service.

Any person desiring to be heard or protest this application 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 Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 9, 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. 95–11187 Filed 5–5–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–258–000]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

May 2, 1995.

Take notice that on April 28, 1995, Florida Gas Transmission Company (FGT) tendered for filing to become part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets:

Second Revised Sheet No. 171

Third Revised Sheet No. 172

These tariff changes are proposed to become effective on May 4, 1995, the effective date of Order No. 577.

On April 4, 1995, the Federal Register issued a notice of a Final Rule Order No. 577, Docket No. RM95–5–000, ''Release of Firm Capacity on Interstate Natural Gas Pipelines''. The Final Rule becomes effective on May 4, 1995 and revises 284.243(h) by: 1) extending to releases of one full calendar month the exemption from advance posting and bidding requirements; and 2) changing from thirty (30) days to twenty-eight (28) days the period during which shippers that released capacity at less than the maximum rate cannot re-release to the same acquiring shipper at less than the maximum tariff rate.

Additionally, FGT states that it is proposing to revise Section 18.E.2. of its General Terms and Conditions to allow Short-Term Prearranged Temporary Relinquishments to be at or below the maximum tariff rate. Currently, FGT's Tariff provides that all relinquishments under this Section must be at the maximum tariff rate. As a result of the Final Rule, this restriction is no longer required to avoid the posting and bidding requirements of Order No. 636.

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 Sections 385.211 and 385.214 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 9, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11188 Filed 5–5–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP95–256–000 and RP95–31–004]

National Fuel Gas Supply Corporation; Notice of Compliance Filing

May 2, 1995.

Take notice that on April 27, 1995, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, a primary and two alternative sets of tariff sheets to comply with the Commission's April 12, 1995, Order on Rehearing.

National states that it is submitting the revised primary tariff sheets allocating transmission costs to all the firm storage services provided by National. National also states that it is submitting alternative tariff sheets to reflect the removal of transmission costs from the SS–1 and SS–2 Rate Schedule services consistent with the refund floor principle. The second set of alternative tariff sheets is tendered under protest and reflects the removal of all transmission costs from the SS–1 and SS–2 services.

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 the Commission's Rules of Practice and Procedure. All such motions to intervene or protests should be filed on or before May 9, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11189 Filed 5–5–95; 8:45 am]

BILLING CODE 6717–01–M

Western Area Power Administration

Boulder Canyon Project—Proposed Firm Power Rate Adjustment

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Proposed Boulder Canyon Project Power Rate Adjustment.

SUMMARY: On October 7, 1994, the Western Area Power Administration (Western) published a notice terminating WAPA–58–2, the public process for the Boulder Canyon Project (BCP) second annual rate adjustment

under Rate Order WAPA–58 (see Notice to Terminate, 59 FR 51192). Rate Order WAPA–58 was approved by the Federal Energy Regulatory Commission (FERC) on November 3, 1993, to be effective from January 1, 1993, through September 30, 1997 (65 FERC § 61,186). The methodology utilized in the Order requires Western to adjust the BCP power rate on an annual basis. On February 4, 1994, the Order was confirmed and Rate Schedule BCP–F4/2 was placed into effect by the Administrator of Western by Rate Order No. WAPA–58–1 (59 FR 10629, March 7, 1994). Rate Schedule BCP–F4/2 established a composite power rate of 12.62 mills per kilowatthour (mills/kWh), which is comprised of an energy charge of 6.31 mills/kWh and a capacity charge of $1.07 per kilowatt per month (kW/month).

Western, BCP Contractors [1], and the Bureau of Reclamation (Reclamation) have successfully concluded negotiations on a BCP Implementation Agreement. Based on that Agreement, Western is now proposing a revised rate methodology for the BCP which results in a rate increase in the composite rate and energy charge, and a rate decrease in the capacity charge. The power repayment spreadsheet study (PRSS), based on the estimated annual revenue requirement for fiscal year (FY) 1996, indicates that the proposed composite rate increases by 0.04 mills/kWh, the proposed energy charge increases by 0.02 mills/kWh, and the proposed capacity charge decreases by $0.03/kW/month since the last rate adjustment. The proposed rates for energy and capacity are expected to become effective October 1, 1995, and will supersede the existing BCP rates.

During the last rate adjustment process (WAPA–58–2), the BCP Contractors requested that Western re-evaluate the annual costs in the PRSS for the ratesetting period. As a result of this re-evaluation, Western terminated the public process for proposed Rate WAPA–58–2 on October 7, 1994 (59 FR 51192). Termination was based on the following: (1) The BCP currently had a rate in effect that would satisfy FYs 1994 and 1995 annual costs; and (2) the BCP Implementation Agreement which became effective February 17, 1995, was in the final stage of negotiations with the BCP Contractors and Reclamation, and those negotiations included a revised methodology for establishing BCP power rates on an annual basis. The Implementation Agreement addresses eleven issues: (1) Replacements; (2) Visitor Facilities; (3) Amendment to Regulations; (4) Multi-Project Benefits and Costs; (5) Engineering & Operating Committee (E&OC) and Coordinating Committee; (6) Billing and Payment; (7) Operating Amount and Working Capital; (8) Audits; (9) Principal Payments; (10) Annual Rate Adjustments; and (11) Uprating Credits.

The major differences between the existing rates and methodology, compared to the proposed rates and methodology, resulted from several activities which involve Western and Reclamation working in partnership with the BCP Contractors. First, the BCP Implementation Agreement revises the methodology for determination of the power rate to an annualized rate, from the higher of either: (1) The 5-year-average for the cost evaluation period; or (2) the rate in the first year of the cost evaluation period. Second, future revenue requirements were reduced by continuing to review Western's and Reclamation's operating and maintenance costs, and by reviewing and monitoring the construction and replacement program through the E&OC. Third, the BCP Implementation Agreement establishes the method by which the dollar imbalance between total capacity and total energy revenues is resolved. Fourth, a new rate making revenue requirements and billing methodology will be implemented. Under the current rate making and billing methodology, rates were determined each year based on projected hydrology for the project and bills were issued monthly based on actual hydrology and resulting energy production. Under the new methodology, revenue requirements will be calculated and billed regardless of the projected or actual hydrology and resultant energy generation.

The proposed rates are based on a composite rate of 12.66 mills/kWh. The composite rate consists of an energy charge of 6.33 mills/kWh and a capacity charge of $1.04/kW/month.

The following table compares the existing BCP rates with the proposed rates:

	Existing rates February 1, 1994, thru September 30, 1995	Proposed rates October 1, 1995	Percent change
Rate Schedule	BCP–F4/2	BCP–F5	—
Composite Rate (mills/kWh)	12.62	12.66	+ 0.32
Energy Rate (mills/kWh)	6.31	6.33	+ 0.32
Capacity Rate ($/kW/month)	$1.07	$1.04	- 2.80

Since the proposed rates and revised rate methodology constitute a major rate adjustment as defined by the procedures for public participation in general rate adjustments, both a public information forum and a public comment forum will be held. A revised PRSS, which is the basis for the proposed rate adjustment, has been distributed to the BCP Contractors and other interested parties prior to publication of this notice. After review of public comments, Western will recommend the proposed rates for approval on an interim basis by the Deputy Secretary of the Department of Energy (Deputy Secretary). Once the Deputy Secretary approves the rates as provisional rates, they will be submitted to FERC for approval on a final basis.

DATES: The consultation and comment period will begin on May 8, 1995 and will end no later than August 7, 1995. The public information forum will be held at Western's Phoenix Area Office, 615 South 43rd Avenue, Phoenix, Arizona, beginning at 10 a.m. on June 15, 1995. The public comment forum at which Western will receive oral and written comments will be held at the same location beginning at 10 a.m. on July 13, 1995.

Written comments should be received by the end of the consultation and comment period to assure consideration and should be sent to the address below.

[1] The BCP Contractors include the Arizona Power Authority; Colorado River Commission of Nevada; City of Boulder City, Nevada; Department of Water and Power of the City of Los Angeles; The Metropolitan Water District of Southern California; Southern California Edison Company; and the Cities of Anaheim, Azusa, Banning, Burbank, Colton, Glendale, Pasadena, Riverside, and Vernon.

FOR FURTHER INFORMATION CONTACT: Mr. J. Tyler Carlson, Area Manager, Western Area Power Administration, Phoenix Area Office, P.O. Box 6457, Phoenix, AZ 85005–6457, (602) 352–2453.

SUPPLEMENTARY INFORMATION: The power rates for the BCP are established pursuant to the Department of Energy Organization Act (42 U.S.C. 7101 *et seq.*), the Reclamation Act of 1902 (43 U.S.C. 391 *et seq.*), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), the Colorado River Basin Project Act of 1968 (43 U.S.C. 1501 *et seq.*), the Colorado River Storage Project Act (43 U.S.C. 620 *et seq.*), the Boulder Canyon Project Act (43 U.S.C. 617 *et seq.*), the Boulder Canyon Project Adjustment Act (43 U.S.C. 618 *et seq.*), the Hoover Power Plant Act of 1984 (43 U.S.C. 619 *et seq.*), the General Regulations for Power Generation, Operation, Maintenance, and Replacement at the Boulder Canyon Project, Arizona/Nevada (43 CFR Part 431) published in the **Federal Register** at 51 FR 23960 on July 1, 1986, and the General Regulations for the Charges for the Sale of Power From the Boulder Canyon Project, Final Rule (10 CFR Part 904) published in the **Federal Register** at 51 FR 43124 on November 28, 1986, the Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions (10 CFR Part 903) published in the **Federal Register** at 50 FR 37837 on September 18, 1985, and the DOE financial reporting policies, procedures, and methodology (DOE Order No. RA 6120.2 dated September 20, 1979).

By Amendment No. 3 to Delegation Order No. 0204–108, published November 10, 1993 (58 FR 59716), the Secretary of Energy delegated: (1) The authority to develop long-term power and transmission rates on a nonexclusive basis to the Administrator of Western; (2) The authority to confirm, approve, and place power rates into effect on an interim basis to the Deputy Secretary; and (3) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove power rates to FERC.

The existing BCP rate methodology in WAPA–58 was approved by the Assistant Secretary for Conservation and Renewable Energy on an interim basis, effective January 1, 1993 (57 FR 61074). On November 3, 1993, FERC approved the BCP rate methodology as a final rate effective from January 1, 1993, through September 30, 1997 (65 FERC § 61,186). The Administrator of Western confirmed and approved the rate methodology in Rate Order WAPA–58–1 (59 FR 10629, March 7, 1994). The methodology utilized in Rate Order WAPA–58 requires that Western adjust the BCP rates, either an increase or decrease, on an annual basis. The existing BCP composite power rate set forth in Rate Schedule BCP–F4/2 is 12.62 mills/kWh comprised of an energy charge of 6.31 mills/kWh and a capacity charge of $1.07/kW/month. See Notice of Rate Order WAPA–58–1, 59 FR 10629.

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western for the purpose of developing the proposed rates for energy and capacity are and will be made available for inspection and copying at the Phoenix Area Office, 615 South 43rd Avenue, Phoenix, Arizona 85005.

Determination Under Executive Order 12866

DOE has determined that this is not a significant regulatory action because it does not meet the criteria of Executive Order 12866, 58 FR 51735. Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Environmental Evaluation

In compliance with the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*; Council on Environmental Quality Regulations (40 CFR Parts 1500–1508); and DOE NEPA Regulations (10 CFR Part 1021), Western has determined that this action is categorically excluded from the preparation of an environmental assessment or an environmental impact statement.

Issued in Golden, CO May 1, 1995.

J.M. Shafer,

Administrator.

[FR Doc. 95–11264 Filed 5–5–95; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5204–3]

Common Sense Initiative Council, Computers and Electronics Sector Subcommittee; Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Common Sense Initiative Computers and Electronics Sector Subcommittee, notice of meeting.

SUMMARY: The Environmental Protection Agency established the Common Sense Initiative Council (CSIC) on October 17, 1994, to provide independent advice and counsel to EPA on environmental issues associated with the computers and electronics industry. The charter was authorized through October 17, 1996, under regulations established by the Federal Advisory Committee Act (FACA). The Computers and Electronics Subcommittee (CSIC-CES) operates as a subcommittee of the CSIC.

OPEN MEETING NOTICE: Notice is hereby given that the CSI–CES Subcommittee will hold an open meeting on Wednesday, May 31, from 8:30 a.m. to 5 p.m., and Thursday, June 1, from 8:30 a.m. to 3 p.m., at the Holiday Inn, Financial District/Chinatown, 750 Kearny Street, San Francisco, California 94108–1887. Seating will be available on a first-come, first-served basis.

The meeting will include breakout sessions for subcommittee workgroups (Reporting and Information Access; Promoting Pollution Prevention, Recycling and Product Stewardship; and Integrated and Sustainable Alternative Strategies for Electronics), reports to the full subcommittee from those workgroups, and presentations to the full subcommittee on other topics of interest. Opportunity for public comment on major issues under discussion will be provided at intervals throughout the meeting.

INSPECTION OF COMMITTEE DOCUMENTS: Documents relating to the above noted topics will be publicly available at the meeting. Thereafter, these documents, together with the CSI-CES meeting minutes, will be available for public inspection in room 2417M of EPA Headquarters, 401 M Street, SW, Washington, D.C., phone (202) 260–7417.

FOR FURTHER INFORMATION CONTACT: Concerning this meeting of the CSI-CES, please contact Dave Jones, Region 9, US EPA, (415) 744–2266, FAX (415) 744–2180, or by mail at Region 9, US EPA, 75 Hawthorne Street, San Francisco, CA 94105; Gina Bushong, US EPA, (202) 260–3797; or Mark Mahoney, Region 1, US EPA, (617) 565–1155.

Dated: May 1, 1995.

Gina Bushong,

Designated Federal Official.

[FR Doc. 95–11247 Filed 5–5–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5204–1]

Common Sense Initiative Council, Iron and Steel Sector Subcommittee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Common Sense Initiative Council, Iron and Steel Sector Subcommittee—notice of meeting.

SUMMARY: The Environmental Protection Agency established the Common Sense Initiative Council (CSIC) - Iron and Steel Sector Subcommittee (CSIC-ISS) on October 17, 1994, to provide independent advice and counsel to EPA on policy issues associated with the iron and steel industry. The charter for CSIC is authorized through October 17, 1996 under regulations established by the Federal Advisory Committee Act (FACA). The Iron and Steel Sector Subcommittee is currently in the process of identifying issues and projects that it will pursue.

OPEN MEETING NOTICE: Notice is hereby given that the Environmental Protection Agency is convening an open meeting of the Iron and Steel Sector Subcommittee on Wednesday, May 24, 1995 from 9:00 a.m. to 5:00 p.m. at the Old Colony Inn, 625 First Street, Alexandria, VA, 22314, telephone number 703–548–1234. Seating will be available on a first come, first served basis.

The Iron and Steel Subcommittee has created four workgroups which are responsible for proposing to the full Subcommittee for its review and approval potential activities or projects that the Iron and Steel Sector Subcommittee will undertake, and for carrying out projects once approved. The Subcommittee has approved 12 project concepts for workgroups to pursue. Workgroups will be meeting on Tuesday preceding the meeting to discuss further these projects and develop more detailed workplans. The purpose of the Subcommittee meeting will for the four workgroups to report on the progress they have made and provide more details regarding workplan implementation, and for the Subcommittee to review and discuss the workplan activities, to provide further guidance as necessary, to approve any proposed changes or additional projects, and to make implementation decisions.

INSPECTION OF SUBCOMMITTEE DOCUMENTS: Documents relating to the above topics will be publicly available at the meeting. Thereafter, these documents and the minutes of the meeting will be available for public inspection in room 2417M of EPA Headquarters, 401 M Street, SW, Washington, D.C. 20460, telephone number 202–260–7417.

FOR FURTHER INFORMATION CONTACT: For more information about this meeting, please call either Ms. Mary Byrne at 312–353–2315 in Chicago, Illinois or Ms. Judith Hecht at 202–260–5682 in Washington, D.C.

Dated: April 28, 1995.

Mahesh Podar,

Designated Federal Official.

[FR Doc. 95–11249 Filed 5–5–95; 8:45 am]

BILLING CODE 6560–50–P

[FRL–5204–2]

Gulf of Mexico Program Management Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting of the Management Committee of the Gulf of Mexico Program.

SUMMARY: The Gulf of Mexico Program's Management Committee will hold a meeting at the River House, Stennis Space Center, Mississippi.

FOR FURTHER INFORMATION CONTACT: Dr. Douglas Lipka, Acting Director, Gulf of Mexico Program Office, Building 1103, Room 202, John C. Stennis Space Center, Stennis Space Center, MS 39529–6000, at (601) 688–3726.

SUPPLEMENTARY INFORMATION: A meeting of the Management Committee of the Gulf of Mexico Program will be held June 1, 1995, at the River House, Stennis Space Center, MS. The committee will meet from 8:30 a.m. to 4:30 p.m. Agenda items will include: Symposium Evaluation and Recommendations; Leadership Conference Action Items; Preparation for Mega-meeting; and Effects of the Federal Participation Agreement on the Program.

The meeting is open to the public.

Douglas A. Lipka,

Acting Director, Gulf of Mexico Program.

[FR Doc. 95–11250 Filed 5–5–95; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5203–9]

Notice of Open Meetings for the Permits Improvement Team

AGENCY: Environmental Protection Agency (EPA).

ACTION: National meetings of the permits improvement team.

SUMMARY: In July of 1994, EPA Administrator Carol Browner established the Permits Improvement Team (PIT) to implement specific actions to reform the permits process. These actions will (1) improve the quality, certainty and timeliness of the permit decision process; (2) provide for earlier and better public participation in the permitting process; and (3) enhance the use of innovative technologies and pollution prevention through the permitting process.

The PIT held meetings in five different locations in October and November of last year, to solicit information and opinions as to how permit processes ought to be reformed. Based on this input, the PIT established six task forces to develop specific recommendations on the following topics: administrative streamlining for permit programs; alternatives to individual permits; enhanced public participation in permit processes; incorporating pollution prevention incentives into permit programs; improving training on permit programs; and establishing performance measures for permit programs.

From May 16, 1995 to June 2, 1995, the PIT will be holding a second round of national stakeholder meetings to receive input on the draft recommendations of the PIT's six task forces. Meetings will also include discussion of a draft concept paper on environmental permitting that is designed to provide an overall direction for EPA's permit reinvention efforts. The objective of these meetings is to obtain individual ideas and comments, rather than to obtain a group consensus from the meeting participants.

Copies of stakeholder meeting background materials may be obtained by calling (202) 260–4610.

DATES: The PIT will be holding national stakeholder meetings to solicit input on the PIT's draft recommendations. Meetings will be held on May 16 in Atlanta, May 18 in Chicago, May 22 in Kansas City, KS, May 24–25 in Los Angeles, CA, May 31 in Newark, NJ and June 2 in Washington, D.C. The meetings are open to the public and will be held from 9:00 a.m. to 5:00 p.m. on these scheduled dates; the second day of the Los Angeles meeting will be held from 9:00 a.m. to 12:30 p.m. Participants are requested to notify in writing which meeting they will be attending. Notifications are requested: by May 8 for the Atlanta and Chicago meetings; by May 10 for the Kansas City and Los Angeles meetings; and by May 15 for the Newark and Washington, D.C. meetings. Notification should be sent to USEPA Permits Improvement Team, Mail Stop 100, 2890 Woodbridge Ave., Edison, NJ 08837, faxed to 908–321–4381 or made by phone to 908–321–6782.

ADDRESSES: The location of the May 16, 1995 meeting is Westin Peachtree Plaza, 210 Peachtree Street, NW, Atlanta, GA 30303–1745, (404) 659–1400. The May 18, 1995 meeting will be held at US EPA Region 5 Office, 12th Floor, Lake Michigan Room, 77 West Jackson Boulevard, Chicago, IL 60604. The May 22, 1995 meeting will take place at Holiday Inn Citi Centre, 1215 Wyandotte, Kansas City, MO 64105, (816) 471–1333. The May 24–25, 1995 meeting location is Sheraton Gateway Hotel-LAX Airport, 6101 West Century Blvd., Los Angeles, CA 90045, (310) 642–1111. The May 31, 1995 meeting will be at the Holiday Inn Jetport, 1000 Spring Street, Elizabeth, NJ 07201, (908) 355–1700. The location of the June 2, 1995 meeting is Hyatt Regency Crystal City at Washington National Airport, 2799 Jefferson Davis Highway, Arlington, VA (703) 418–1234.

FOR FURTHER INFORMATION CONTACT: Persons requiring further information on the substantive matters of the Team should contact (preferably in writing) Mr. Lance Miller, USEPA Permits Improvement Team, Mail Stop 100, 2890 Woodbridge Ave., Edison, NJ 08837, Phone: 908–321–6782; Fax: 908–321–4381.

Elliott P. Laws,

Designated Federal Official.

[FR Doc. 95–11251 Filed 5–5–95; 8:45 am]

BILLING CODE 6560–50–M

EXECUTIVE OFFICE OF THE PRESIDENT

Open Meeting of Policy Dialog Advisory Committee To Assist in the Development of Measures to Significantly Reduce Greenhouse Gas Emissions From Personal Motor Vehicles

AGENCY: Executive Office of the President.

ACTION: Meeting of Policy Dialog Advisory Committee.

SUMMARY: The Executive Office of the President has established a Policy Dialog Advisory Committee to assist in the development of measures to significantly reduce greenhouse gas emissions from personal motor vehicles. The ninth meeting of this committee will be held on May 23, 24 and 25, 1995. The committee's meetings are open to the public without need for advance registration.

DATES: The committee will meet on May 23, 1995 from 9:30 a.m. to 5:30 p.m., on May 24, 1995 from 9:00 a.m. to 5:00 p.m., and on May 25, 1995 from 9:00 a.m. to 4:30 p.m.

ADDRESSES: The sessions on May 23 and May 25 will be held in Room 2230 at the United States Department of Transportation, 400 7th Street, S.W., Washington, D.C. The session on May 24 will be held at the Carlton Hotel, 923 16th Street N.W., (at K Street), Washington, D.C.

FOR FURTHER INFORMATION CONTACT: For information pertaining to the substantive issues to be dealt with by the advisory committee, contact: Ellen Seidman, Special Assistant to the President for Economic Policy, Washington, D.C. 20500, phone (202) 456–2802, fax (202) 456–2223; Henry Kelly, Assistant Director for Technology, Office of Science and Technology Policy, phone (202) 456–6034, fax (202) 456–6023; Wesley Warren, Associate Director, Council on Environmental Quality, phone (202) 456–6224, fax (202) 456–2710; or Michael Toman, Senior Economist, Council of Economic Advisors, phone (202) 395–5012, fax (202) 395–6853. For information pertaining to administrative matters contact: Deborah Dalton, Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460, phone (202) 260–5495.

Information about the Committee is also available on the Technology Transfer Network of the Office of Air Quality Planning & Standards of the Environmental Protection Agency, which can be accessed electronically by calling (919) 541–5742. Help in accessing the system can be obtained by calling (919) 541–5384 between 1:00 and 5:00 Eastern Standard Time. Neither of these numbers is a toll-free number. The Committee's toll-free information line—1–800–884–9190—provides recorded information about the Committee, including meeting dates and locations. (In the local Washington, DC area, call (202) 366–2373).

AGENDA FOR THE MEETING: At the meeting, the Committee will discuss:

- Potential policies in the areas of vehicle miles traveled, alternative fuels and alternative fuel vehicles, and vehicle and stock fuel economy;
- Analysis of the cost of potential policy options; and
- Potential combinations of policies.

Dated: May 2, 1995.

W. Bowman Cutter,

Deputy Assistant to the President of Economic Policy.

John H. Gibbons,

Director, Office of Science and Technology Policy.

Kathleen A. McGinty,

Chair, Council on Environmental Quality.

[FR Doc. 95–11270 Filed 5–5–95; 8:45 am]

BILLING CODE 3195–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3115–EM]

Oklahoma; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Oklahoma (FEMA–3115–EM), dated April 19, 1995, and related determinations.

EFFECTIVE DATE: April 19, 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 19, 1995, the President declared an emergency 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 Federal courthouse in Oklahoma City, on April 19, 1995, in the State of Oklahoma is of sufficient severity and magnitude to warrant an emergency declaration under subsection 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act). My decision to make this declaration pursuant to subsection 501(b) of the Stafford Act is based upon the fact that the explosion occurred at a Federally-owned courthouse. I, therefore, declare that such an emergency exists in the city of Oklahoma City in the State of Oklahoma.

In order to provide Federal assistance, you are hereby authorized to coordinate and direct other Federal agencies and fund activities not authorized under other Federal statutes and allocate from funds available for these purposes, such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Pursuant to this emergency declaration, you are authorized to provide emergency assistance as you deem appropriate under Title V of the Stafford Act of 100 percent Federal funding.

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 emergency.

I do hereby determine the following area of the State of Oklahoma to have been affected adversely by this declared emergency:

The city of Oklahoma City for emergency assistance under Title V of the Stafford Act.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

James L. Witt,

Director.

[FR Doc. 95–11243 Filed 5–5–95; 8:45 am]

BILLING CODE 6718–02–M

Members of Senior Executive Service Performance Review Board

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice lists the names of the members of the FEMA Senior Executive Service Performance Review Board.

EFFECTIVE DATE: April 20, 1995.

FOR FURTHER INFORMATION CONTACT: Denise R. Yachnik, Executive Coordinator, Office of Personnel and Equal Opportunity, 500 C Street, SW., Washington, DC 20742, 202–646–3040.

SUPPLEMENTARY INFORMATION: The names of the members of the FEMA Senior Executive Service Performance Review Board established under 5 U.S.C. 4314(c)(4) are :

G. Clay Hollister, Robert P. Fletcher, John P. Carey, Michelle M. Burkett, Gordon D. Fullerton, Laurence W. Zensinger, John L. Matticks, Dennis E. Owens.

Dated: May 2, 1995.

John P. Carey,

General Counsel.

[FR Doc. 95–11244 Filed 5–5–95; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL RESERVE SYSTEM

Manuel V. Fernandez, 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 22, 1995.

A. Federal Reserve Bank of Richmond (Lloyd W. Bostian, Jr., Senior Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. Manuel V. and Alma J. Fernandez, Arlington, Virginia; to acquire an additional 1.97 percent, for a total of 10.83 percent, of the voting shares of United Financial Banking Companies, Inc., Vienna, Virginia, and thereby indirectly acquire The Business Bank, Vienna, Virginia.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Larry F. Ness, Yankton, South Dakota; to acquire an additional 25.63 percent, for a total of 45.02 percent, of the voting shares of First Dakota Financial Corporation, Yankton, South Dakota, and thereby indirectly acquire First Dakota National Bank, Yankton, South Dakota.

C. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. John C. Bell; John C. Bell Family Trust and K&G Trust, all of Studio City, California; to acquire an additional 3.68 percent, for a total of 13.73 percent, of the voting shares of Western Security Bancorp, Burbank, California, and thereby indirectly acquire Western Security Bank, N.A., Burbank, California.

Board of Governors of the Federal Reserve System, May 2, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–11227 Filed 5–5–95; 8:45 am]

BILLING CODE 6210–01–F

First Bankshares, Inc., 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 June 1, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. First Bankshares, Inc., Longwood, Florida; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank of Central Florida, Longwood, Florida.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. First Dakota Financial Corporation Employee Stock Ownership Plan, Yankton, South Dakota; to become a bank holding company by acquiring 26.08 percent of the voting shares of First Dakota Financial Corporation, Yankton, South Dakota, and thereby indirectly acquire First Dakota National Bank, Yankton, South Dakota.

2. Norwest Corporation, Minneapolis, Minnesota; to acquire 100 percent of the voting shares of Valley-Hi Investment Company, San Antonio, Texas, and thereby indirectly acquire Valley-Hi National Bank, San Antonio, Texas.

Board of Governors of the Federal Reserve System, May 2, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–11228 Filed 5–5–95; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

New and Pending Demonstration Project Proposals Submitted Pursuant to Section 1115(a) of the Social Security Act: April 1995

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice.

SUMMARY: This notice lists new proposals for welfare reform and

combined welfare reform/Medicaid demonstration projects submitted to the Department of Health and Human Services for the month of April, 1995. Federal approval for the proposals has been requested pursuant to section 1115 of the Social Security Act. This notice also lists proposals that were previously submitted and are still pending a decision and projects that have been approved since April 1, 1995. The Health Care Financing Administration is publishing a separate notice for Medicaid only demonstration projects.

COMMENTS: We will accept written comments on these proposals. We will, if feasible, acknowledge receipt of all comments, but we will not provide written responses to comments. We will, however, neither approve nor disapprove any new proposal for at least 30 days after the date of this notice to allow time to receive and consider comments. Direct comments as indicated below.

ADDRESSES: For specific information or questions on the content of a project contact the State contact listed for that project.

Comments on a proposal or requests for copies of a proposal should be addressed to: Howard Rolston, Administration for Children and Families, 370 L'Enfant Promenade, S.W., Aerospace Building, 7th Floor West, Washington DC 20447. FAX: (202) 205–3598 PHONE: (202) 401–9220.

SUPPLEMENTARY INFORMATION:

I. Background

Under Section 1115 of the Social Security Act (the Act), the Secretary of Health and Human Services (HHS) may approve research and demonstration project proposals with a broad range of policy objectives.

In exercising her discretionary authority, the Secretary has developed a number of policies and procedures for reviewing proposals. On September 27, 1994, we published a notice in the **Federal Register** (59 FR 49249) that specified: (1) The principles that we ordinarily will consider when approving or disapproving demonstration projects under the authority in section 1115(a) of the Act; (2) the procedures we expect States to use in involving the public in the development of proposed demonstration projects under section 1115; and (3) the procedures we ordinarily will follow in reviewing demonstration proposals. We are committed to a thorough and expeditious review of State requests to conduct such demonstrations.

II. Listing of New and Pending Proposals for the Month of April, 1995

As part of our procedures, we are publishing a monthly notice in the **Federal Register** of all new and pending proposals. This notice contains proposals for the month of April, 1995.

Project Title: Arizona—Employing and Moving People Off Welfare and Encouraging Responsibility Program.

Description: Would not increase benefits for additional children conceived while receiving AFDC; limit benefits to adults to 24 months in any 60 month period; allow recipients to deposit up to $200/month (with 50% disregarded) in Individual Development Accounts; require minor mothers to live with parents; extend Transitional Child Care and Medicaid to 24 months and eliminate the 100-hour rule for AFDC–U cases. Also, in a pilot site, would provide individuals with short-term subsidized public or private OJT subsidized by grant diversion which includes cashing-out Food Stamps.

Date Received: 8/3/94.

Type: Combined AFDC/Medicaid.

Current Status: Pending.

Contact Person: Gail A. Parin, (602) 542–4702.

Project Title: California—Work Pays Demonstration Project (Amendment).

Description: Would amend Work Pays Demonstration Project by adding provisions to: reduce benefit levels by 10% (but retaining the need level); reduce benefits an additional 15% after 6 months on assistance for cases with an able-bodied adult; time-limit assistance to able-bodied adults to 24 months, and not increase benefits for children conceived while receiving AFDC.

Date Received: 3/14/94.

TYPE: AFDC.

Current Status: Pending.

Contact Person: Glen Brooks, (916) 657–3291.

Project Title: California—Assistance Payments Demonstration Project (Amendment).

Description: Would amend the Assistance Payments Demonstration Project by: exempting certain categories of AFDC families from the State's benefit cuts; paying the exempt cases based on grant levels in effect in California on November 1, 1992; and renewing the waiver of the Medicaid maintenance of effort provision at section 1902(c)(1) of the Social Security Act, which was vacated by the Ninth Circuit Court of Appeals in its decision in *Beno* v. *Shalala*.

Date Received: 8/26/94.

Type: Combined AFDC/Medicaid.

Current Status: Pending.

Contact Person: Michael C. Genest, (916) 657–3546.

Project Title: California—Work Pays Demonstration Project (Amendment).

Description: Would amend the Work Pays Demonstration Project by adding provisions to not increasing AFDC benefits to families for additional children conceived while receiving AFDC.

Date Received: 11/9/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Eloise Anderson, (916) 657–2598.

Project Title: California—School Attendance Demonstration Project.

Description: In San Diego County, require AFDC recipients ages 16–18 to attend school or participate in JOBS.

Date Received: 12/5/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Michael C. Genest (916) 657–3546.

Project Title: California—Incentive to Self-Sufficiency Demonstration.

Description: Statewide, would require 100 hours CWEP participation per month for JOBS mandatory individuals who have received AFDC for 22 of the last 24 months and are working fewer than 15 hours per week after two years from JOBS assessment and: have failed to comply with JOBS without good cause, have completed CWEP or are in CWEP less than 100 hours per month, or have completed or had an opportunity to complete post-assessment education and training; provide Transitional Child Care and Transitional Medicaid to families who become ineligible for AFDC due to increased assets or income resulting from marriage or the reuniting of spouses; increase the duration of sanctions for certain acts of fraud.

Date Received: 12/28/94.

Type: Combined AFDC/Medicaid.

Current Status: Pending.

Contact Person: Michael C. Genest (916) 657–3546.

Project Title: Delaware—A Better Chance.

Description: Statewide, would implement a two-part demonstration. The Welfare Reform Project (WRP), operating from 10/95–6/99, would include: a 2-year limit on cash benefits for cases with able-bodied adults; educational and employment services based on adult's age; in limited cases benefits up to two additional years provided under pay-for-performance workfare program; non-time-limited benefits for unemployable cases; self-sufficiency contract requirements; education and employment-related sanctions to be ⅓ reduction in AFDC and Food Stamp benefits for first

offense, ⅔ eduction for second, and loss of Food Stamp benefits until compliance and permanent AFDC loss for third; penalty for failure to comply with other contract requirements of $50 the first month, increasing by $50 per month until compliance; full-family sanction for noncooperation with Child Support; no AFDC increase for additional children; no 100-hour and work history rules for AFDC-UP; exempting special education and business accounts up to $5,000; fill-the-gap budgeting using child support and earnings; auto resource limit of $4,500; $50 bonus to teens who graduate from high school; additional 12 months of transitional child care and Medicaid benefits; no time limit on job search; forward funding of EITC payment; requiring teen parents to live in adult supervised setting, attend school, participate in parenting and family planning education, and immunize children; and providing JOBS services to non-custodial parents. The Family Assistance Plan (FAP), beginning 7/99, would replace the AFDC program and include: services, but no monetary grant, to children of teen parents; benefits for up to two years under pay-for-performance workfare program; welfare diversion payments and services; forward funding of EITC payment; child care assistance; access to Medicaid Managed Care System; no resource test; direct child support to family; small residual cash benefit program for unemployable cases.

Date Received: 1/30/95.

Type: Combined AFDC/Medicaid.

Current Status: Pending.

Contact Person: Elaine Archangelo, (302) 577–4400.

Project Title: Georgia—Work for Welfare Project.

Description: Work for Welfare Project. In 10 pilot counties would require every non-exempt recipient and non-supporting parent to work up to 20 hours per month in a state, local government, federal agency or nonprofit organization; extends job search; and increases sanctions for JOBS noncompliance. On a statewide basis, would increase the automobile exemption to $4,500 and disregard earned income of children who are full-time students.

Date Received: 6/30/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Nancy Meszaros, (404) 657–3608.

Project Title: Kansas—Actively Creating Tomorrow for Families Demonstration

Description: Would, after 30 months of participation in JOBS, make adults ineligible for AFDC for 3 years; replace $30 and ⅓ income disregard with continuous 40% disregard; disregard lump sum income and income and resources of children in school; count income and resources of family members who receive SSI; exempt one vehicle without regard for equity value if used to produce income; allow only half AFDC benefit increase for births of a second child to families where the parent is not working and eliminate increase for the birth of any child if families already have at least two children; eliminate 100-hour rule and work history requirements for UP cases; expand AFDC eligibility to pregnant women in 1st and 2nd trimesters; extend Medicaid transitional benefits to 24 months; eliminate various JOBS requirements, including those related to target groups, participation rate of UP cases and the 20-hour work requirement limit for parents with children under 6; require school attendance; require minors in AFDC and NPA Food Stamps cases to live with a guardian; make work requirements and penalties in the AFDC and Food Stamp programs more uniform; and increase sanctions for not cooperating with child support enforcement activities.

Date Received: 7/26/94.

Type: Combined AFDC/Medicaid.

Current Status: Pending.

Contact Person: Faith Spencer, (913) 296–0775.

Project Title: Maine—Project Opportunity.

Description: Increase participation in Work Supplementation to 18 months; use Work Supplementation for any opening; use diverted grant funds for vouchers for education, training or support services; and extend transitional Medicaid and child care to 24 months.

Date Received: 8/5/94.

Type: Combined AFDC/Medicaid.

Current Status: Pending.

Contact Person: Susan L. Dustin, (207) 287–3106.

Project Title: Maryland—Welfare Reform Project.

Description: Statewide, eliminate increased AFDC benefit for additional children conceived while receiving AFDC and require minor parents to reside with a guardian. In pilot site, require able-bodied recipients to do community service work after 18 months of AFDC receipt; impose full-family sanction on cases where JOBS non-exempt parent fails to comply with JOBS for 9 months; eliminate 100-hour rule and work history requirements for AFDC-UP cases; increase both auto and resource limits to $5000; disregard income of dependent children; provide one-time payment in lieu of ongoing assistance; require teen parents to continue education and attend family health and parenting classes; extend JOBS services to unemployed non-custodial parents; and for work supplementation cases cash-out food stamps.

Date Received: 3/1/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Katherine L. Cook, (410) 333–0700.

Project Title: Massachusetts—Welfare Reform '95.

Description: Statewide, would limit AFDC assistance to 24 months in a 60-month period, with provisions for extensions, for all non-exempt recipients; reduce benefits for non-exempt recipients by 2.75 percent, while increasing earned income disregard to $30 and one-half indefinitely; establish the Work Program designed to end cash assistance to non-exempt families, requiring recipients who cannot find at least 20 hours per week of paid employment after 60 days of AFDC receipt to do community service and job search to earn a cash ''subsidy'' that would make family income equal to applicable payment standard; fund subsidized jobs from value of AFDC grant plus cash value of Food Stamps for limited number of volunteer recipients; sanction individuals who fail to comply with the Work Program by a reduction in assistance equal to the parent's portion of the grant; establish an Employment Development Plan (EDP) for non-exempt participants not required to participate in the Work Program, requiring community service for second failure to comply with EDP and full-family sanction for second failure to comply with community service; require teen parents to live with guardian or in supportive living arrangements and attend school; require children under age 14 to attend school; eliminate grandparent-deeming; strengthen paternity establishment requirements and allow the IV–D agency to determine if participants are cooperating; allow courts to order parents unable to pay child support to community service programs; exclude from the grant calculation children born to mothers while on AFDC; require child immunizatiom; pay rent directly to landlords where caretaker has fallen behind six weeks in payments; increase asset level to $2,500; increase equity value of a vehicle to $5,000; establish wage assignment in cases of fraud or other overpayments; increased penalties

for individuals who commit fraud, release AFDC fraud conviction information to Department of Revenue and the Social Security Administration for cross-check, and deny benefits to individuals with an outstanding default warrant issued by a State court; allow State to issue a clothing allowance voucher for each child; disregard the first $600 of lump sum income; require direct deposit of benefits for recipients with bank accounts; and disregard the 100-hour rule for eligibility for two-parent families.

Date Received: 4/4/95.

Type: AFDC.

Current Status: Pending.

Contact Person: Valerie Foretra, (617) 348–5508.

Project Title: Mississippi—A New Direction Demonstration Program—Amendment.

Description: Statewide, would amend previously approved New Direction Demonstration Program by adding provision that a family's benefits would not increase as a result of additional children conceived while receiving AFDC.

Date Received: 2/17/95.

Type: AFDC.

Current Status: Pending.

Contact Person: Larry Temple, (601) 359–4476.

Project Title: New Hampshire—Earned Income Disregard Demonstration Project.

Description: AFDC applicants and recipients would have the first $200 plus ½ the remaining earned income disregarded.

Date Received: 9/20/93.

Type: AFDC.

Current Status: Pending.

Contact Person: Avis L. Crane, (603) 271–4255.

Waiver Title: New Mexico—Untitled Project.

Description: Would increase vehicle asset limit to $4500; disregard earned income of students; develop an AFDC Intentional Program Violation procedure identical to Food Stamps; and allow one individual to sign declaration of citizenship for entire case.

Date Received: 7/7/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Scott Chamberlin, (505) 827–7254.

Project Title: North Dakota—Training, Education, Employment and Management Project.

Description: Would require families to develop a social contract specifying time-limit for becoming self-sufficient; combine AFDC, Food Stamps and LIHEAP into single cash payment with simplified uniform income, expense and resource exclusions; increase income disregards and exempt stepparent's income for six months; increase resource limit to $5000 for one recipient and $8000 for families with two or more recipients; exempt value of one vehicle; eliminate 100-hour rule for AFDC–UP; impose a progressive sanction for non-cooperation in JOBS or with child support; require a minimum of 32 hours of paid employment and non-paid work; require participation in EPSDT; and eliminate child support pass-through.

Date Received: 9/9/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Kevin Iverson, (701) 224–2729.

Project Title: Oregon—Expansion of the Transitional Child Care Program.

Description: Provide transitional child care benefits without regard to months of prior receipt of AFDC and provide benefits for 24 months.

Date Received: 8/8/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Jim Neely, (503) 945–5607.

Waiver Title: Oregon—Increased AFDC Motor Vehicle Limit.

Description: Would increase automobile asset limit to $9000.

Date Received: 11/12/93.

Type: AFDC.

Current Status: Pending.

Contact Person: Jim Neely, (503) 945–5607.

Project Title: Pennsylvania—School Attendance Improvement Program.

Description: In 7 sites, would require school attendance as condition of eligibility.

Date Received: 9/12/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Patricia H. O'Neal, (717) 787–4081.

Project Title: Pennsylvania—Savings for Education Program.

Description: Statewide, would exempt as resources college savings bonds and funds in savings accounts earmarked for vocational or secondary education and disregard interest income earned from such accounts.

Date Received: 12/29/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Patricia H. O'Neal, (717) 787–4081.

Project Title: Virginia—Virginia Independence Program.

Description: Statewide, would provide one-time diversion payments to qualified applicants instead of AFDC; change first time JOBS non-compliance sanction to at least one month continuing until compliance and remove conciliation requirement; make paternity establishment within 6 months a condition of eligibility; suspend grant if mother is not cooperating in paternity establishment; require minor parents to live with adult guardian; eliminate benefit increase for children born while a family receives AFDC; require AFDC caretakers without a high school diploma, aged 24 and under, and children, aged 18 and under, to attend school; require child immunization; allow $5000 resource exemption for savings for starting business; increase Transitional Child Care and Transitional Medicaid eligibility; and eliminate deeming requirement for aliens when their sponsor receives food stamps. Also, VIP would phase in statewide over 4 years a work component (VIEW) that will require participants to sign an Agreement of Personal Responsibility as a condition of eligibility; assign participants to a work activity within 90 days of benefit receipt; time-limit AFDC benefits to 24 consecutive months; increase earned income disregards for continued eligibility up to the federal poverty level; disregard value of one vehicle up to $7,500; provide 12 months transitional transportation assistance; modify current JOBS participation exemption criteria; eliminate limitation on job search; assign participants involuntarily to subsidized work placements; apply full-family sanction for refusal to cooperate with work programs; subject unemployed parents to same work requirements as single recipients; and provide employer subsidies from AFDC plus the value of Food Stamps.

Date Received: 12/2/94 and 3/28/95 (Amendments).

Type: Combined AFDC/Medicaid.

Current Status: Pending.

Contact Person: Barbara Cotter, (804) 692–1811.

Project Title: Washington—Success Through Employment Program.

Description: Statewide, would eliminate the 100-hour rule for AFDC–UP families; impose a 10 percent grant reduction for AFDC recipients who have received assistance for 48 out of 60 months, and impose an additional 10 percent grant reduction for every additional 12 months thereafter, and budget earnings against the original payment standard; and hold the food stamp benefit level constant for cases whose AFDC benefits are reduced due to length of stay on assistance.

Date Received: 2/1/95.

Type: AFDC.

Current Status: Pending.
Contact Person: Liz Begert Dunbar, (206) 438–8350.

Project Title: Texas—Promoting Child Health in Texas.
Description: Statewide, would require that children age 5 and under be immunized.
Date Received: 4/11/95.
Type: AFDC.
Current Status: New.
Contact Person: Kent Gummerman (512) 450–3743.

Project Title: West Virginia—Joint Opportunities for Independence (JOIN).
Description: Statewide, would require one parent in an unemployed AFDC–UP applicant or recipient case, with exceptions, to participate 38 hours per week in work and job search activities; sanction the entire family when an individual does not comply; deny Food Stamps to sanctioned families and deny Medicaid to sanctioned adults, except for pregnant women; and freeze the level of Food Stamps benefits for sanctioned families at the pre-sanction level.
Date Received: 4/11/95.
Type: Combined AFDC/Medicaid.
Current Status: New.
Contact Person: Sharon Paterno (304) 558–3186.

Project Title: Wisconsin—Self Sufficiency First (SSF).
Description: Statewide, would require applicant adults, as a condition of eligibility, to meet with a financial planning resource specialist prior to completing an application to examine alternatives to welfare; with some exceptions. If the applicant still wants to apply for assistance, as a condition of eligibility, individual must engage in at least 60 hours of JOB search activities during the 30 day application period. Would also limit JOBS exemptions.
Date Received: 4/18/95.
Type: AFDC.
Current Status: New.
Contact Person: Jean Sheil (608) 266–0613.

Project Title: Wisconsin—Pay for Performance (PFP).
Description: Statewide, adult recipients will be required to participate in JOBS up to 40 hours per week; for each hour of non-participation the AFDC grant will be reduced by the federal minimum wage rate; if the AFDC grant is fully exhausted then the remaining sanction will be taken against the Food Stamp (FS) allotment; FS allotments will not be adjusted to account for AFDC reductions resulting from not participating in JOBS activities; if hours of participation fall below 25% of assigned hours without good cause then no AFDC grant will be awarded and the FS amount will be $10. Would also limit JOBS exemptions.
Date Received: 4/18/95.
Type: AFDC.
Current Status: New.
Contact Person: Jean Sheil (608) 266–0613.

III. Listing of Approved Proposals Since April 1, 1995

Project Title: California—AFDC and Food Stamp Compatibility Demonstration Project.
Contact Person: Michael C. Genest, (916) 657–3546.

Project Title: Missouri—Families Mutual Responsibility Plan.
Contact Person: Greg Vadner, (314) 751–3124.

Project Title: Montana—Achieving Independence for Montanans.
Contact Person: Penny Robbe, (406) 444–1917.

IV. Requests for Copies of a Proposal

Requests for copies of an AFDC or combined AFDC/Medicaid proposal should be directed to the Administration for Children and Families (ACF) at the address listed above. Questions concerning the content of a proposal should be directed to the State contact listed for the proposal.

(Catalog of Federal Domestic Assistance Program, No. 93562; Assistance Payments—Research.)

Dated: May 2, 1995.

Howard Rolston,

Director, Office of Policy and Evaluation.

[FR Doc. 95–11245 Filed 5–5–95; 8:45 am]
BILLING CODE 4184–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Marine Mammals; Polar Bear Habitat Conservation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of comment period on a draft Habitat Conservation Strategy for Polar Bears in Alaska.

SUMMARY: The Fish and Wildlife Service (Service) is extending for 15 days the comment period on the draft Habitat Conservation Strategy for Polar Bears in Alaska (Strategy). The decision to extend the comment period was made in response to several requests.

DATES: Comments on the draft Strategy must be received by May 16, 1995.

ADDRESSES: Copies of the draft Strategy are available by contacting the Office of Marine Mammals Management, Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, AK 99503; Telephone: 907/786–3800; FAX: 907/786–3816.

Written comments should be submitted either by mail or FAX to David McGillivary, Supervisor, Office of Marine Mammals Management at the above identified address or FAX number.

FOR FURTHER INFORMATION CONTACT:

David McGillivary in Anchorage, Alaska, at 907/786–3800.

SUPPLEMENTARY INFORMATION: On February 28, 1995, the Service published in the **Federal Register** (60 FR 10868) a public notice of availability of a draft Strategy and requested comments on the document by May 1, 1995. Near the end of the original 60-day comment period, the Service received two separate letters dated April 28, 1995, requesting a 30-day extension of the comment period to May 31, 1995. Both requests stated that additional time was needed to complete a review of the draft Strategy.

While the Service has agreed to extend the comment period, we have determined that a 30-day extension would not allow us adequate time to analyze comments and to make a decision on the draft Strategy and on the associated proposed rule to extend the effective period of the Service's incidental take regulations (at 50 CFR 18.121). Those regulations authorize and govern the incidental, unintentional take of small numbers of polar bear and walrus during year-round oil and gas operations (exploration, development, and production) in the Beaufort Sea and adjacent northern coast of Alaska; they will expire on June 16, 1995, unless decisions are made to extend the effectiveness of the regulations beyond June 16, 1995.

Because of the short timeframe involved, the Service has determined that the draft Strategy's comment period can only be extended for 15 days through May 16, 1995. This deadline will also coincide with the close of the comment period associated with the Service's proposed rule published in the **Federal Register** on March 17, 1995, (60 FR 14408), that proposes to extend for an additional 42 months the effectiveness of the final incidental take regulations for the Beaufort Sea as described in the previous paragraph.

Dated: May 3, 1995.

Mollie H. Beattie,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 95–11237 Filed 5–4–95; 9:04 am]
BILLING CODE 4310–55–M

Minerals Management Service

Information Collection Submitted to the Office of Management and Budget (OMB) for Review under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to OMB for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collections of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the telephone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau Clearance Officer and to the Office of Management and Budget; Paperwork Reduction Project (1010–0041); Washington, D.C. 20503, telephone (202) 395–7340, with copies to John V. Mirabella; Chief, Engineering and Standards Branch; Engineering and Technology Division; Mail Stop 4700; Minerals Management Service; 381 Elden Street; Herndon, Virginia 22070–4817.

Title: 30 CFR Part 250, Subpart K, Oil and Gas Production Rates.

OMB Approval Number: 1010–0041.

Abstract: The Minerals Management Service (MMS) has prepared a proposal rule to amend the regulations at 30 CFR part 250 to include restrictions on burning of liquid hydrocarbons. The MMS is amending § 250.175 because of the increased interest in burning liquid hydrocarbons and the confusion concerning the restrictions on burning this natural resource. The effect of the amendment is to conserve liquid hydrocarbons and to protect the environment from the possible effects of burning liquid hydrocarbons. Respondents will submit information to MMS for analysis on the risks involved in transporting liquid hydrocarbons against the value of the resource.

Bureau Form Number: None.

Frequency: On occasion.

Description of Respondents: Federal Outer Continental Shelf oil and gas lessees.

Annual Burden Hours: 13,560 hours.*

Bureau Clearance Officer: Arthur Quintana, (703) 787–1239.

Dated: March 22, 1995.

Henry G. Bartholomew,

Deputy Associate Director for Operations and Safety Management.

[FR Doc. 95–11192 Filed 5–5–95; 8:45 am]

BILLING CODE 4310–MR–M

* Hours listed reflect total burden hours for subpart K. new reporting and recordkeeping hours for proposed § 250.175 re as follows: 52 hours reporting and 20 hours recordkeeping.

Office of Surface Mining Reclamation and Enforcement

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). Copies of the proposed collection of information and related form may be obtained by contacting the Bureau's clearance officer at the phone number listed below. Comments and suggestions on the requirements should be made directly to the bureau clearance officer and to the Office of Management and Budget, Paperwork Reduction Project (1029–0007), Washington, DC 20503, telephone 202–395–7340.

Title: General Performance Standards 30 CFR 715.

OMB Approval Number: 1029–0007.

Abstract: This information is collected to meet the requirements of section 502 of the Surface Mining Control and Reclamation Act. The standards contained in the regulation are applicable at sites governed under the initial regulatory program and is used to measure compliance with the performance standards.

Bureau Form Number: None.

Frequency: On occasion.

Description of Respondents: Coal Mine Operators.

Estimated Completion Time: One hour.

Annual Responses: One.

Annual Burden Hours: One.

Bureau Clearance Officer: John A. Trelease.

Dated: March 31, 1995.

Andrew F. DeVito,

Chief, Branch of Environmental and Economic Analysis.

[FR Doc. 95–11225 Filed 5–5–95; 8:45 am]

BILLING CODE 4310–05–M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB–55 (Sub-No. 493X)]

CSX Transportation, Inc.—Abandonment Exemption—in Thomas County, GA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, pursuant to 49 U.S.C. 10505, exempts from the prior approval requirements of 49 U.S.C. 10903, *et seq.*, the abandonment by CSX Transportation, Inc. of 1.51 miles of railroad in Metcalf, Thomas County, GA, subject to standard labor protective conditions and an environmental condition.

DATES: Provided no formal expression of intent to file a financial assistance offer has been received, this exemption will be effective on June 7, 1995. Formal expressions of intent to file financial assistance offers [1] under 49 CFR 1152.27(c)(2) must be filed by May 18, 1995. Petitions to stay must be filed by May 23, 1995. Requests for a public use condition must be filed by May 30, 1995. Petitions to reopen must be filed by June 2, 1995.

ADDRESSES: Send pleadings referring to Docket No. AB–55 (Sub-No. 493X) to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Ave., N.W., Washington, DC 20423; and (2) Petitioner's representative: Charles M. Rosenberger, 500 Water Street—J150, Jacksonville, FL 32202.

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 Ave., N.W., 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 25, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–11221 Filed 5–5–95; 8:45 am]

BILLING CODE 7035–01–P

[Docket No. AB–398 (Sub-No. 3X)]

San Joaquin Valley Railroad Company—Abandonment Exemption—in Fresno County, CA

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission exempts from the prior approval requirements of

[1] See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

49 U.S.C. 10903–10904, the abandonment by San Joaquin Valley Railroad Company of 4.5 miles of its Clovis Branch between milepost 214.5 at Tarpey and milepost 219.0 at Glorietta Station, in Fresno County, CA, with an expedited effective date and subject to standard employee protective and salvage conditions.[1]

DATES: Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 28, 1995. Formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2)[2] and requests for issuance of a notice of interim trail use under 49 CFR 1152.29 must be filed by May 18, 1995, petitions to stay and requests for a public use condition conforming to 49 CFR 1152.28(a)(2) must be filed by May 23, 1995, and petitions to reopen must be filed by June 5, 1995.

ADDRESSES: Send pleadings, referring to Docket No. AB–398 (Sub-No. 3X), to: (1) Office of the Secretary Case Control Branch Interstate Commerce Commission, Washington, DC 20423; and (2) Petitioner's representative: Fritz R. Kahn, Suite 120 Georgetown Place, 1101 30th Street, N.W., Washington, D.C. 20007.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon (202) 927–5610. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Room 2229, Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Washington, D.C. 20423. Telephone: (202) 289–4357/4359. [Assistance for the hearing impaired is available through TDD service (202) 927–5721.]

Decided: April 17, 1995.

By the Commission, Chairman McDonald, Vice Chairman Morgan, and Commissioners Simmons and Owen.

Vernon A. Williams,

Secretary.

[FR Doc. 95–11222 Filed 5–5–95; 8:45 am]

BILLING CODE 7035–01–P

[1] For administrative convenience, this exemption was decided in a decision that also embraced *Southern Pacific Transportation Company—Abandonment Exemption—In Fresno County, CA,* Docket No. AB–12 (Sub-No. 179X), and *San Joaquin Valley Railroad Company—Abandonment Exemption—In Kings County, CA,* Docket No. AB–398 (Sub-No. 2X). The proceedings were not consolidated. A decision on the merits of the three proceedings is being served simultaneously with the publication of this notice of exemption.

[2] *See Exempt. of Rail Abandonment—Offers of Finan. Assist.,* 4 I.C.C.2d 164 (1987).

DEPARTMENT OF LABOR

Employment and Training Administration

Job Training Partnership Act and Targeted Jobs Tax Credit; Lower Living Standard Income Level; Correction

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of determination of lower living standard income level; correction.

SUMMARY: In notice document 95–10152, published at 60 FR 20283 (April 25, 1995), in the table on page 20287, ''Table 4—SEVENTY PERCENT OF UPDATED 1995 LLSIL, BY FAMILY SIZE,'' the parentheses were omitted inadvertently. The corrected table is published below.

We apologize for any inconvenience this may have caused.

Signed at Washington, DC, this 2nd day of May, 1995.

Josephine Nieves,

Associate Assistant Secretary.

Appendix

BILLING CODE 4510–30–M

Table 4--SEVENTY PERCENT OF UPDATED 1995 LLSIL, BY FAMILY SIZE [1]

Family of One	Two	Three	Four	Five	Six
(5,450)	(8,930)	(12,260)	(15,140)	17,870	20,890
(5,530)	(9,070)	(12,450)	15,370	18,140	21,210
(5,540)	(9,070)	(12,460)	15,380	18,150	21,220
(5,760)	(9,450)	12,970	16,010	18,890	22,090
(5,770)	(9,460)	12,990	16,040	18,930	22,140
(5,810)	(9,520)	13,070	16,130	19,030	22,260
(5,830)	(9,560)	13,120	16,200	19,120	22,360
(5,890)	(9,650)	13,240	16,350	19,290	22,560
(5,920)	(9,700)	13,320	16,440	19,400	22,690
(5,940)	(9,740)	13,370	16,510	19,480	22,780
(5,980)	(9,800)	13,450	16,600	19,590	22,910
(6,110)	(10,010)	13,740	16,960	20,010	23,410
(6,160)	10,100	13,870	17,120	20,200	23,630
(6,190)	10,140	13,920	17,180	20,270	23,710
(6,190)	10,140	13,920	17,190	20,280	23,720
(6,220)	10,200	14,000	17,280	20,390	23,850
(6,330)	10,370	14,230	17,570	20,730	24,250
(6,340)	10,380	14,260	17,600	20,770	24,290
(6,380)	10,450	14,350	17,710	20,900	24,440
(6,480)	10,610	14,570	17,990	21,230	24,830
(6,500)	10,660	14,630	18,060	21,310	24,920
(6,600)	10,820	14,860	18,340	21,640	25,310
(6,610)	10,830	14,860	18,350	21,650	25,320
(6,700)	10,970	15,070	18,600	21,950	25,670
(6,760)	11,070	15,200	18,770	22,150	25,900
(6,780)	11,120	15,260	18,840	22,230	26,000
(6,880)	11,270	15,470	19,100	22,540	26,360
(6,900)	11,310	15,530	19,170	22,620	26,460
(6,930)	11,360	15,590	19,250	22,720	26,570
(7,060)	11,570	15,880	19,610	23,140	27,060
8,110	13,290	18,250	22,530	26,590	31,090
8,340	13,660	18,760	23,160	27,330	31,960
8,860	14,520	19,930	24,610	29,040	33,960
9,100	14,920	20,490	25,290	29,840	34,900

1 Figures provided in Tables 1-3 of this notice are for a family of four persons. To use Table 4, the appropriate figure should be found in the Family of Four column. Then one may read across the row for family sizes other than four in the appropriate column.

[FR Doc. 95-11239 Filed 5-5-95; 8:45 am]
BILLING CODE 4510-30-C

Occupational Safety and Health Administration

Advisory Committee on Construction Safety and Health; Full Committee Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (19 U.S.C. 656), will meet on May 25–26, 1995 at the Frances Perkins Building, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–3437A–D, Washington, DC. The meetings of the full Committee and of the work groups are open to the public and will begin at 9 a.m. on May 25 and at 8:30 a.m. on May 26. The meeting will conclude at approximately 5:00 p.m. on May 25 and at approximately 12:00 p.m. on May 26.

On May 25, OSHA will brief the ACCSH on the status of standards-related activities for construction. In particular, the Agency will report on the deliberations of the Steel Erection Negotiated Rulemaking Committee; the draft final rule for scaffolds; the Priority Planning Process; and the activities of OSHA's Office of Construction and Engineering. After a lunch break, the work groups on Hexavalent Chromium, Safety and Health Programs, Gender Issues, Musculoskeletal Disorders, and Industrial Trucks will meet, based in Room N–3437A–D, until approximately 5:00 p.m.

On May 26, OSHA will brief the ACCSH regarding the Agency's National Emphasis Programs and Regional Emphasis Programs. In addition, the work groups will report back to the full Committee and the full Committee will discuss the reports from the work groups.

Written data, views or comments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs, at the address provided below. Any such submissions received prior to the meeting will be provided to the members of the Committee and will be included in the record of the meeting. Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear and a brief outline of the content of the presentation. Persons who request the opportunity to address the Advisory Committee may be allowed to speak, as time permits, at the discretion of the Chairman of the Advisory Committee. Individuals with disabilities who wish to attend the meeting should contact Tom Hall, at the address indicated below, if special accommodations are needed.

For additional information contact: Holly Nelson, Office of the Assistant Secretary, Room S–2316, Telephone 202–219–6027; or Tom Hall, Division of Consumer Affairs, Room N–3647, Telephone 202–219–8615, at the Occupational Safety and Health Administration, 200 Constitution Avenue, NW., Washington, DC, 20210. An official record of the meeting will be available for public inspection at the OSHA Docket Office, Room N–2625. Telephone 202–219–7894.

Signed at Washington, D.C. this 3rd day of May, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95–11240 Filed 5–5–95; 8:45 am]

BILLING CODE 4510–26–M

Connecticut State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4), will review and approve standards promulgated pursuant to a State Plan, which has been approved in accordance with Section 18(c) of the Act and 29 CFR part 1902. On November 3, 1978, notice was published in the **Federal Register** (43 FR 51390) of the approval of the Connecticut Public Sector State Plan and the adoption of subpart E to part 1956 containing the decision.

The Connecticut Public Sector only State Plan provides for the adoption of Federal standards as State standards after:

a. Publishing an intent to amend the State Plan by adopting the standard(s) in the Connecticut Law Journal.

b. Approval by the Commissioner of Labor and the Attorney General of the State of Connecticut.

c. Approval by the Legislative Regulation Review Committee, State of Connecticut.

d. Filing in the Office of the Secretary of State, State of Connecticut.

e. Publishing a notice that the State Plan is amended by adopting the standard(s) in the Connecticut Law Journal.

The Connecticut Public Sector State Plan provides for the adoption of State standards which are at least as effective as comparable Federal standards promulgated under Section 6, of the Act.

By letter dated November 7, 1994, from Commissioner Ronald F. Petronella, Connecticut Department of Labor, to Cindy A. Coe, Acting Regional Administrator, and incorporated as part of the plan, the State submitted updated State standards identical to 29 CFR parts 1910, 1915, 1917, 1918, 1926 and 1928, and subsequent amendments thereto, as described below:

(1) Addition to 29 CFR 1910, Personal Protective Equipment for General Industry; Final Rule (58 FR 16360, dated 4/6/94).

This Standard became effective on October 20, 1994 pursuant to Section 31–372 of the Connecticut General Statutes.

(2) Addition to 29 CFR 1910, Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment; Final Rule (59 FR 4435, dated 1/31/94).

This Standard became effective on August 26, 1994 pursuant to Section 31–372 of the Connecticut General Statutes.

(3) Addition to 29 CFR Parts 1910, 1915, 1917, 1918, 1926, and 1928, Hazard Communication; Final Rule (59 FR 6169, dated 2/9/94).

This Standard became effective on August 26, 1994 pursuant to Section 31–372 of the Connecticut General Statutes.

2. Decision

OSHA has determined that the State's standards for Personal Protective Equipment for General Industry, Electric Power Generation, Transmission, and Distribution; Electric Protective Equipment, and Hazard Communication are identical to the comparable Federal standards, and therefore approves these standards.

3. Location of Supplement for Inspection and Copying

A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, 133 Portland Street, Boston, Massachusetts 02114; Office of the Commissioner, State of Connecticut, Department of Labor, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109, and the OSHA Office of State Programs, Room N–3476, Third Street and Constitution Avenue, NW., Washington, DC 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Connecticut Public Sector Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

1. The standards were adopted in accordance with the procedural requirements of State law which included public comment, and further public participation would be repetitious.

This decision is effective on May 8, 1995.

Authority: Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667).

Signed at Boston, Massachusetts, this 10th day of February 1995.

Cindy A. Coe,

Acting Regional Administrator.

[FR Doc. 95–11238 Filed 5–5–95; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL SCIENCE FOUNDATION

Task Force on the Future of the NSF Supercomputer Centers Program; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Task Force on the Future of the NSF Supercomputer Centers Program (#1982).

Date & Time: May 22, 1995 1:00–5:00 pm, and May 23 from 8:00 am–noon.

Place: Skybird Conference Center, O'Hare International Airport, Chicago IL.

Type of Meeting: Open.

Contact Person: Dr. Robert Borchers, Director, Division of Advanced Scientific Computing, Directorate for Computer and Information Science and Engineering, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, 703/306–1970.

Minutes: May be obtained from the contact person listed above.

Meeting Purpose: The objective of the Task Force is to advise the NSF on the future of its Supercomputing Centers Program considering the changing nature of computing and information science and technology. Its scope will be limited to NSF's support for advanced computational science. This meeting is to seek advice and testimony from representatives of academic and government leaders in High Performance Computing, and some principal investigators of Grand Challenge Projects. The task force will continue its discussions on the principles to be used in evaluating the options of any future programs, and hear reports on visits of members to the four existing NSF Supercomputer Centers.

Agenda

May 22, 1995

1:00–500 Advice and testimony from members of the High Performance Computing Community.

May 23, 1995

9:00–3:00 Advice and testimony from members of the High Performance Computing Community

Reason for Late Notice: Difficulty with scheduling witnesses.

Dated: May 3, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–11248 Filed 5–5–95; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget Review

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of the Office of Management and Budget review of information collections.

SUMMARY: The Nuclear Regulatory Commission (NRC) has recently submitted to the Office of Management and Budget (OMB) for review the following proposal for the collections of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. Type of Submission, new, revision, or extension: Extensions (2); Revisions (2).

2. Titles of the information collections: Security Termination Statement (Form 136); Request for Access Authorization (Form 237); Request for Visit or Access Approval (Form 277); Classification Record (Form 790).

3. The form number if applicable: NRC Forms 136 and 790 (Extensions); NRC Forms 237 and 277 (Revisions).

4. How often the collection is required: On occasion.

5. Who will be required or asked to report: Licensee and contractor employees, who have been granted an NRC access authorization (NRC Forms 136 and 237); licensees and contractor employees to verify individuals security clearance and need to know for a visit to a facility (NRC Form 277); licensees, contractor and other facility employees that are permitted to use, process, store, reproduce, transmit, or otherwise handle NRC classified information (NRC Form 790).

6. An estimate of the number of responses: 400 (NRC Form 136); 100 (NRC Form 237); 22 (NRC Form 277); 85 (NRC Form 790).

7. An estimate of the total number of hours needed to complete the requirement or request: NRC Form 136, 40 hours (6 minutes per response); NRC Form 237, 20 hours (12 minutes per response); NRC Form 277, 5 hours (3.7 hours reporting burden; 1.3 recordkeeping burden; 10 minutes per response); NRC Form 790, 7 hours (5 minutes per response).

8. An indication of whether Section 3504(h), Pub. L. 96–511 applies: Not applicable.

9. Abstract: The NRC Form 136 affects the employees of licensees and contractors who have been granted an NRC access authorization; NRC Form 237 is completed by licensees, NRC Contractors or other individuals who require an NRC access authorization; NRC Form 277 affects the employees of licensees and contractors who have been granted an NRC access authorization and require verification of that access authorization and need-to-know in conjunction with a visit to NRC or another facility; NRC Form 790 is utilized each time a document is classified or declassified.

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, (3150–0049); (3150–0050); (3150–0051); (3150–0052), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–3084.

The NRC Clearance Officer is Brenda Jo Shelton, (301) 415–7233.

Dated at Rockville, Maryland this 1st day of April, 1995.

For the Nuclear Regulatory Commission.

Gerald F. Cranford,

Designated Senior Official for Information Resources Management.

[FR Doc. 95–11219 Filed 5–5–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket Nos. 50–369 and 50–370]

Duke Power Company; Notice of Consideration of Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating License Nos. NPF–9 and NPF–17 issued to Duke Power Company (the licensee) for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The proposed amendments would revise the Technical Specifications (TS) to (1) change the surveillance requirement for boron concentration in the spent fuel pool (SFP) from once per 31 days to once per 7 days in consistency with the Standard Technical Specifications, (2) remove the option to use alternate storage configurations in the SFP and replace it with footnotes to allow specific analysis on alternate fuel types, (3) add information contained in the Bases to the footnotes to Figures 3.9–1 to 3.9–3 of Specification 3/4.9.13, and (4) change the Bases to discuss the option to use specific analyses on alternate fuel.

The licensee's request of June 13, 1994, as supplemented August 15, 1994, March 23 and April 18, 1995, was previously noticed in the **Federal Register** on February 15, 1995 (60 FR 8746). The additional information provided in letters dated August 15, 1994, and April 18, 1995, did not modify the licensee's initial no significant hazards determination analysis. However, the additional information provided in the March 23, 1995, submittal was new information that did modify the licensee's initial no significant hazards determination analysis. This new information is being noticed for public comment.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the licensee request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

There is no increase in the probability or consequences of an accident in the new fuel vault since the only credible accidents for this area are criticality accidents and it has been shown that calculated, worst case K_{eff} for this area is [less than or equal to] 0.95 for fully flooded conditions and K_{eff} [less than or equal to] 0.98 under optimum moderation conditions. This is in accordance with current licensing criteria. Likewise, there is no increase in the probability or consequences of an accident in the Spent Fuel Pool since, for criticality accidents, analyses have shown that K_{eff} [less than or equal to] 0.95 under all conditions is being maintained.

There is also no increase in the probability or consequences of a fuel drop accident in the Spent Fuel Storage Pool. Since the mass of an assembly will not be affected by the increase in fuel enrichment, the probability of an accident is not increased, and since the fission product inventory of individual fuel assemblies will not change significantly as a result of increased enrichment, the consequences of a fuel rupture accident remain unchanged.

The likelihood of other accidents, previously evaluated and described in Section 9.1.2 of the FSAR [Final Safety Analysis Report], is also not affected by the proposed changes. In fact, it could be postulated that since the increase in fuel enrichment will allow for extended fuel cycles, there will be a decrease in fuel movement and the probability of an accident may likewise be decreased.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not create the possibility of a new or different kind of accident since fuel handling accidents (fuel drop and misplacement) are not new or different kinds of accidents. Fuel handling accidents are already discussed in the FSAR for fuel with enrichments up to 4.0 weight %. * * * [A]dditional analyses have been performed for fuel with enrichment up to 5.00 weight %. Worst case misloading accidents associated with the new loading patterns were evaluated. It was shown that the negative reactivity provided by soluble boron maintains k_{eff} [less than or equal to] 0.95 under all conditions.

3. The proposed changes do not involve a significant reduction in the margin of safety.

The proposed [changes do] not involve a significant reduction in the margin of safety since, a k_{eff} [less than or equal to] 0.95 is being maintained for fully flooded conditions and k_{eff} [less than or equal to] 0.98 under optimum moderation conditions. The specification of k_{eff} [less than or equal to] 0.98, for optimum moderation conditions in the new fuel vault, is an addition to the existing specification requirements of k_{eff} [less than or equal to] 0.95 for fully flooded conditions. Although previous analyses have been performed to demonstrate that this requirement could be met, there was no licensing requirement to do so. Addition of this specification brings the specification more in line with current STS [standard technical specification] requirements and, in fact, may increase the margin of safety since, compliance with this requirement was not previously required.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendments before the expiration of the 30-day notice period, provided that its final determination is that the amendments involve no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the

Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests of hearing and petitions for leave to intervene is discussed below.

By June 7, 1995, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practices for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specific requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendments under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request involves no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendments.

If the final determination is that the request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendments.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Herbert N. Berkow: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. Albert Carr, Duke Power Company, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendments dated June 13, 1994, as supplemented by letters dated August 15, 1994, March 23 and April 18, 1995, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina.

Dated at Rockville, Maryland, this 3rd day of May 1995.

For the Nuclear Regulatory Commission.

Victor Nerses,

Project Manager, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–11220 Filed 5–5–95; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–35660; File No. SR–Amex–95–09]

Self-Regulatory Organizations; American Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to the Entry of Market-at-the Close Orders

May 2, 1995.

On February 22, 1995, the American Stock Exchange, Inc. (''Amex'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt new Commentary .02 to Exchange Rule 109 to require members entering market-at-the-close (''MOC'') orders through the Exchange's order routing systems, Post Execution Reporting (''PER'') or Amex Options Switching (''AMOS''),[3] to do so by no later than 3:50 p.m.

The proposed rule change was published for comment in Securities Exchange Act Release No. 35492 (Mar. 15, 1995), 60 FR 14985 (Mar. 21, 1995). No comments were received on the proposal.

The Amex Rule 109(d) sets forth the procedures for executing MOC orders.[4] Under Rule 109, a member must execute MOC orders in a stock where the member is holding simultaneously both buy and sell MOC orders in accordance with certain procedures. Where there is an imbalance between the buy and sell MOC orders, a member at the close of trading must execute the imbalance of buy orders against the offer and imbalance of sell orders against the bid. The member must then stop the remaining buy and sell orders against each other and pair them off at the price of the immediately preceding sale. The member must report the paired off transactions to the consolidated last sale reporting system as ''stopped stock.''

In situations where there is no imbalance between the buy and sell MOC orders, the buy and sell orders are stopped against each other and paired off at the price of the last sale on the Exchange just before the close of trading in that stock on that day. The transaction must be reported to the consolidated reporting system as stopped stock.

At the present time, members may enter MOC orders until 4:00 p.m. when trading closes. Members may enter MOC orders through the Exchange's order routing systems, PER and AMOS, or manually through a floor broker to the specialists.

The Exchange proposes to amend Amex Rule 109 by adopting new Commentary .02, which would impose a 3:50 p.m. deadline for the entry, cancellation, or reduction of all MOC orders through the PER or AMOS systems. Thereafter, a member may only enter, modify, and cancel MOC orders through other means than the Exchange's order routing systems.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[5] The Commission believes that the proposal is consistent with the Section 6(b)(5) requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts, and, in general, to protect investors and the public interest.

The Commission has been aware for several years that the use of composite-asset trading techniques and strategies has increased substantially, which has prompted the need to establish greater price certainty at the close.[6] The Commission believes that the Exchange's proposed rule change will assist specialists in ascertaining the closing price [7] of a security in a timely manner by providing specialists with a reasonable period to assess whether there is an imbalance of MOC orders, and to pair off MOC buy and sell orders, entered through the Exchange's automated routing systems. Unlike other orders, MOC orders do not appear on the specialist's electronic book and specialists must process the orders manually.[8] Therefore, on days where there is heavy volume of MOC orders, the execution of MOC orders and, in turn, the determination of the closing price, may be delayed under the current practice. The Commission believes that the extra time allotted under the proposal should allow specialists to effectuate an orderly closing in stocks by alleviating the problem of MOC orders being entered through the Amex automated systems so close to the 4:00 p.m. deadline that the specialists cannot execute the MOC transactions and determine the closing price until after the close.[9]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[10] that the proposed rule change (SR–Amex–95–09) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–11229 Filed 5–5–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35657; File No. SR–NASD–95–13]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Cold Calling Requirements

May 1, 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 April 10, 1995, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The Commission is publishing this notice to

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1994).

[3] Although there is no specific Amex rule describing the types of orders that AMOS may accept, it has been the practice of the Exchange to allow AMOS to accept MOC options orders. Telephone conservation with Stuart Diamond, Director, Rulings Department, Amex, and Linda Tarr, Special Counsel, Amex, and Jennifer Choi, Attorney, SEC, on May 1, 1995.

[4] A market-at-the-close order is a market order that is to be executed at or as near to the close as practicable. *See American Stock Exchange Guide*, Rule 131(e), (CCH) ¶ 9281.

[5] 15 U.S.C. 78f(b) (1988 & Supp. v. 1993).

[6] *See* Securities Exchange Act Release No. 31610 (Dec. 16, 1992), 57 FR 61131 (Dec. 23, 1992) (File No. SR–Amex–92–34) (permanently approving procedures to execute MOC orders on every trading day).

[7] The closing price is the price at which the MOC orders were executed. telephone conversation with Stuart Diamond, Director, Rulings Department, Amex, and Linda Tarr, Special Counsel, Amex, and Glen Barrentine and Jennifer Choi, SEC, on March 7, 1995.

[8] Telephone conversation with Stuart Diamond, Director, Rulings Department, Amex, and Jennifer S. Choi, SEC, on April 19, 1995.

[9] Under the proposed rule change, members may continue to enter, cancel, or modify MOC orders manually until 4:00 p.m. MOC orders that are manually brought to the specialist post by a floor broker are less likely to delay the specialist's processing of the MOC orders because a floor broker has the discretion not to place a MOC order when an imbalance of buy and sell MOC orders has affected the price of a stock. Under the proposed rule change, a specialist would be able to process MOC orders entered through the Exchange's automated routing system soon after the 3:50 deadline and negotiate with a floor broker when there is an imbalance between the MOC buy and sell orders.

[10] 15 U.S.C. 78s(b)(2) (1988).

[11] 17 CFR 200.30–3(a)(12) (1994).

solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is herewith filing a proposed rule change to Article III, Section 21 of the Rules of Fair Practice. Proposed new language is italicized.

Books and Records

Sec. 21.

* * * * *

Cold Call Requirements

(*g*) *Each member shall make and maintain a centralized do-not-call list of persons who do not wish to receive telephone solicitations from such member or its associated persons.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD had prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Pursuant to the Telephone Consumer Protection Act (TCPA), which became law in 1991, the Federal Communications Commission (FCC) developed rules, effective December 20, 1992, to protect the rights of telephone consumers while allowing legitimate telemarketing practices. In addition, the Telemarketing and Consumer Fraud and Abuse Prevention Act (''Prevention Act'') became law in August, 1994, and requires the Federal Trade Commission (FTC) to adopt rules on abusive cold calling within twelve (12) months.

Members who engage in telephone solicitation to market their products and services are subject to the requirements of the rules of the FCC and FTC relating to telemarketing practices and the rights of telephone consumers and shall refer to FCC rules for specific restrictions on telephone solicitations. This includes, but is not limited to, the requirements to make and maintain a list of persons who do not want to receive telephone solicitations (a ''do-not-call'' list).

The Prevention Act also requires the SEC to engage in its own additional rulemaking, or, alternatively, to require the SROs to promulgate telemarketing rules consistent with the legislation. In August of 1994, SEC Chairman Arthur Levitt wrote to the NASD and NYSE urging the SROs to adopt a rule similar to the cold calling rule established by the FCC. Since then, there have been ongoing discussions between the SEC and SROs on the structure of a rule or rules to apply pursuant to the Prevention Act. As a first step, the NASD is proposing to adopt a rule to implement that portion of the FCC rules that requires the establishment and maintenance of a do-not-call list. The proposed rule would add new Subsection (g) to Section 21 of Article III of the Rules of Fair Practice to require that each member who engages in telephone solicitation to market its products and services shall make and maintain a centralized do-not-call list of persons who do not wish to receive telephone solicitations from such member of its associated persons.

The NASD believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[1] which require that the Association adopt and amend its rules to promote just and equitable principles of trade, and generally provide for the protection of customers and the public interest in that the proposed rule change establishes minimum standards designed to protect members' customers against abusive telemarketing practices.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act, as amended.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 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 such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR–NASD–95–13 and should be submitted by May 30, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[2]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–11190 Filed 5–5–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35661; File No. SR–NYSE–95–05]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Near Neighbor Approach to Measuring Specialist Performance

May 2, 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 February 28, 1995, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

[1] 15 U.S.C. 78*o*–3.

[2] 17 CFR 200.30–3(a)(12).

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, to be implemented on a fifteen month pilot basis,[1] consists of adopting a new approach to measuring specialist performance that would compare certain performance measures of a given stock (price continuity, depth, quotation spread and capital utilization) to those of its ''near neighbors,'' *i.e.*, stocks that have certain similar characteristics.

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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In recent years, the Exchange has sought to create objective measures of market quality and specialist performance. The Securities and Exchange Commission has also encouraged the Exchange ''to develop relative, objective standards of performance for evaluating specialists.''[2] The Exchange has responded, in part, by implementing on a pilot basis the capital utilization measure of specialist performance, which measures the dollar value of a specialist's proprietary trading [3] in relation to the total dollar value of shares traded in the specialist's stocks.[4]

The Exchange has continued its efforts to develop additional objective measures of specialist performance over the past several years, and has retained consultants from the Massachusetts Institute of Technology to assist in this endeavor. Working with the consultants, the Exchange has developed a new approach to evaluating specialist performance that compares the performance in a stock over ''rolling'' three-month periods to the performance of stocks with similar trading characteristics (''near neighbors''). The market quality measures are price continuity,[5] market depth,[6] quotation spread,[7] and specialist capital utilization.[8]

As with the capital utilization measure, stocks would continue to be separated into three broad stock categories: (1) stocks in the top 200 stocks in the S&P 500 Stock Index and other stocks that are as active; (2) the remaining component stocks of the S&P 500 Index and stocks among the 500 most active stocks on the Exchange; and (3) all other stocks. A number of securities are excluded, as with the capital utilization measure.[9]

Each month, each of the specialist unit's eligible stocks is classified as belonging to one of the three broad categories noted above. A determination is then made for each individual stock (the ''target stock'') as to which other stocks are statistically similar to it (its ''near neighbors''), based on certain market characteristics. The characteristics that are used in this determination are price, non-block volume, daily high low range, and the dollar value of the stock's ''float'' (*i.e.*, shares that are available for trading that are not closely held).[10] A statistical formula is applied to each stock's four market characteristics to determine its statistical ''distance'' from the target stock. Stocks with distances of 1.000 or less are considered to be ''near neighbors'' of the target stock. Stocks with distances greater than 1.000 are considered to be too different to be considered ''near neighbors'' of the target stock.[11]

For all stocks with three or more near neighbors, a single weighted [12] average performance percentage combining the results for all the near neighbors is calculated for each market quality measure. Then, using statistical techniques involving standard deviations, each target stocks' actual performance in the market quality measures listed above is compared to the combined performance of its near neighbors.

When a comparison with its near neighbors is made, the target stock is then placed into one of the three groups: a stock whose performance is statistically significantly poorer than the mean performance of the near neighbor stocks is classified in the ''Below Mean'' group; a stock whose performance is statistically similar to the mean performance is classified in the ''Mean'' group; and a stock whose performance is statistically significantly better than the mean is classified in the ''Above Mean'' group. Stocks that have fewer than three near neighbors are automatically classified in the ''Mean'' group. An additional analysis is performed on the stocks in the ''Mean'' group to highlight those stocks that have relatively high performance even though that performance is statistically similar

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[1] *See* letter from James Buck, NYSE, to Katherine Simmons, SEC, dated March 7, 1995.

[2] *See* Division of Market Regulation, 088SEC, *The October 1987 Market Break* (February 1988), at p. xvii.

[3] *See infra* note 8.

[4] The Commission approved the capital utilization measure of specialist performance on a one-year pilot basis in Securities Exchange Act Release No. 33369 (December 23, 1993), 58 FR 69431 (December 30, 1993). The Commission approved a six-month extension to the pilot program in Securities Exchange Act Release No. 35175 (December 29, 1994), 60 FR 2167 (January 6, 1995) (extending pilot through June 30, 1995).

[5] Continuity, the change in price from trade to trade, is measured by the percentage of trades with a change of ⅛ point or less from the previous trade.

[6] Depth, the maximum price change over a 3,000-share sequence of trades, is measured by the percentage of depth sequences with a high/low range of ⅛ point or less.

[7] Spread, the difference between the bid price and the ask price, is measured by the percentage of reported quotations with a spread of ¼ point or less.

[8] A capital utilization percentage is derived for each specialist unit by dividing the average daily dollar value of the unit's stabilizing purchases and sales by the average daily total dollar value of shares traded in the unit's stocks. Capital utilization is measured two ways: (1) using stabilizing dealer volume; and (2) using stabilizing plus reliquifying dealer volume.

[9] The following stocks are excluded from the current capital utilization measure and the near neighbor analysis: foreign stocks, preferred stocks, warrants, when issued stocks, IPOs (for the first 60 days), closed-end funds, stocks selling for $5 and under, stocks with less than 2,000 shares average daily trading volume, and stocks that have been delisted for more than six months. The following stocks are excluded from near neighbor analysis and as discussed below are being proposed to be excluded from the capital utilization measure in this rule filing: stocks with two classes of shares, merger/acquisition stocks if there was a significant impact on the price or volume, and stocks which have been delisted for more than half of the examination period. *See infra* note 13.

[10] A stock will be considered ''similar'' to a target stock if: (1) the median average daily price is within 30% of a target stock under $20, or within $6 of a target stock between $20 and $60, or within 10% of a target stock above $60; (2) the median daily non-block volume (*i.e.*, trades under 25,000 shares) is within 30% of the target stock; (3) the median daily high-low range equals the median high-low range of the target stock +/− 7.5% of:

i. 30% of the price for a target stock under $20

ii. $6 for a target stock between $20 and $60,

iii. 10% of the price for a target stock above $60 and (4) the market value of the float is within 30% of the target stock.

[11] if there are more than 20 stocks with distances of 1.000 or less, only the 20 stocks that are closest to the target stock are used in the analysis.

[12] The weight of a near neighbor stock decreases as its distance from the target stock increases. If a stock's distance from the target stock is less than 0.500, then its weight is 1.000. If a stock's distance from the target stock is greater than 0.500, then its weight is less than 1.000.

to the calculated average of their near neighbors. A ''Mean'' group stock will be considered to have ''relatively high performance'' if its performance percentage is in the top quartile of all stocks in its stock category (*i.e.*, top 200, next 300, or other).

Each specialist unit would receive three reports each month containing the results of the near neighbor analyses for the three most recent months combined. These would include: (1) A Stock Detail Report for each stock that provides market data and performance information about the stock and each of the other stocks that were identified as its ''near neighbors,'' (2) a Stock Summary Report that lists each stock and provides data on the performance of the target stock and the average performance of its near neighbors, as well as whether the target stock's performance is ''Below Mean,'' ''Mean,'' or ''Above Mean,'' for each performance measure, and (3) a Specialist Unit Summary Report that shows, for each performance measure and within each stock category, the number of stocks that are in each group classification, and the percentage of the unit's total stocks that are in each group classification. The Unit Summary Report also shows the percentage of the unit's ''Mean'' group stocks that had high performance percentages.

The Allocation Committee would receive only the summary data appearing on the Specialist Unit Summary Report, which will be updated each month (covering the three most recent months) upon the distribution of the reports to the specialist units. The Allocation Committee would not receive performance data for individual stocks. The Allocation Committee would also receive a list of each unit's stocks that had fewer than three near neighbors and were automatically classified in the ''Mean'' group. Included with each stock will be its percentage of the unit's total dollar value of shares traded.

The Exchange is proposing that this new approach to measuring specialist performance be implemented on a fifteen month pilot basis. During the pilot period, the Exchange will continue to study the near neighbor methodology with a view toward recommending such enhancements or modifications as may be appropriate as experience is gained with this approach to evaluating specialist performance.

The Exchange is also proposing the following modifications to the specialist capital utilization performance measure to ensure commonality between it and near neighbor: (1) Exclusion of stocks with two classes of shares (*e.g.*, Class A & Class B), ''merger/acquisition'' stocks if there was a significant impact on the price or volume, and stocks that have been delisted for more than half of the examination period; [13] and (2) reduction of the performance review period from a ''rolling'' 12 months to a rolling three months. With respect to the new exclusion for stocks with two classes of shares and stocks subject to merger and acquisition activity that significantly impacts the price or volume of the subject security, the Exchange believes the stocks' trading patterns to be such that they cannot reasonably be compared to other stocks that do not trade in the same manner. The performance review period is proposed to be reduced to a rolling three month period in order to give more prompt feedback of performance changes.

2. Statutory Basis

The basis under Act for this proposed rule change is the requirement under Section 6(b)(5) of the Act 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 Exchange believes that the proposed rule change is consistent with these requirements in that developing objective measures of specialist performance using a near neighbor approach would help perfect the mechanism of a free and open market.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition that is not necessary or appropriate in furtherance of the purposes 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.

[13] The rule filing and Amendment No. 1, *see supra* note 1, propose to exclude stocks which have been delisted for more than six months based upon the current rolling twelve month performance review period. However, because the Exchange is proposing to change the review period to a rolling three month period, the Exchange will amend the filing to provide that stocks which have been delisted for more that half the review period will be excluded. Conversation between Don Siemer, NYSE, and Katherine Simmons, SEC, May 1, 1995.

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 data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–95–05 and should be submitted by May 30, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–11230 Filed 5–5–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35662; File No. SR–NYSE–95–06]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by New York Stock Exchange, Inc., Relating to Amendment of the Exchange's Allocation Policy and Procedures

May 2, 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 February 28, 1995, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. 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 consists of an amendment to the Exchange's Allocation Policy and Procedures (the ''Policy'') which would limit, to 25%, the weight that the Specialist Performance Evaluation Questionnaire (''SPEQ'') could be given in the Exchange's allocation decision making process.

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.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The intent of the Policy is to ensure that each security is allocated in the fairest manner possible to the best specialist unit for that security. In order to enhance its stock allocation decisions, the Exchange conducts periodic reviews of its allocation process. As the result of its most recent review, the Exchange is proposing to amend the Policy to limit, to no more than 25%, the weight that he SPEQ may be given in the allocation decision making process. Currently, the Policy permits the Allocation Committee to grant up to one third weight to SPEQ results in its allocation decisions. The Allocation Committee also considers objective measures of specialist performance and its own professional judgment in making its allocation decisions.

In 1992, the Exchange proposed to limit the weight that the SPEQ could be given in the allocation decision making process to 25%.[1] At that time, there was no limit to the weight that the SPEQ could be afforded. The Exchange proposed this limit in order to increase the emphasis that its Allocation Committee would give to objective measures of performance, as well as the Committee's expert professional judgment. The Exchange also proposed, at that time, to amend the Policy to state explicitly that its objective measures of performance also included a specialist's TTV (twice total volume) rate, stabilization rate, and any other measures that the Exchange might later adopt. While the Commission stated its belief that it was appropriate to limit the SPEQ's weight in order to increase the emphasis given to objective measures of performance, it requested that the Exchange amend its proposal to limit the weight granted the SPEQ to one third.[2]

Since 1992, the Exchange has developed two new objective measures of specialist performance that it believes should play an important role in allocation decisions. The first objective measure of performance pertains to specialist capital utilization. Adopted in December 1993, on a pilot basis, the capital utilization measure of specialist performance focuses on a specialist unit's use of its own capital in relation to the total dollar value of trading activity in the unit's stocks.[3] The pilot has been extended until June 30, 1995.[4] The Allocation Committee is being provided with specialist capital utilization information for its use in allocation decisions. The second objective measure of performance, which was recently developed, pertains to ''near neighbors.'' The Exchange has filed, on a one year pilot basis, for Commission approval of this new measure.[5] The ''near neighbors'' measure compares certain performance measures of a given stock (price continuity, depth, quotation spread, and capital utilization) to those of its ''near neighbors,'' *i.e.*, stocks that have certain similar characteristics. The Exchange would provide ''near neighbor'' information to the Allocation Committee for its use in allocating newly-listed stocks.

With the addition of these new objective measures of performance, the Exchange believes that it would be appropriate to limit the weight that the SPEQ is afforded in the allocation process to 25%.

2. Statutory Basis

The basis under the Act for the 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, in general, to protect investors and the public interest. The proposed rule change is consistent with these objectives in that it enables the Exchange to further enhance the process by which stocks are allocated.

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 purposes 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 Act

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

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[1] *See* Securities Exchange Act Release No. 33121 (October 29 1993), 58 FR 59085 (November 5, 1993).

[2] *See* Securities Exchange Act Release No. 33121, *supra* note 1, at n.3.

[3] *See* Securities Exchange Act Release No. 33369 (December 23, 1993), 58 FR 69431 (December 30, 1993).

[4] *See* Securities Exchange Act Release No. 35175 (December 29, 1994), 60 FR 2167 (January 6, 1995).

[5] *See* Securities Exchange Act Release No. 35661 (May 2, 1995) (File No. SR–NYSE–95–05).

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., 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 to File No. SR–NYSE–95–06 and should be submitted by May 30, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–11231 Filed 5–5–95; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Comments should be submitted within 30 days of this publication in the **Federal Register**. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Office before the deadline.

COPIES: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer. Submit comments to the Agency Clearance Office and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

Agency Clearance Officer: Small Business Administration, 409 3rd Street, S.W., 5th Floor, Washington, D.C. 20416, Telephone: (202) 205–6629

OMB Reviewer: Donald Arbuckle, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503

Title: Lender/EDI Participant Profile

Form No.: SBA Form 1944

Frequency: On Occasion

Description of Respondents: SBA Participating Lenders

Annual Responses: 8,337

Annual Burden: 2,779

Calvin Jenkins,

Assistant Administrator for Administration.

[FR Doc. 95–11232 Filed 5–5–95; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Economic Injury Disaster Loan Area #8506]

Declaration of Disaster Loan Area; Commonwealth of Massachusetts (and Contiguous Counties in New Hampshire)

Essex County and the contiguous counties of Middlesex and Suffolk in the Commonwealth of Massachusetts and Hillsborough and Rockingham in the State of New Hampshire constitute an economic injury disaster area as a result of damages caused by a fire which occurred on February 27, 1995 in the town of Peabody, Massachusetts. Eligible small businesses without credit available elsewhere and small agricultural cooperatives without credit available elsewhere may file applications for economic injury assistance until the close of business on February 1, 1996 at the address listed below: U.S. Small Business Administration, Disaster Area 1 Office, 360 Rainbow Blvd. South, 3rd Floor, Niagara Falls, NY 14303, or other locally announced locations: The interest rate for eligible small businesses and small agricultural cooperatives is 4 percent.

The economic injury number assigned to this disaster for the State of New Hampshire is 850700.

(Catalog of Federal Domestic Assistance Program No. 59002)

Dated: May 1, 1995.

Cassandra M. Pulley,

Acting Administrator.

[FR Doc. 95–11233 Filed 5–5–95; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

[Public Notice 2200]

Bureau of Oceans and International Environmental and Scientific Affairs; U.S. National Committee for the Man and the Biosphere Program (U.S. MAB) Requests for Proposals for Environmental Projects

Project 1

The United States Man and the Biosphere Program hereby announces its request for proposals for a Worldwide Environmental Projects Officer to assist in development of Peace Corps Worldwide Environmental Projects through a funding mechanism for providing technical assistance including but not limited to the following description.

U.S. MAB will accept proposals of a maximum length of six (6) pages that outline how the objectives described below could be accomplished.

A curriculum vitae (C.V.) of a maximum length of four (4) pages for each principal(s), that clearly demonstrates a history of competency in the implementation of such tasks, must accompany the proposal.

Proposals may not request more than the sum of seventy-two thousand four hundred forty-six ($72,448) dollars to implement this initiative.

All proposals must specify that all tasks will be completed at the headquarters of the U.S. Peace Corps and field offices by May 10, 1996.

Payments will be made on a quarterly basis in equal installments.

All proposals and accompanying documents must be received by the U.S. MAB Secretariat no later than the close of business (COB) on June 9, 1995. Proposals and c.v.'s will be evaluated on the criteria noted in the following section.

Selection will be made no later than June 15, 1995. The proposed technical assistance to commence upon selection.

Objectives

The officer will provide technical assistance, including, but not limited to:

- Conduct rapid needs assessment of third world countries that have illustrated an interest in environmentally oriented projects.
- Design and conduct country specific environmental project planning and implementation workshops for Peace Corps program offices, and staff of private voluntary organizations.
- Develop In-Service Training (IST) model(s) and Pre-Service Training model(s) for Peace Corps volunteers (PCV) working in environmentally oriented projects and for local level host country counterparts, as well as implement country specific ISTs based on these models.
- Periodically work with United States Agency for International Development (USAID) staff members in the Global Office, The Latin American Bureau, Asian Bureau, African Bureau, Central and Eastern European Bureau and the Former Soviet Union Countries to:

—Write proposals for additional support to enhance current programming and secure additional funds for new initiatives.

—Act as a liaison between USAID and Peace Corps regarding on-going collaborative programming that focuses on NGO development, biodiversity, park management and forestry initiatives.

—Prepare documentation of sector activities and collaborate with other sectors in the Office of Training and Program Support (OTAPS) as needed for USAID support and reporting.

—Initiate new programming activities that enhance USAID and Peace Corps priorities.

—Represent Peace Corps at relevant USAID meetings, conference and seminars.

- Support the agency in the implementation of the Programming and Training System (PATS), including project design, monitoring, and evaluation assistance. In addition, collaborate with incumbent Sector Specialists in the following tasks:

—Participate in project plan reviews for environmental projects;

—Undertake annual reviews of country program and technical assistance requests.

Selection Criteria

- Demonstrated ability of the proposer to design and deliver training for NGO's.
- Demonstrated ability of the proposer to prepare grant proposals in support for USAID/Peace Corps collaboration.
- Demonstrated ability of the proposer to conduct needs assessments and develop project design.
- Fluency in Spanish preferred.
- Field experience (Programming and Evaluation) in Eastern Europe and Former Soviet Union countries.

Project 2

The United States Man and Biosphere Program hereby announces its request for proposals for a Natural Resource Specialist to assist in development of Peace Corps Worldwide Environmental Projects through a funding mechanism for providing technical assistance including but not limited to the following description.

U.S. MAB will accept proposals of a maximum length of six (6) pages that outline how the objectives described below could be accomplished.

A curriculum vitae (C.V.) of a maximum length of four (4) pages for each principal(s), that clearly demonstrates a history of competency in the implementation of such tasks, must accompany the proposal.

Proposals may not request more than the sum of sixty-eight thousand two hundred ($68,200) dollars to implement this initiative.

All proposals must specify that all tasks will be completed at the headquarters of the U.S. Peace Corps and field offices for the period of June 19, 1995 through June 18, 1996.

Payments will be made on a quarterly basis in equal installments.

All proposals and accompanying documents must be received by the U.S. MAB Secretariat no later than the close of business (COB) on June 9, 1995. Proposals and c.v.'s will be evaluated on the criteria noted in the following section.

Selection will be made no later than June 15, 1995.

Objectives

- Provide Technical support to Peace Corps Volunteers who are taking part in environment projects as primary or secondary assignments including, but not limited to:

—Taking part in approximately six-nine consultancies in response to requests from Peace Corps posts for technical assistance in project development, training activities, project evaluation, and other activities.

—Developing In-Service Training (IST), Pre-Service Training (PST), and Monitoring and Evaluation models for Peace Corps Volunteers (PCVs) and their host country counterparts working in environment projects. Also assist with country implementation of projects based on these models.

—Assisting with other environment activities including collaboration with other governmental and private agencies offering assistance to Peace Corps in project development and training.

- Provide technical support to Associate Peace Corps Directors (APCDs) responsible for Environment Programs by:

—Planning, designing, and implementing regional and sub-regional workshops for APCDs and their host-country counterparts aimed at strengthening their ability to develop and manage quality environment projects;

—Responding to individual APCD requests for technical assistance in the design and management of environment projects.

• Assist with the ongoing collaboration between the Environment Sector and other sectors with the Office of Training and Program Support (education, small business, agriculture, health, youth, and water/sanitation) in the design of Environment projects and project components. As part of this effort, develop and coordinate country assessments, project designs, reviews, and evaluations, in-service training workshops, and other related programming and training activities for Peace Corps Volunteers and their counterparts in countries requesting this assistance.

• Take primary responsibility for identifying appropriate resource materials for Peace Corps volunteers working in the Environment Sector and work closely with Peace Corps' Information Collection and Exchange (ICE) to maintain a current Environmental resource library for Washington staff, field staff, and Volunteers.

• Support the agency in the implementation of Peace Corps' Programming and Training System (PATS), including project design, monitoring, and evaluation assistance. In addition, collaborate with incumbent Sector Specialists in the following tasks;

—Participate in project plan, project status, and Integrated Programming and Budget System (IPBS) reviews for environment projects worldwide.

—Undertake annual reviews of country program and technical assistance requests.

• Work with other Environment Sector Specialists in regular sector activities, including, but not limited to:

—Initiating and maintaining collaborative relationships with private organizations and other governmental agencies;

—Preparing documentation of sector activities;

—Maintaining computerized files used to plan, monitor, and evaluate environment projects;

—Collaborating with other sectors in the Office of Training and Program Support (OTAPS); for example, incorporating Women and Youth Issues into Environment Sector projects and activities, and working with other offices in Peace Corps.

• Develop and assist implementation of new environment projects and initiatives which will strengthen Peace Corps' ability to undertake activities addressing biodiversity conservation, global climate change, and desertification.

• Assist, on occasion, Area Recruitment Offices in their efforts to recruit applicants for Environment assignments.

• Represent the Environment Sector in various domestic and international workshops, conferences, and symposia.

Selection Criteria

• Demonstrated ability of the proposer to plan, design, manage, monitor, and evaluate Peace Corps Natural Resource and Environmental projects.

• Demonstrated ability of the proposer to design and deliver environment workshops for both formal and nonformal audiences. National and international workshop experience preferred.

• Demonstrated ability of the proposer to conduct needs assessments and develop project designs.

• Demonstrated ability of the proposer to write reports, conduct research, and handle administrative responsibilities as needed.

• Fluency in Spanish or French preferred.

For further information concerning technical or grant performance-related inquiries, please contact: George Mahaffey, Director, Office of Training and Program Support, U.S. Peace Corps, Room 8624, 1990 K Street NW., Washington, DC 20526, Tel. (202) 606–3101, FAX (202) 606–3024.

Proposals must be submitted by June 9, 1995 to: Roger E. Soles, Executive Director U.S. MAB, OES/EGC/MAB, SA–44C, U.S. Department of State, Washington, DC 20522–4401, Tel. (202) 466–1935, FAX (202) 466–2106.

Dated: April 27, 1995.

Roger E. Soles,

Executive Director, U.S. Man and the Biosphere Program, Office of Global Change.

[FR Doc. 95–11194 Filed 5–5–95; 8:45 am]

BILLING CODE 4710–09–M

[Public Notice 2197]

Shipping Coordinating Committee Council and Associated Bodies; Meeting

The Shipping Coordinating Committee (SHC) will conduct an open meeting at 10:00 AM on Wednesday, May 31, 1995, in Room 2415, at U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593–0001. The purpose of the meeting is to finalize preparations for the 74th Session of Council and the 41st Session of the Technical Cooperation Committee of the International Maritime Organization (IMO) which is scheduled for June 12–16, 1995, at the IMO Headquarters in London. The purpose of the meeting is to discuss the papers received and draft U.S. positions. Among other things, the items of particular interest are:

a. Reports of the IMO committees.

b. Review of the IMO technical cooperation activities.

c. Relations with the United Nations and other organizations.

d. Reports of governing boards and budgets for World Maritime University and International Maritime Law Institute.

e. Work program and budget for 19th financial period, 1996–1997.

f. Assembly matters including draft report of Council on the work of the IMO since the 18th Assembly.

g. Administrative and financial matters.

Members of the public may attend these meetings up to the seating capacity of the room. Interested persons may seek information by writing: Mr. Gene F. Hammel, U.S. Coast Guard Headquarters, Commandant (G–CI), Room 2114, 2100 Second Street S.W., Washington, DC 20593–0001 or by calling: (202) 267–2280.

Dated: April 26, 1995.

Charles A. Mast,

Chairman, Shipping Coordinating Committee.

[FR Doc. 95–11193 Filed 5–5–95; 8:45 am]

BILLING CODE 4710–07–M

DEPARTMENT OF TRANSPORTATION

Aviation Proceedings; Agreements filed during the Week Ended April 28, 1995

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 50306
Date filed: April 24, 1995
Parties: Members of the International Air Transport Association
Subject: TC12 Telex Mail Vote 736, North Atlantic-Europe Cargo Revalidation
Proposed Effective Date: October 1, 1995
Docket Number: 50310
Date filed: April 26, 1995
Parties: Members of the International Air Transport Association
Subject: TC3 Telex Mail Vote 741, First Class Fares between Japan and Hong Kong
Proposed Effective Date: May 15, 1995
Docket Number: 50316
Date filed: April 24, 1995
Parties: Members of the International Air Transport Association
Subject: TC2 Mail Vote 740, Within Africa Fares, Telex—Technical Correction
r–1—071ww r–2—085f
Proposed Effective Date: May 15, 1995

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 95–11209 Filed 5–5–95; 8:45 am]

BILLING CODE 4910–62–P

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended April 28, 1995

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et. seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 50313

Date filed: April 27, 1995

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 25, 1995

Description: Application of Aero International, S.A. De C.V., pursuant to 49 U.S.C. Section 41302, and Subpart Q of the Regulations, applies for a Foreign Air Carrier Permit authorizing it to engage in charter foreign air transportation of property and mail between points in Mexico and points in the United States. AISA also seeks authority to operate fifth freedom cargo charters between the U.S. and third countries subject to Part 212 of the Department's Economic Regulations.

Docket Number: 49119

Date filed: April 24, 1995

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: May 22, 1995

Description: Application of AirTrain Corporation, requests a six (6) month exemption from the dormancy rules of 14 CFR Section 204.7, as such rules relate to Order 94–1–20 issued by the Department of Transportation on January 24, 1994.

Paulette V. Twine,

Chief, Documentary Services Division.

[FR Doc. 95–11210 Filed 5–5–95; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF THE TREASURY

Departmental Offices

Privacy Act of 1974, System of Records

AGENCY: Departmental Offices, Treasury.

ACTION: Notice of proposed new system of records.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the Department of the Treasury (Department) gives notice of a proposed new Treasury-wide system of records entitled, ''Treasury Integrated Financial Management and Revenue System—Treasury/DO .210.'' Six existing systems of records will be removed from the Treasury's inventory of Privacy Act systems of records when the Treasury-wide notice is effective.

DATES: Comments must be received no later than June 7, 1995. The proposed system of records will be effective June 19, 1995, unless the Department receives comments which would result in a contrary determination.

ADDRESSES: Comments should be sent to Disclosure Services, Department of the Treasury, Room 1054–MT, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Comments will be made available for inspection and copying in the Treasury Department library. An appointment for inspecting the comments can be made by contacting the library at (202) 622–0980.

FOR FURTHER INFORMATION CONTACT: Dele Underwood, Privacy Act Officer, Department of the Treasury, Room 1054 MT, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Telephone number (202) 622–0874.

SUPPLEMENTARY INFORMATION: This report is to give notice of a proposed new Treasury-wide system of records entitled ''Treasury Integrated Financial Management and Revenue System—Treasury/DO .210,'' which is subject to the Privacy Act of 1974, 5 U.S.C. 552a.

The Chief Financial Officers (CFO) Act of 1990, as well as OMB Circular No. A–127, ''Financial Management Systems,'' require that Federal agencies maintain ''integrated'' financial management systems that provide for the: (1) Support for the formulation and execution of an agency's budget; (2) support for managing and controlling programs, funds, and other resources; (3) use of cost-effective, contemporary technologies, and comparable financial management information; and (4) the provision of sufficient controls as part of the design and operation of the financial management system.

The Treasury Integrated Financial Management and Revenue System will serve to strengthen the Department's financial system by improving and consolidating existing financial and mixed systems within an integrated financial management system framework. The framework is intended to provide sufficient and timely data for Treasury management to provide full accountability to taxpayers, agency personnel, and the Congress and assure efficient and effective service to individuals, contractors, etc., who have financial dealings with the Department. The system will also provide timely reports linking financial data with program data, so that Treasury-wide financial and program results based on policy and program decisions can be identified, tracked and forecasted more accurately.

The Department's CFO needs to access and obtain summary-level data for Treasury management decision-making on a more frequent basis. In addition, bureau CFOs need additional means to systematically measure performance and integrate accounting, budgeting, and program information on a frequent and timely basis. The Department will maintain these records to further the Government's fiscal responsibility and accountability requirements of the law. Since parts of this system are retrieved by individual identifiers, the Privacy Act of 1974, as amended, requires a general notice of the existence of this system of records to the public.

A review of the Department's inventory of Privacy Act notices found six notices that describe systems of records which accomplish functions that are similar to those of the proposed Treasury-wide system of records. In accordance with OMB Circular A–130, the notices for: (1) Treasury/DO .052—Travel Records; (2) Treasury/ATF .004—Fiscal Record System; (3) Treasury/Customs .243—Customs Automated Travel System; (4) Treasury/IRS 32.001—Travel Expense Records; (5) Treasury/IRS 32.003—Schedules of Collections and Schedules of Canceled Checks, and (6) FHLBB–18 Travel Records (as adopted by the Office of Thrift Supervision) will be deleted from the Department's inventory of Privacy Act notices and the records will be incorporated into the proposed Treasury-wide system.

The notice for Treasury/DO .052 was last published at 57 FR 13909 on April 17, 1992; Treasury/ATF .004, was last published in its entirety at 57 FR 13931 on April 17, 1992, and amended on January 20, 1994 at 59 FR 3161. Treasury/Customs .243 was last published at 57 FR 13996 on April 17, 1992. The notices for Treasury/IRS 32.001 and Treasury/IRS 32.003 were last published at 57 FR 14050 on April 17, 1992. The notice for FHLBB–18 (as published in the Privacy Act Issuances, 1989 Compilation, Volume IV, at page 359) was adopted by the Office of Thrift Supervision on October 29, 1990, at 55 FR 43434, as successor to the Federal Home Loan Bank Board.

The new system of records report, as required by 5 U.S.C. 552a(r) of the Privacy Act, has been submitted to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Office of Management and Budget, pursuant to Appendix I to OMB Circular A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated July 15, 1994.

The following Privacy Act notices are removed: Treasury/DO .052—Travel Records; Treasury/ATF .004—Fiscal Record System; Treasury/Customs .243—Customs Automated Travel System; Treasury/IRS 32.001—Travel Expense Records; Treasury/IRS 32.003—Schedules of Collections and Schedules of Canceled Checks; and FHLBB–18 Travel Records.

The proposed Treasury-wide system of records, Treasury Integrated Financial Management and Revenue System—Treasury/DO .210, is published in its entirety below.

Dated: May 1, 1995.

Alex Rodriguez,

Deputy Assistant Secretary (Administration).

Treasury/DO .210

SYSTEM NAME:

Treasury Integrated Financial Management and Revenue System

SYSTEM LOCATION:

Department of the Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. Other locations at which the system is maintained by Treasury components and their associated field offices are:

(a) (1) Departmental Offices (DO),
(2) Financial Crimes Enforcement Network (FinCEN),
(3) Office of Inspector General (OIG);
(b) Bureau of Alcohol, Tobacco and Firearms (ATF);
(c) Office of the Comptroller of the Currency (CC);
(d) United States Customs Service (CS);
(e) Bureau of Engraving and Printing (BEP);
(f) Federal Law Enforcement Training Center (FLETC);
(g) Financial Management Service (FMS);
(h) Internal Revenue Service (IRS);
(i) United States Mint (MINT);
(j) Bureau of the Public Debt (BPD);
(k) United States Secret Service (USSS);
(l) Office of Thrift Supervision (OTS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former Treasury employees, non-Treasury personnel on detail to the Department, current and former vendors, all debtors including employees or former employees; (2) persons paying for goods or services, returning overpayment or otherwise delivering cash; (3) individuals, private institutions and business entities who are currently doing business with, or who have previously conducted business with the Department of the Treasury to provide various goods and services; (4) individuals who are now or were previously involved in tort claims with Treasury; (5) individuals who are now or have previously been involved in payments (accounts receivable/revenue) with Treasury; and (6) individuals who have been recipients of awards. Only records reflecting personal information are subject to the Privacy Act. The system also contains records concerning corporations, other business entities, and organizations whose records are not subject to the Privacy Act.

CATEGORIES OF RECORDS IN THE SYSTEM:

The financial systems used by the Treasury components to collect, maintain and disseminate information include the following types of records: routine billing, payment, property accountability, and travel information used in accounting and financial processing; administrative claims by employees for lost or damaged property; administrative accounting documents, such as relocation documents, purchase orders, vendor invoices, checks, reimbursement documents, transaction amounts, goods and services descriptions, returned overpayments, or otherwise delivering cash, reasons for payment and debt, travel-related documents, training records, uniform allowances, payroll information, student intern documents, etc., which reflect amount owed by or to an individual for payments to or receipt from business firms, private citizens or institutions. Typically, these documents include the individual's name, social security number, address, and taxpayer identification number. Records in the system also include employment data, payroll data, position and pay data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3512, 31 U.S.C. 3711, 31 U.S.C. 3721, 5 U.S.C. 5701 et seq, 5 U.S.C. 4111(b), Public Law 97–365, 26 U.S.C. 6103(m)(2), 5 U.S.C. 5514, 31 U.S.C. 3716, 31 U.S.C. 321, 5 U.S.C. 301, 5 U.S.C. 4101 *et seq*, 41 CFR 301–304, EO 11348, and Treasury Order 140–01,

PURPOSE(S):

The Treasury Integrated Financial Management and Revenue System is to account for and control appropriated resources; maintain accounting and financial information associated with the normal operations of government organizations such as billing and follow-up, for paying creditors, to account for goods and services provided and received, to account for monies paid and received, process travel authorizations and claims, process training claims, and process employee claims for lost or damaged property. The records management and statistical analysis subsystems provide a data source for the production of reports, statistical surveys, documentation and studies required for integrated internal management reporting of costs associated with the Department's operations.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used to disclose information:

(1) To appropriate Federal, State, local, or foreign agencies, or other public authority responsible for investigating or prosecuting the violations of or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

(2) To the Department of Justice when seeking legal advice, or when (a) the agency or (b) any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee, or (e) the United States, where the agency determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice is deemed by the agency to be relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records;

(3) To a Federal, State, local, or other public authority maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's, bureau's, or authority's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit;

(4) In a proceeding before a court, adjudicative body, or other administrative body before which the agency is authorized to appear when: (a) The agency, or (b) or any component thereof, or (c) any employee of the agency in his or her official capacity, or (d) any employee of the agency in his or her individual capacity where the Department of Justice or the agency has agreed to represent the employee; or (e) the United States, when the agency determines that litigation is likely to affect the agency, is a party to litigation or has an interest in such litigation, and the use of such records by the agency is deemed to be relevant and necessary to the litigation or administrative proceeding and not otherwise privileged;

(5) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains;

(6) To the news media in accordance with guidelines contained in 28 CFR 50.2 which pertain to an agency's functions relating to civil and criminal proceedings;

(7) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation;

(8) To a public or professional licensing organization when such information indicates, either by itself or in combination with other information, a violation or potential violation of professional standards, or reflects on the moral, educational, or professional qualifications of an individual who is licensed or who is seeking to become licensed;

(9) To a contractor for the purpose of compiling, organizing, analyzing, programming, processing, or otherwise refining records subject to the same limitations applicable to U.S. Department of the Treasury officers and employees under the Privacy Act;

(10) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena;

(11) Through a computer matching program, information on individuals owing debts to the Department of the Treasury, or any of its components, to other Federal agencies for the purpose of determining whether the debtor is a Federal employee or retiree receiving payments which may be used to collect the debt through administrative or salary offset;

(12) To other federal agencies to effect salary or administrative offset for the purpose of collecting debts, except that addresses obtained from the IRS shall not be disclosed to other agencies;

(13) To disclose information to a consumer reporting agency, including mailing addresses obtained from the Internal Revenue Service, to obtain credit reports;

(14) To a debt collection agency, including mailing addresses obtained from the Internal Revenue Service, for debt collection services;

(15) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, the Merit Systems Protection Board, arbitrators, the Federal Labor Relations Authority, and other parties responsible for the administration of the Federal labor-management program for the purpose of processing any corrective actions, or grievances, or conducting administrative hearing or appeals, or if needed in the performance of other authorized duties;

(16) To a public or professional auditing organization for the purpose of conducting financial audit and/or compliance audits;

(17) To a student participating in a Treasury student volunteer program, where such disclosure is necessary to support program functions of Treasury, and

(18) To insurance companies or other appropriate third parties, including common carriers and warehousemen, in the course of settling an employee's claim for lost or damaged property filed with the Department.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures made pursuant to 5 U.S.C. 552a(b)(12): debt information concerning a government claim against an individual may be furnished in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97–365) to consumer reporting agencies to encourage repayment of an overdue debt.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper, microform and electronic media.

RETRIEVABILITY:

Name, social security number, vendor ID number, and document number (travel form, training form, purchase order check, invoice, etc).

SAFEGUARDS:

Protection and control of sensitive but unclassified (SBU) records in this system is in accordance with TD P 71–10, Department of the Treasury Security Manual, and any supplemental guidance issued by individual components.

RETENTION AND DISPOSAL:

Record maintenance and disposal is in accordance with National Archives and Records Administration retention schedules, and any supplemental guidance issued by individual components.

SYSTEM MANAGER(S) AND ADDRESS:

Departmental Offices:

Director, Financial Management Division, 1500 Pennsylvania Avenue, NW., Room 1010, Washington, DC 20220

Chief Financial Officer, FinCEN, 2070 Chain Bridge Road, Vienna, VA 22182

Assistant Inspector General for Policy, Planning and Resources, 1201 Constitution Avenue, NW., Washington, DC 20220

ATF: Chief, Financial Management Division Bureau of Alcohol, Tobacco and Firearms 650 Massachusetts Avenue, NW., Room 4270 Washington, DC 20226

IRS: Chief Financial Officer, Internal Revenue Service, 1111 Constitution Avenue, NW., Room 3013, Washington, DC 20224

BPD: Director, Division of Financial Management, Bureau of Public Debt, 220 Third Street, P.O. Box 1328, Parkersburg, WV 26106–1328

CS: Chief Financial Officer, U.S. Customs Service, 1301 Constitution Avenue, NW., Room 3124, Washington, DC 20229

FLETC: Comptroller, Budget and Finance Division, Federal Law Enforcement Training Center, Glynco Facility, Bldg. 94, Glynco, GA 31524

CC: Chief Financial Officer, Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219

BEP: Chief Financial Officer, Bureau of Engraving and Printing, 14th and C Streets, NW., Room 113M, Washington, DC 20228

FMS: Chief Financial Officer, Financial Management Service, 3700 East West Highway, Room 106A, Hyattsville, MD 20782

Mint: Chief Financial Officer, U.S. Mint, 633 3rd Street, NW., Room 625, Washington, DC 20220

USSS: Financial Management Division, U.S. Secret Service, 1800 G Street, NW., Room 748, Washington, DC 20226

OTS: Controller, Office of Thrift Supervision, 1700 G Street, NW., Third Floor, Washington, DC 20552

NOTIFICATION PROCEDURE:

Individuals seeking notification and access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions pertaining to individual Treasury components appearing at 31 CFR part 1, subpart C, appendices A–L.

RECORD ACCESS PROCEDURES:

See ''Notification procedure'' above.

CONTESTING RECORD PROCEDURES:

See ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Individuals, private firms, other government agencies, contractors, documents submitted to or received from a budget, accounting, travel, training or other office maintaining the records in the performance of their duties.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 95–11177 Filed 5–5–95; 8:45 am]

BILLING CODE 4810–25–M

Sunshine Act Meetings

Federal Register

Vol. 60, No. 88

Monday, May 8, 1995

This section of the FEDERAL REGISTER contains notices of meetings published under the ''Government in the Sunshine Act'' (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on May 9, 1995, from 10:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Floyd Fithian, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

B. Reports

—Status of Flood Insurance Regulations

C. New Business

1. Regulation

—Regional Election of Directors

2. Other

—Amendment to Policy Statement on Regulatory Philosophy

CLOSED SESSION*

Reports

—OSMO Quarterly Report

Dated: May 4, 1995.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 95–11418 Filed 5–4–95; 3:14 pm]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

Deletion of Agenda Items From May 4th Open Meeting

The following items have been deleted from the list of agenda items scheduled for consideration at the May 4, 1995, Open Meeting and previously listed in the Commission's Notice of April 27, 1995.

Item No., Bureau, and Subject

1—Mass Media—Title: Review of the Commission's Regulations Regarding Network Control of Station Rates and Network Advertising Representation Rules. Summary: The Commission will consider action concerning Sections 73.658 (h) and (i) of the Commission's Rules, which regulate a broadcast television network's relationship with its affiliates with regard to the affiliates; advertising rates and sales representation.

3—Common Carrier—Title: The NYNEX Telephone Companies Petition for Waiver, Transition Plan to Preserve Universal Service in a Competitive Environment. Summary: The Commission will consider the NYNEX petition for waiver of Parts 61 and 69 of the Commission's Rules.

Dated: May 3, 1995.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95–11345 Filed 5–4–95; 10:41 am]

BILLING CODE 6712–01–M

INTER-AMERICAN FOUNDATION BOARD MEETING

TIME AND DATE: May 17, 1995, 11:30 a.m.–3:30 p.m.

PLACE: 901 N. Stuart Street, Tenth Floor, Arlington, Virginia 22203.

STATUS: Open except for the portions specified as closed session as provided in 22 CFR Part 1004.4 (b).

MATTERS TO BE CONSIDERED:

1. Approval of the Minutes of the February 2, 1995, Board Meeting.
2. President's Report.
3. Audit Committee Report.
4. Report on Status of Foundation's Fiscal Year 1996 Authorizations and Appropriations.
5. Discussion on Future of the Foundation.
6. Executive Session on Personnel Implications in Fiscal Year 1996 (closed session).

CONTACT PERSON FOR MORE INFORMATION: Adolfo A. Franco, Secretary to the Board of Directors, (703) 841–3894.

Dated: May 3, 1995.

Adolfo A. Franco,

Sunshine Act Officer.

[FR Doc. 95–11317 Filed 5–4–95; 8:45 am]

BILLING CODE 7025–01–M

UNITED STATES ENRICHMENT CORPORATION

Board of Directors

TIME AND DATE: 8:00 a.m., Tuesday, May 9, 1995.

PLACE: USEC Corporate Headquarters, 6903 Rockledge Drive, Bethesda, Maryland 20817.

STATUS: The meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

- Review of commercial and financial issues of the Corporation
- Procedural matters

CONTACT PERSON FOR MORE INFORMATION: Barbara Arnold 301–564–3354.

Dated: May 3, 1995.

William H. Timbers, Jr.,

President and Chief Executive Officer.

[FR Doc. 95–11342 Filed 5–4–95; 10:41 am]

BILLING CODE 8720–01–M

*Session Closed—Exempt pursuant to 5 U.S.C. 552b(c) (8) and (9)

UNITED STATES INSTITUTE OF PEACE

DATE/TIME:
Thursday, May 18, 1995, 8:15 p.m.–10:30 p.m.
Friday, May 19, 1995, 8:30 a.m.–5:00 p.m.
Saturday, May 20, 1995, 9:30 a.m.–12:00 Noon

LOCATION: Wye Conference Center, Queenstown, Maryland.

STATUS: (Open Session)—Portions may be closed pursuant to subsection (c) of section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

AGENDA: May Board Meeting.

Approval of Minutes of the Seventieth Meeting of the Board of Directors; Chairman's Report; President's Report; General Issues; Selection of 1995 National Peace Essay Contest Winners; Selection of Unsolicited Grants; Review of Institute Programs, and other matters.

CONTACT: Dr. Sheryl Brown, Director, Office of Communications, Telephone: (202) 457–1700.

Dated: May 4, 1995.

Charles E. Nelson,

Vice President, United States Institute of Peace.

[FR Doc. 95–11417 Filed 5–4–95; 3:14 pm]

BILLING CODE 6820–AR–M

5–8–95
Vol. 60 No. 88

Book 1:
Pages 00000–23206

Federal Register

Book 1 of 3 Books
Monday, May 8, 1995

Unified Agenda of Federal Regulations

23002 II—Regulatory Information Service Center
23008 III—Department of Agriculture
23130 IV—Department of Commerce

Federal Register

Monday
May 8, 1995

Part II

Regulatory Information Service Center

Introduction to the Unified Agenda of Federal Regulations

REGULATORY INFORMATION SERVICE CENTER

Introduction to the Unified Agenda of Federal Regulations

AGENCY: Regulatory Information Service Center.

ACTION: Introduction to the Unified Agenda of Federal Regulations.

SUMMARY: The Regulatory Flexibility Act (5 U.S.C. 602) requires that agencies publish semiannual regulatory agendas describing regulatory actions they are developing. Executive Order 12866 ''Regulatory Planning and Review'' (58 FR 51735; October 4, 1993) and Office of Management and Budget memoranda implementing section 4 of that Order establish minimum standards for agencies' agendas, including specific types of information for each entry.

Section 4 of Executive Order 12866 also directs that, as part of the October edition of the Unified Agenda, agencies prepare a regulatory plan of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form. The agency plans appear only as part of the October Agenda publication; they are not included in the April publication.

The Office of Federal Procurement Policy Act Amendments of 1988 (41 U.S.C. 402) require the development and semiannual publication of a report on procurement regulations. The Unified Agenda helps fulfill that requirement as well.

All Federal regulatory agencies have chosen to publish their regulatory agendas as part of this publication. The following separate parts in this issue of the **Federal Register** are the agency agendas, which together comprise the April 1995 edition of the semiannual **Unified Agenda of Federal Regulations**.

ADDRESSES: Regulatory Information Service Center, 750 17th Street NW., Suite 500, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: For further information about specific regulatory actions, please refer to the Agency Contact listed for each entry.

To provide comment on or to obtain further information about this publication, contact: Mark G. Schoenberg, Executive Director, Regulatory Information Service Center, 750 17th Street NW., Suite 500, Washington, DC 20006, (202) 395-6222.

SUPPLEMENTARY INFORMATION:

TABLE OF CONTENTS

Page

Introduction to the Unified Agenda of Federal Regulations

About the Unified Agenda 23002
About the Regulatory Plan 23003
How to Use the Unified Agenda 23003
Unified Agenda Data Elements 23009
Data Limitations 23005
List of Abbreviations 23005
Information About Additional Copies .. 23005

AGENCY REGULATORY AGENDAS

Cabinet Departments

Department of Agriculture 23008
Department of Commerce 23130
Department of Defense 23208
Department of Education 23244
Department of Energy 23260
Department of Health and Human Services 23288
Department of Housing and Urban Development 23368
Department of the Interior 23408
Department of Justice 23480
Department of Labor 23536
Department of State 23586
Department of Transportation 23590
Department of the Treasury 23754
Department of Veterans Affairs 23880

Other Executive Agencies

Advisory Council on Historic Preservation 23912
Agency for International Development 23914
Architectural and Transportation Barriers Compliance Board 23918
Commission on Civil Rights 23922
Corporation for National and Community Service 23924
Environmental Protection Agency 23928
Equal Employment Opportunity Commission 24040
Federal Emergency Management Agency 24044
Federal Mediation and Conciliation Service 24050
General Services Administration 24052
National Aeronautics and Space Administration 24068
National Archives and Records Administration 24082
National Foundation on the Arts and the Humanities
Federal Council on the Arts and the Humanities 24088
Institute of Museum Services 24090
National Endowment for the Arts 24092
National Endowment for the Humanities 24096
National Science Foundation 24100
Office of Federal Housing Enterprise Oversight 24104
Office of Government Ethics 24108
Office of Management and Budget 24116
Office of Personnel Management 24124
Panama Canal Commission 24148
Peace Corps 24152
Pension Benefit Guaranty Corporation 24156
Railroad Retirement Board 24166
Selective Service System 24172
Small Business Administration 24174
Social Security Administration 24190
Tennessee Valley Authority 24212
United States Information Agency 24216

Joint Authority

Department of Defense/General Services Administration/National Aeronautics and Space Administration (Federal Acquisition Regulation) 24220

Independent Regulatory Agencies

Commodity Futures Trading Commission 24250
Consumer Product Safety Commission 24256
Farm Credit Administration 24266
Farm Credit System Insurance Corporation 24272
Federal Communications Commission 24276
Federal Deposit Insurance Corporation 24296
Federal Energy Regulatory Commission 24308
Federal Housing Finance Board 24316
Federal Maritime Commission 24322
Federal Reserve System 24326
Federal Trade Commission 24344
Interstate Commerce Commission 24354
National Credit Union Administration . 24360
National Indian Gaming Commission . 24366
National Labor Relations Board 24370
Nuclear Regulatory Commission 24374
Resolution Trust Corporation 24398
Securities and Exchange Commission 24402
Thrift Depositor Protection Oversight Board 24430

INDEXES TO UNIFIED AGENDA ENTRIES

Small Entities Index 24433
Government Levels Index 24445
Subject Index 24469

About the Unified Agenda

The Regulatory Information Service Center (the Center) compiles the **Unified Agenda of Federal Regulations** for the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB). The Center provides information about Federal regulatory activity to the President and his Executive Office, the Congress, agency managers, and the public.

The Office of Information and Regulatory Affairs is responsible for overseeing the Federal Government's regulatory, paperwork, and information resource management activities, including implementation of E.O. 12866.

The Unified Agenda provides uniform reporting of data on regulatory activities under development throughout the

Federal Government. This edition of the Unified Agenda includes 64 regulatory agendas from all Federal departments, agencies, and commissions that publish agendas. Agencies of the United States Congress are not included. The Merit Systems Protection Board, the National Capital Planning Commission, the Office of Special Counsel, and the Pennsylvania Avenue Development Corporation have published regulatory agendas in the past but have nothing to report for this edition.

The agendas do not include regulations that were excluded under E.O. 12866, such as those concerning military or foreign affairs functions and regulations related to agency organization, management, or personnel matters. The regulatory activities included in the agency agendas are those currently planned to have an ANPRM, NPRM, or Final Rule within the next 12 months. In order to keep readers better informed of their opportunities for participation in the rulemaking process, agencies have placed many of their rules that are not scheduled to have a regulatory action within that time period into the Completed/Long-term Actions section of their agenda. Once the agency schedules a regulatory action on one of these rules within a 12-month timeframe, the item will reappear in the agency's agenda.

The Regulatory Flexibility Act (5 U.S.C. 601) requires that agencies publish regulatory agendas identifying those rules that may have a significant economic impact on a substantial number of small entities. Agencies meet that requirement by including the information in their submissions for this publication.

In addition, Executive Order 12875 entitled ''Enhancing the Intergovernmental Partnership'' (October 26, 1993; 58 FR 58093) directs agencies to reduce the imposition of unfunded mandates upon State, local, and tribal governments. The Order directs agencies that are proposing to impose nonstatutory unfunded mandates to consult with affected governmental officials and document their concerns, report those concerns to the Director of the Office of Management and Budget, and explain the agency's position supporting the continuing need to issue the regulation in light of those concerns. As part of this effort, agencies include in their submissions information on whether their regulatory actions may have an effect on the various levels of government.

The Unified Agenda also helps fulfill the statutory requirement that the Office of Federal Procurement Policy (OFPP) publish a **Procurement Regulatory Activity Report** as required by the Office of Federal Procurement Policy Act Amendments of 1988 (102 Stat. 4055; 41 U.S.C. 402). In their submissions, agencies indicate which regulatory actions are procurement-related, as well as whether or not there is a statutory requirement or a paperwork burden associated with the procurement-related actions. Information that agencies publish in the Unified Agenda is used by OFPP to produce its report.

The Unified Agenda is produced through a computer system designed and maintained by the Center with the advice and assistance of the Government Printing Office. The system was designed to save agencies time and money by automating the preparation and printing of their materials in a uniform format, as well as the tables of contents and indexes for the publication. In order to further facilitate producing this publication, many agencies currently use computer terminals at their offices to enter information into the Center's computer system.

Agenda entries contain uniform data elements, which are described below. Agencies may also include any additional information they consider important.

Congress generally authorizes a single Federal agency to implement, through regulation, a specific policy objective. Sometimes, however, a statute may require that several agencies issue regulations to accomplish the objective. In such cases, the agencies, working with a central coordinator, jointly publish the documents issued in the course of the rulemaking proceeding. These proceedings are referred to as Governmentwide common rules.

In this edition of the Unified Agenda, four Governmentwide common rules are reported by the agencies participating in their development. They are:

- Debarment and Suspension
- New Restrictions on Lobbying
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments (Thresholds)

Agencies participating in the development of these common rules have reported them in their individual sections of the Unified Agenda.

Regulatory agendas have been required by Executive orders since 1978. The Unified Agenda has been published in April and October of each year since 1983. The October 1994 edition was the first one to include **The Regulatory Plan**. The Center welcomes your comments on this edition and suggestions for improving future ones.

About the Regulatory Plan

The Regulatory Plan serves as a defining statement of the Administration's regulatory policies and priorities. The Plan, published annually in October, contains descriptions of the agency's most important significant regulatory actions.

E.O. 12866 directs that an agency's regulatory plan should be published as part of the **Unified Agenda of Federal Regulations** (Unified Agenda) and contain two sections: (1) a narrative statement of its regulatory priorities; and (2) a description of the most important significant regulatory actions that the agency reasonably expects to issue in proposed or final form during the upcoming fiscal year.

The Regulatory Plan was published as part of the October 1994 edition of the Unified Agenda and will be published again in October 1995.

How To Use the Unified Agenda

Each agency agenda appears as a separate part in this edition of the **Federal Register**. Each part is organized alphabetically in four groups: Cabinet departments, other executive agencies, joint authorities, and independent regulatory agencies. Departments are divided into agencies, which may in turn be divided into subagencies.

Each agency introduces its section of the Unified Agenda with a preamble providing information specific to that section. Each agency lists its entries in four groups by rulemaking stage:

1. Prerule Stage—actions agencies will undertake in the next 12 months to determine whether or how to initiate rulemaking. Such actions occur prior to a Notice of Proposed Rulemaking and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.

2. Proposed Rule Stage—actions for which agencies plan to publish a Notice of Proposed Rulemaking (NPRM) as the next step in their rulemaking process or for which the closing date of the NPRM Comment Period is the next step.

3. Final Rule Stage—actions for which agencies plan to publish a final rule or an interim final rule or to take other final action as the next step in their rulemaking process.

4. Completed/Long-term Actions—actions or reviews the agency completed or withdrew since publishing its last agenda. This section also includes items not expected to have a regulatory action (ANPRM, NPRM, or Final Rule) within the 12 months after publication of this edition of the Unified Agenda, as well as items that were begun and completed between issues of the Agenda.

An agency may use a subheading to identify regulations that it has grouped according to a particular topic. When these subheadings are used, they appear above the title of the first regulation in the group.

A bullet (●) preceding an entry indicates that the entry appears in the publication for the first time.

All entries are numbered sequentially from the beginning to the end of the Unified Agenda. The Sequence Number (Seq. No.) preceding the title of each entry identifies the location of the entry in this edition of the the Unified Agenda. The same number is used in the indexes to enable readers to find entries on specific subjects.

For each agency that requests it, the Center provides a computer-produced Table of Contents that appears after the agency preamble. The agency Tables of Contents help readers locate quickly those entries within an agency that may be of most interest to them. Sequence numbers also appear in agency Tables of Contents.

The Unified Agenda contains three indexes. The first two indexes list the regulatory actions that agencies believe may have effects on small entities or levels of government. The third is a Subject Index based on the **Federal Register Thesaurus of Indexing Terms** to help readers locate entries from various agencies that may affect a particular area of interest. The index also contains cross references to assist the reader's search.

In order to make it easier for readers to understand the content of the Unified Agenda, major regulatory agencies were asked to provide a more detailed explanation of the relative importance of their regulatory actions. They provided this information under the heading ''Priority,'' which appears in each of their agenda entries.

Unified Agenda Data Elements

Entries describing regulations in the Unified Agenda should contain, at a minimum, the following information:

- Title of the Regulation.
- Priority—Most agencies reported Priority as either a Regulatory Plan entry from the October 1994 Plan or as an agency priority. If the agency indicated neither, the Priority heading does not appear.

  Major agencies were asked to provide additional information about the nature of their rulemakings. They were asked to place each entry into one of the following six categories of significance:

  REGULATORY PLAN—ECONOMICALLY SIGNIFICANT

  As defined in Executive Order 12866, a rulemaking action that will have an annual effect on the economy of $100 million or more or will 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.

  REGULATORY PLAN—OTHER

  A rulemaking that does not meet the criteria for economically significant but has been or is likely to be included in an agency's regulatory plan.

  OTHER SIGNIFICANT

  A rulemaking that is not in **The Regulatory Plan** but is considered significant by the agency.

  SUBSTANTIVE NONSIGNIFICANT

  A rulemaking that has substantive impacts but is neither significant nor routine, frequent, informational, or administrative.

  ROUTINE AND FREQUENT

  A rulemaking that is a specific case of a multiple recurring application of a regulatory program in the Code of Federal Regulations and that does not alter the body of the regulation.

  INFORMATIONAL/ADMINISTRATIVE/OTHER

  A rulemaking that is primarily informational or pertains to agency matters not central to accomplishing the agency's regulatory mandate but that the agency places in the Agenda to inform the public of the activity.
- Legal Authority—the section(s) of the United States Code (U.S.C.) or Public Law (P.L.) or the Executive order (E.O.) that authorize(s) the regulatory action. Agencies may provide popular name references to laws in addition to these citations.
- CFR Citation—the section(s) of the Code of Federal Regulations that will be affected by the action.
- Legal Deadline—an indication of whether the rule is subject to a statutory or judicial deadline, the date of that deadline, and whether the deadline pertains to an NPRM, a Final Action, or some ''Other'' action.
- Abstract—a description of the problem the regulation will address; the need for a Federal solution; to the extent available, the alternatives that the agency is considering to address the problem; and the potential costs and benefits of the action.
- Timetable—the dates and citations (if available) for all past steps and at least a projected date for the next step for the regulatory action. If a date appears in this section as 00/00/00, it means the date of the action is currently undetermined. Similarly, 10/00/95 means the agency can predict the month and year the action will take place but not the day it will occur.
- Small Entities Affected—indicates whether the rule is expected to have a significant economic impact on a substantial number of ''small entities'' as defined by the Regulatory Flexibility Act (5 U.S.C. 601) and, if so, whether the small entities are businesses, governmental jurisdictions, or organizations.
- Government Levels Affected—indicates whether the rule is expected to affect levels of government and, if so, whether the governments are State, local, tribal, or Federal.
- Agency Contact—the name, title, address, and phone number of a person in the agency who is knowledgeable about the regulation.
- Procurement—a statement identifying procurement-related actions and indicating whether there is a statutory requirement for the action and whether there is a paperwork burden associated with the action. The Procurement heading appears only if the entry is a procurement-related action.

Some agencies have provided other optional information at their discretion; this information may include:

- Compliance Cost to the Public—the estimated gross compliance cost to the public of the action.
- Affected Sectors—the industrial sectors that the action may most affect, either directly or indirectly. Affected Sectors are identified by Standard Industrial Classification (SIC) numbers.

- Analysis—agencies may indicate if a Regulatory Flexibility Analysis, within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601), is being prepared or if any other kind of analysis or evaluation is being prepared (e.g., an environmental impact statement).

In addition to the Unified Agenda data elements that appear above, each entry that was designated a **Regulatory Plan** entry in the previous October edition may contain the information listed below. Agencies are given the choice of retaining this information in their April agenda entries. For those that chose to retain it, this information will appear as part of their agenda entries:

- Statement of Need—a description of the need for the regulatory action.
- Summary of the Legal Basis—a description of the legal basis for the action, including whether any aspect of the action is required by statute or court order.
- Alternatives—a description of the alternatives to be considered or that were considered for analysis as required by section 4(c)(1)(B) of E.O. 12866.
- Anticipated Costs and Benefits—a description of preliminary estimates of the anticipated costs and benefits of the action.
- Risks—a description of the magnitude of the risk being addressed by the action, the amount by which this risk is expected to be reduced by the action, and the relation of these risks and risk reduction efforts to other risks and risk reduction efforts within the agency's jurisdiction.

In addition, some agencies have used ''Additional Information'' to elaborate on the information they have provided.

Data Limitations

Agencies prepared entries for this edition of the Unified Agenda to give the public notice of their plans to review, propose, and issue regulations. They have tried to predict their activities over the next 12 months as accurately as possible, but dates and schedules are subject to change. Agencies may withdraw some of the regulations now under development, and they may issue or propose other regulations not included in their agendas. Agency actions in the rulemaking process may occur before or after the dates they have listed.

The Unified Agenda does not create a legal obligation on agencies to adhere to schedules within it or to confine their regulatory activities to those regulations that appear in this publication. The information in this edition is accurate as of February 24, 1995, in the judgment of the submitting agencies, except as otherwise noted by the agencies. In addition, updates were permitted through March 31.

Where applicable, individual actions will be subject to review for compliance with applicable Executive orders, the Regulatory Flexibility Act, the Office of Federal Procurement Policy Act Amendments of 1988, and the Paperwork Reduction Act at appropriate points in the regulatory process.

List of Abbreviations

The following abbreviations appear throughout this edition of the Unified Agenda:

ANPRM—An Advance Notice of Proposed Rulemaking is a preliminary notice that an agency is considering a regulatory action. The agency issues an ANPRM before it develops a detailed proposed rule. The ANPRM describes the general area that may be subject to regulation and usually asks for public comment on the issues and options being discussed. An ANPRM is issued only when an agency believes it needs to gather more information before proceeding to a notice of proposed rulemaking.

CFR—The Code of Federal Regulations is an annual codification of the general and permanent regulations published in the **Federal Register** by the departments and agencies of the Federal Government. The Code is divided into 50 titles, and each title covers a broad area subject to Federal regulation. The CFR is keyed to and kept up to date by the daily issues of the **Federal Register**.

EO—An Executive order is a directive from the President to an executive agency, issued under constitutional or statutory authority. Executive orders are published in the **Federal Register** and in title 3 of the Code of Federal Regulations.

FR—The **Federal Register** is a daily Federal Government publication that provides a uniform system for publishing Presidential documents, all proposed and final regulations, notices of meetings, and other official documents issued by Federal departments and agencies.

FY—The Federal fiscal year runs from October 1 to September 30.

NPRM—A Notice of Proposed Rulemaking is the document an agency issues and publishes in the **Federal Register** that describes and solicits public comments on a proposed regulatory action. Under the Administrative Procedure Act (5 U.S.C. 553), an NPRM must include, at a minimum:

- A statement of the time, place, and nature of the public rulemaking proceeding;
- a reference to the legal authority under which the rule is proposed; and
- either the terms or substance of the proposed rule or a description of the subjects and issues involved.

PL—A Public Law is a law passed by Congress and signed by the President or enacted over his veto. It has general applicability, as opposed to a private law that applies only to those persons or entities specifically designated. Public laws are numbered in sequence throughout the 2-year life of each Congress; for example, PL 103-5 is the fifth public law of the 103rd Congress.

RFA—A Regulatory Flexibility Analysis, within the meaning of the Regulatory Flexibility Act (5 U.S.C. 601), describes the impact of a proposed rule on small entities. An RFA describes why the agency is considering the action; the objectives of and legal basis for the proposed rule; an estimate of the number of small entities that could be affected and the compliance requirements they would have to fulfill; any other duplicative, overlapping, or conflicting Federal rules; and alternatives to the proposed action. When required, an initial RFA accompanies an NPRM, and a final RFA accompanies a final rule.

RIN—The Regulation Identifier Number is assigned by the Regulatory Information Service Center to identify each regulatory action listed in this publication as directed by E.O. 12866 (section 4(b)). Additionally, OMB has asked agencies to include RIN numbers in the headings of their Rule and Proposed Rule documents when publishing them in the **Federal Register** to make it easier for the public and agency officials to track the publication history of regulatory actions throughout their life cycles.

Seq. No.—The Sequence Number identifies the location of an entry in this edition of the Unified Agenda.

USC—The United States Code is a consolidation and codification of all general and permanent laws of the United States. The USC is divided into 50 titles, and each title covers a broad area of Federal law.

Information About Additional Copies

Additional copies of this edition of the **Federal Register** are available from the Superintendent of Documents, U.S.

Government Printing Office, Washington, DC 20402-9325, (202) 512-1800.

Copies of individual agency materials may be available directly from the agency. Please contact the particular agency for further information.

Dated: April 18, 1995.

Mark G. Schoenberg,

Executive Director.

[FR Doc. 95-10084 Filed 05-05-95; 8:45 am]

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Federal Register

Monday
May 8, 1995

Part III

Department of Agriculture

Semiannual Regulatory Agenda

DEPARTMENT OF AGRICULTURE (USDA)

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Subtitle A, Chs. I-VII, IX-XII, XIV-XVIII, XXI, XXIV-XXIX

9 CFR Chs. I-IV

36 CFR Ch. II

41 CFR Ch. 4

Semiannual Regulatory Agenda, April 1995

AGENCY: Office of the Secretary, USDA.

ACTION: Semiannual regulatory agenda.

SUMMARY: This agenda provides summary descriptions of significant and not-significant regulations being developed in agencies of the U.S. Department of Agriculture (USDA) in conformance with Executive Order 12866 ''Regulatory Planning and Review.'' The agenda also describes regulations affecting small entities as required by section 602 of the Regulatory Flexibility Act, Public Law 96-354.

USDA has attempted to list all regulations and regulatory reviews pending at the time of publication except for minor and routine or repetitive actions, but some may have been inadvertently missed. There is no legal significance to the omission of an item from this listing. Also, the dates shown for the steps of each action are estimated and are not commitments to act on or by the date shown.

The Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, Public Law 103-354, provided the Secretary the authority to reorganize USDA. As part of the reorganization effort, the Secretary first restructured headquarters agencies and offices into six mission areas and established several new agencies in order to improve the delivery of programs and services to the publics USDA serves. The newly established agencies are as follows:

(1) Consolidated Farm Services Agency (CFSA), which is responsible for agricultural price and income support programs, production adjustment programs, and the conservation reserve and agricultural conservation programs formerly performed by the Agricultural Stabilization and Conservation Service, supervision of the Federal Crop Insurance Corporation, farm-related agricultural credit programs formerly performed by the Farmers Home Administration, and other programs related to farm services;

(2) Rural Utilities Service (RUS), which is responsible for electric and telephone loan programs formerly performed by the Rural Electrification Administration, water and waste facilities loans and grants formerly performed by the Rural Development Administration, and other related rural utilities services;

(3) Rural Housing and Community Development Service (RHCDS), which is responsible for housing loan programs formerly performed by the Farmers Home Administration, community facilities loan programs formerly performed by the Rural Development Administration, and other programs related to rural housing and community development;

(4) Rural Business and Cooperative Development Service (RBCDS), which is responsible for business and industry loan programs and assistance programs for cooperatives formerly performed by the Rural Development Administration and other functions related to rural business and cooperative development;

(5) Food and Consumer Service (FCS), which is responsible for all food stamp, school lunch, child nutrition, and special feeding programs formerly performed by the Food and Nutrition Service and other functions related to food and consumer services;

(6) Natural Resources Conservation Service (NRCS), which is responsible for all soil and water conservation programs formerly performed by the Soil Conservation Service, the Wetlands Reserve, Water Bank, Colorado River Basin Salinity Control and Forestry Incentive program formerly performed by the ASCS, The Farms for the Future Act programs formerly performed by the FmHA, and other functions related to natural resources conservation;

(7) Cooperative State Research, Education, and Extension Service, which is responsible for all cooperative State and other research programs formerly performed by the Cooperative State Research Service, all cooperative education and extension programs formerly performed by the Extension Service, and other functions related to cooperative research, education, and extension;

(8) Grain Inspection, Packers, and Stockyards Administration, which is responsible for all programs and activities presently performed by the Federal Grain Inspection Service and the Packers and Stockyards Administration;

(9) National Appeals Division, which is responsible for all administrative appeals; and

(10) Office of Risk Assessment and Cost-Benefit Analysis, which is responsible for assessing the risks to human health, human safety, or the environment of proposed major regulations.

The functions of the remaining agencies within the Department are unchanged.

FOR FURTHER INFORMATION CONTACT: For further information on any specific entry shown in this agenda, please contact the person listed for that action. Requests for copies of the agenda should include a self-addressed, stamped envelope and be directed to: Regulatory Agenda, OBPA, Office of the Secretary, Room 118-E, Administration Building, U.S. Department of Agriculture, Washington, DC 20250, (202) 720-1272.

Dated: February 27, 1995.

Marvin J. Shapiro,

Chief, Legislative, Regulatory, and Automated Systems Division.

Agricultural Marketing Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
1	Voluntary and Mandatory Egg and Egg Products Inspection	0581-AA58
2	Revision of 7 CFR 29.500 Fees and Charges for Inspection and Grading of Imported Tobacco	0581-AB12

USDA

Agricultural Marketing Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
3	Standards for Products Produced Following Organic Production, Processing and Handling Methods	0581-AA40
4	Refrigeration and Labeling Requirements for Shell Eggs	0581-AA66
5	Changes in Fees for Voluntary Federal Meat Grading and Certification Services	0581-AB34
6	Salmonella Recognized Laboratory Program	0581-AB38

Agricultural Marketing Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
7	Revision of Regulations Governing the Inspection and Grading Services of Manufactured or Processed Dairy Products	0581-AA45
8	Relating to Inspection and Grading of Burley Tobacco	0581-AB01
9	User Fees for Cotton Classification Services to Growers 1995 Crop	0581-AB15
10	Regulations Under the Perishable Agricultural Commodities Act	0581-AB28
11	Increase Seed Inspection Fees	0581-AB35
12	Regulations and Rules of Practice Under the Plant Variety Protection Act	0581-AB39

Agricultural Marketing Service—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
13	National Laboratory Accreditation Program	0581-AA38
14	Regulations Under the Federal Seed Act	0581-AA52
15	Review of Basic Formula Price in All Federal Milk Orders	0581-AA57
16	Grading of Shell Eggs	0581-AA60
17	Voluntary Grading of Poultry Products and Rabbit Products	0581-AA61
18	Grading and Inspection, Specifications for Approved Dairy Plants and Standards for Grades of Dairy Products; General Specification for Dairy Plants Approved for USDA Inspection and Grading	0581-AA95
19	Grading and Inspection, General Specifications for Approved Dairy Plants and Standards for Grades of Dairy Products; United States Standards for Grades of Nonfat Dry Milk (Spray Process)	0581-AA96
20	Grading and Inspection, General Specifications for Approved Dairy Plants and Standards for Grades of Dairy Products; United States Standards for Instant Nonfat Dry Milk	0581-AA97
21	United States Standards for Grades of Tomato Sauce	0581-AA99
22	Revision of the Regulations Governing Inspection Certification and Standards for Fresh Fruits, Vegetables, and Other Products	0581-AB02
23	Change in Fees for Federal Meat Grading and Certification Services	0581-AB07
24	Milk for Manufacturing Purposes and Its Production and Processing Requirements Recommended for Adoption by State Regulatory Agencies (Raw Milk)	0581-AB11
25	1994 Adjustment of the Value of Imported Cotton for Collections, Cotton Research and Promotion Assessments	0581-AB14
26	Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products (Fee Increase)	0581-AB16
27	Soybean Promotion, Research, and Consumer Information Act; Reapportionment of Directors on the United Soybean Board	0581-AB18
28	Amendments to the Lime Research, Promotion and Consumer Information Order	0581-AB19
29	Implementation of Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order	0581-AB20
30	Watermelon Research and Promotion Plan; Proposed Amendments to the Plan; Rules and Regulations Issued Thereunder; and Procedure for the Conduct of Referenda	0581-AB21
31	Amendments to the Recordkeeping Requirements for Certified Applicators of Federally Restricted Use Pesticides	0581-AB22
32	Amendments to the Honey Research, Promotion, and Consumer Information Order	0581-AB23
33	Potato Research and Promotion Plan: Amendment to Rules and Regulations Issued Thereunder	0581-AB26
34	Rules of Practice Governing Proceedings on Petitions To Modify or To Be Exempt From Research and Promotion Programs for Fruits, Vegetables, and Specialty Crops Consolidation	0581-AB27
35	Soybean Promotion and Research Program; Procedures for Conduct of a Producer Poll	0581-AB30
36	Beef Promotion and Research: Changes in HTS Numbers	0581-AB31
37	Amendment to Egg Research and Promotion Order To Increase the Rate of Assessment	0581-AB32

USDA

Agricultural Marketing Service—Completed/Longterm Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
38	Increase in Fees and Charges for Egg Products Inspection and Egg Poultry and Rabbit Grading	0581-AB33
39	Pork Promotion Research, and Consumer Information Act of 1985- Increase in Assessment Rate	0581-AB36
40	Regulations Under the Federal Seed Act (Amendments)	0581-AB37

Consolidated Farm Service Agency—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
41	Amendments to Sugar and Crystalline Fructose Marketing Allotment Regulations	0560-AD79
42	Revisions to the Direct Farm Ownership Loan Regulation (1943-A) To Clarify Existing Policies and Procedures Pertaining to the Agency's Outreach Program for Members of Socially Disadvantaged	0560-AE23

Consolidated Farm Service Agency—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
43	Amendments to CCC Debt Settlement Regulations Regarding Waiver of Restriction on Program Eligibility and Collection of Judgments by Administrative Offset	0560-AD09
44	90-Day Rule	0560-AD43
45	Amendments to Regulations Regarding Payments to Persons Convicted of Controlled Substance Violations	0560-AD47
46	Program Ineligibility for Noncompliance With Boll Weevil Eradication Program	0560-AD57
47	Wool and Mohair Recourse Loan Program	0560-AD75
48	Regulations for Conservation Compliance Crop Acreage Base (CAB) Adjustments	0560-AD80
49	Farm Facility Loan Program Regulations	0560-AD85
50	Amendments to the Payment Limitation Regulations for 1995	0560-AD89
51	Amendment to the Peanut Loan Program Regulations—Requirement for Crop Insurance	0560-AD90
52	Amendment to the Tobacco Loan Program Regulations—Requirement for Crop Insurance	0560-AD91
53	Amendments to the Conservation Reserve Program Regulations Regarding Early Contract Terminations, Enrolling Replacement and New Acreage, and Contract Extensions	0560-AD95
54	Amendment to the Conservation Reserve Program (CRP) Regulations—Requirements for Crop Insurance	0560-AD96
55	Measure-All Pilot Project	0560-AD98
56	Loans to Indian Tribes and Tribal Corporations	0560-AE10
57	Elimination of Consolidation of Loans	0560-AE12
58	Reorganization Plans Under Federal Bankruptcy Codes	0560-AE18
59	Decision to Liquidate	0560-AE19
60	Special Disaster Set-Aside Program; Fruit and Nut Trees	0560-AE21
61	Disaster Assistance	0560-AE22
62	Socially Disadvantaged Outreach Program	0560-AE24
63	Part 1946 Mediation; Subpart A Agricultural Loan Mediation Program	0560-AE26

Consolidated Farm Service Agency—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
64	Excessive Manufacturing (Make) Allowances in State Marketing Orders for Milk	0560-AC23
65	Common Provisions for the 1994 Wheat, Feed Grain, Cotton, and Rice Programs	0560-AC74
66	Amendment to the Highly Erodible Land and Wetlands Conservation Program Regulations—Person Determinations	0560-AC86
67	Amendments to the Wetlands Regulations Regarding Abandoned Acreage and Drainage by Drainage Districts	0560-AC92
68	Amendments to the Production Adjustment Regulations—Reconstitution of Bases, Allotments and Quotas	0560-AC99
69	Pilot Voluntary Production Limitation Program	0560-AD00
70	Conservation Environmental Programs Regulations Regarding Water Quality Incentives Project, Cost Share Provisions of the Emergency Conservation Program, and Other Revisions	0560-AD16

USDA

Consolidated Farm Service Agency—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
71	1995 Feed Grain Program	0560-AD37
72	1995 Rice Program	0560-AD38
73	1995 Upland Cotton Program	0560-AD39
74	1995 Wool and Mohair Program	0560-AD40
75	1994 Options Pilot Program	0560-AD48
76	Amendment to the Acreage Conservation Reserve and the Conserving Use Acreage Regulations for Producers Affected by Excessive Rainfall and Flooding	0560-AD50
77	1994 Wheat Farmer-Owned Reserve Program	0560-AD60
78	1994 Feed Grain Farmer-Owned Reserve Program	0560-AD61
79	1995-Crop Marketing Quota and Price Support Level for Flue-Cured Tobacco	0560-AD62
80	1995-Crop Marketing Quota and Price Support Level for Burley Tobacco	0560-AD63
81	1995-Crop Marketing Quota and Price Support Levels for Six Kinds of Tobacco	0560-AD64
82	1995-Crop Marketing Quotas for Three Kinds of Tobacco	0560-AD65
83	1995-Crop Peanuts National Poundage Quota and Minimum Commodity Credit Corporation (CCC) Export-Edible Sales Price for Additional Peanuts	0560-AD66
84	1995-Crop National Average Loan Rates for Quota and Additional Peanuts	0560-AD67
85	Amendments to the Wool and Mohair Program Regulations—Payment Limitations, Marketing Assessments, and Deductions for Marketing Charges	0560-AD68
86	Technical Corrections to the Wheat, Feed Grain, Cotton and Rice Program Regulations	0560-AD72
87	1995 Wheat Loan Rate and Acreage Reduction Program	0560-AD76
88	Amendments to ASCS and CCC Debt Settlement Regulations	0560-AD78
89	Reopening of the 1993 Tree Assistance Program	0560-AD83
90	Amendment to the Emergency Livestock Assistance Regulations Regarding Feed Allowance and Approval of Counties for Assistance	0560-AD84
91	Common Provisions for 1995 Wheat, Feed Grain, Cotton, and Rice Programs	0560-AD86
92	1995 Oilseed Program	0560-AD87
93	Sugar and Crystalline Fructose Information and Recordkeeping Requirements	0560-AD88
94	Amendment to the Warehouse Regulations Regarding Auction Tobacco Warehouses	0560-AD92
95	Amendment to the Tobacco Loan Program Regulations—Budget Deficit Marketing Assessments	0560-AD93
96	Requirement for Crop Insurance as a Condition for Program Eligibility	0560-AD97
97	1995 Specifications for Cotton Bale Packaging Materials	0560-AD99
98	Farmer Programs Guaranteed Interest Assistance Program	0560-AE01
99	Farmer Program Account Servicing Policies for Section 1816 and Other Related Sections for the ''1990 FACT Act''	0560-AE02
100	Implement Section 1818 (Borrower Training) of the Food Agriculture, Conservation, and Trade Act of 1990 (Fact Act)	0560-AE04
101	Guaranteed Loan Programs; Monitoring Liquid Accounts	0560-AE05
102	Implementation of Certified Lender Program	0560-AE07
103	1945-D Emergency Loan Policies, Procedures, and Authorizations—Waiver of Crop Insurance for Crops Planted for Harvest in 1992 and 1993	0560-AE08
104	Insured and Guaranteed Operating and Farm Ownership Loan and Related Instructions To Implement Sections 4, 5, 7, 8, 9, and 19 of the Agricultural Credit Improvement Act of 1992	0560-AE09
105	Section 14 of the Agricultural Credit Improvement Act of 1992, (Graduation) and Sections 1819 (Loan Assessment) and 1821 (Market Placement) of the Fact Act	0560-AE11
106	The Agricultural Credit Improvement Act of 1992	0560-AE13
107	Implement Sections 11 and 13 of the Agriculture Credit Improvement Act 1993 (Application Processing Timeframe)	0560-AE14
108	Acquisition and Management of Real and Chattel Property	0560-AE15
109	Removal of the Prohibition Against Charging Interest on Interest on Guaranteed Loans	0560-AE16
110	Small Farmer Outreach Training and Technical Assistance Program	0560-AE17
111	Special Disaster Set-Aside Program; Implementation	0560-AE20
112	Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994	0560-AE25

Consolidated Farm Service Agency—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
113	Sugar and Crystalline Fructose Marketing Allotment Regulations for Fiscal Years 1992 Through 1996	0560-AC14
114	1993-Crop Sugar Beet and Sugarcane Price Support Loan Rates	0560-AC98

USDA

Consolidated Farm Service Agency—Completed/Longterm Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
115	Amendment to the U.S. Warehouse Act Regulations—License and Inspection Fees	0560-AD13
116	1994-Crop Sugar Beet and Sugarcane Price Support Loan Rates	0560-AD41
117	1995 Extra Long Staple Cotton Program	0560-AD42
118	Colorado River Basin Salinity Control Program Amendments	0560-AD45
119	Malting Barley Assessment	0560-AD55
120	Amendments to the Wetlands Reserve Program	0560-AD59
121	Cooperative Marketing Association Eligibility Requirements for Price Support	0560-AD70
122	General Price Support Regulations for Honey	0560-AD73
123	General Price Support Regulations for Grain, Rice, and Oil Seeds for 1993 to 1995 Crop Years	0560-AD74
124	End-Use Certificate System	0560-AD77
125	Amendments to the Cotton Price Support Regulations	0560-AD82
126	Extension of CRP Contracts Scheduled to Expire in FY 1995	0560-AD94
127	Real Property Insurance	0560-AE00
128	Agricultural Resource Conservation Demonstration Program	0560-AE03
129	Five-Year Applicant Loan Eligibility Certification by County Committee	0560-AE06

Animal and Plant Health Inspection Service—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
130	Importation of Fruits and Vegetables	0579-AA58
131	Importation of Certain Embryos and Animal Semen	0579-AA63

Animal and Plant Health Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
132	Cyclical Review of 9 CFR Part 92, Phase II	0579-AA34
133	Importation of Certain Animals and Poultry and Certain Animal and Poultry Products—Prevention of Poultry Diseases	0579-AA38
134	Addition of Cervidae to the Regulations Concerning Tuberculosis in Livestock	0579-AA53
135	Export Certification	0579-AA54
136	Advance Notice of Proposed Revision of The Federal Seed Act Regulations for Imported Seed	0579-AA64
137	Definition of ''Biological Products'' and ''Guidelines''	0579-AA65
138	In Vitro Tests for Serial Release in Place of Animal Potency Tests	0579-AA66
139	Import/Export User Fees	0579-AA67
140	User Fees—Commercial Aircraft and Vessels; Phytosanitary Certificates	0579-AA68
141	HSTAIC Repair and Maintenance Fees	0579-AA69
142	User Fees, Revised User Fees for Full-Cost Recovery	0579-AA70
143	Importation of Animals and Animal Products	0579-AA71

Animal and Plant Health Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
144	Exotic Newcastle Disease in All Birds and Poultry; Psittacosis and Ornithosis in Poultry	0579-AA22
145	Importation of Unmanufactured Wood	0579-AA47
146	Chicken Disease Caused by Salmonella Enteritidis	0579-AA48
147	Animal Welfare—Standards for Marine Mammals	0579-AA59
148	Introduction of Nonindigenous Organisms	0579-AA61

USDA

Animal and Plant Health Inspection Service—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
149	Regulation of Horses and Farm Animals Under the Animal Welfare Act	0579-AA31
150	National Environmental Policy Act Implementing Procedures	0579-AA33
151	Honeybees and Honeybee Semen; Removing Certain Restrictions on Honeybees and Honeybee Semen From New Zealand	0579-AA37
152	Importation of Nursery Stock Plants, Roots, Bulbs, Seeds, and Other Plant Products—Phase II	0579-AA41
153	Pseudorabies	0579-AA49
154	Importation of Certain Dried Pork Products	0579-AA50
155	Llamas and Alpacas	0579-AA62

Cooperative State Research, Education, and Extension Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
156	Higher Education Challenge Grants Program; Administrative Provisions	0524-AA02
157	1890 Institution Capacity Building Grants Program; Administrative Provisions	0524-AA03
158	National Research Initiative Competitive Grants Program Administrative Provisions	0524-AA07
159	Small Business Innovation Research Program Administrative Provisions	0524-AA08
160	Higher Education Multicultural Scholars Program; Administrative Provisions	0524-AA09
161	Buildings and Facilities Program Administrative Provisions	0524-AA11
162	Agricultural Telecommunications Program Administrative Provisions	0524-AA12
163	Personal Property	0524-AA14

Cooperative State Research, Education, and Extension Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
164	Administrative Manual for Federal Excess Personal Property Loaned to State Cooperative Research Activities	0524-AA13

Cooperative State Research, Education, and Extension Service—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
165	Food and Agricultural Sciences National Needs Graduate Fellowships Grants Program; Revised Administrative Provisions	0524-AA10

Rural Housing and Community Development Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
166	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations	0575-AA35
167	Civil Rights Compliance Requirements—1940-D	0575-AA83
168	Housing for Rural Homeless and Migrant Farmworkers; Policies, Procedures, and Authorizations	0575-AB14
169	Management of Hazardous Substances	0575-AB18
170	Housing Preservation Grants for Replacement of Housing	0575-AB43
171	Community Programs Guaranteed Loans	0575-AB48
172	Implementation Procedures for Highly Erodible Land and Wetlands Conservation Provisions of the Food Security Act	0575-AB58
173	Planning and Performing Construction and Other Development and Related Construction Seismic Safety	0575-AB59
174	Environmental Program	0575-AB64
175	Rural Housing Voucher Program	0575-AB79
176	Debt Settlement	0575-AB80

USDA

Rural Housing and Community Development Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
177	Lender Repurchases of Guaranteed Loans From CFSA	0575-AB92
178	Rural Rental and Rural Cooperative Housing Loan Policies, Procedures, and Authorizations - Point Score System To Prioritize Rural Rental Housing Loans	0575-AB93

Rural Housing and Community Development Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
179	Recapture of Section 502, Rural Housing Subsidy	0575-AA29
180	Denying Credit to Applicants Delinquent on Any Federal Debt	0575-AA66
181	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations (Deferred Mortgage Program)	0575-AA87
182	Planning and Performing Site Development Work	0575-AA88
183	Rural Housing Guaranteed Loans	0575-AB15
184	Section 502 Rural Housing Loan Policies, Procedures, and Authorizations (Interest Credit/Earned Income)	0575-AB16
185	Disposition of Interests in Indian Trust Land	0575-AB17
186	1927-B Real Estate Title Clearance and Loan Closing	0575-AB52
187	Offsets of Federal Payments to FmHA Borrowers	0575-AB55
188	Section 515 Nonprofit Set-Aside Funds	0575-AB60
189	Security Servicing for Multiple-Family Housing Loans	0575-AB73
190	Community Facility Loans: Internal Revenue Service Taxpayers Identification Number	0575-AB77

Rural Housing and Community Development Service—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
191	Liquidation, Management, and Disposition of Real Property With Secured Single Family Housing (SFH) Loans	0575-AA03
192	Servicing Cases Where Unauthorized Loan or Other Financial Assistance Was Received—Multiple Family Housing	0575-AA69
193	Adverse Decisions and Administrative Appeals; FmHA Instruction 1900-B	0575-AA70
194	Farm Labor Housing Loan and Grant Policies, Procedures, and Authorizations	0575-AB47

Federal Crop Insurance Corporation—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
195	Common Crop Insurance Regulations; Hybrid Corn Seed Crop Insurance Provisions	0563-AA78
196	Common Crop Insurance Regulations; Tobacco (Quota Plan) and Tobacco (Guaranteed Plan) Crop Insurance Provisions	0563-AA84
197	Common Crop Insurance Regulations; Onion Crop Insurance Provisions	0563-AA87
198	Common Crop Insurance Regulations; Potato Crop Insurance Provisions	0563-AA89
199	Common Crop Insurance Regulations; Popcorn Crop Insurance Provisions	0563-AA91
200	Common Crop Insurance Regulations; Dry Pea Crop Insurance Provisions	0563-AA92
201	Common Crop Insurance Regulations; Sugarbeet Crop Insurance Provisions	0563-AA93
202	Common Crop Insurance Regulations; Canning and Processing Tomato Crop Insurance Provisions	0563-AA94
203	Common Crop Insurance Regulations; Fresh Tomato Crop Insurance Provisions	0563-AA95
204	General Administrative Regulations; High Risk Land Regulations	0563-AA98
205	General Administrative Regulations; Subpart D; Application for Crop Insurance	0563-AB00
206	General Administrative Regulations; Subpart Z; Ineligible File - Crop Insurance Ineligibility	0563-AB01
207	Common Crop Insurance Regulations; Dry Bean Crop Insurance Provisions	0563-AB02
208	Common Crop Insurance Regulations; Various Crop Insurance Provisions	0563-AB03
209	General Administrative Regulations; Nonstandard Classification System; Subpart O	0563-AB05
210	Provisions; Part 459 Group Risk Plan Crop Insurance	0563-AB06
211	General Administrative Regulations; Regulations for Insurance Coverage by Written Agreement	0563-AB07
212	General Administrative Regulations: Subpart K; Debt Management	0563-AB14

USDA

Federal Crop Insurance Corporation—Prerule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
213	General Administrative Regulations; Subpart V; Supplemental and Alternative Crop Insurance Policy Approval Process	0563-AB15
214	General Administrative Regulations; Subpart J; Appeal Procedure Regulations	0563-AB17
215	Common Crop Insurance Regulations; Various Crop Insurance Policies; Coverage in Terms of Dollars Per Acre	0563-AB18
216	General Administrative Regulations; Subpart N; Disaster Assistance Act of 1988	0563-AB20
217	General Administrative Regulations; Federal Jurisdiction and Statute of Limitation for Suits Based Upon Denial of Claims for Indemnity	0563-AB21
218	General Administrative Regulations; Actual Production History Coverage Program; Transitional Yields for Producers of Feed or Forage	0563-AB23
219	Common Crop Insurance Regulations; Small Grains, Cotton, ELS Cotton, and Coarse Grains Crop Provisions	0563-AB24

Federal Crop Insurance Corporation—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
220	Sugarcane Endorsement for Part 457, Common Crop Insurance Regulations	0563-AA79
221	Common Crop Insurance Regulations; Peanut Crop Insurance Provisions	0563-AA85

Federal Crop Insurance Corporation—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
222	General Crop Insurance Regulations; Late and Prevented Planting Provisions for Various Crops	0563-AA80
223	General Administrative Regulations; Subpart L, Reinsurance Agreement - Standards for Approval	0563-AB08
224	Catastrophic Risk Protection Endorsement	0563-AB09
225	General Administrative Regulations; Sanctions; Subpart R	0563-AB10
226	General Administrative Regulations: Subpart T; Federal Crop Insurance Reform Act of 1994; Regulations for Implementation	0563-AB11
227	Noninsured Crop Disaster Assistance Program	0563-AB13
228	General Crop Insurance Regulations; Rice Endorsement	0563-AB19

Federal Crop Insurance Corporation—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
229	Reinsurance Agreement—Standards for Approval Regulations for 1988 and Subsequent Contract Years	0563-AA74
230	Common Crop Insurance Regulations; Sunflower Crop Insurance Provisions	0563-AA77
231	Nursery Crop Endorsement for Part 457 Common Crop Insurance Regulations	0563-AA82
232	General Administrative Regulations; Group Risk Plan (GRP)	0563-AA83
233	Common Crop Insurance Regulations; Forage Production Insurance Provisions	0563-AA88
234	Common Crop Insurance Regulations; Flaxseed Crop Insurance Provisions	0563-AA90
235	Common Crop Insurance Regulations; Almond Crop Insurance Provisions	0563-AA96
236	Common Crop Insurance Regulations; Raisin Crop Insurance Provisions	0563-AA97
237	General Administrative Regulations; Subpart Q; Collection and Storage of Social Security Account Numbers and Employer Identification Numbers	0563-AA99
238	Common Crop Insurance Regulations, Hybrid Sorghum Seed Crop Insurance Provisions	0563-AB04
239	Common Crop Insurance Regulations; Sunflower Seed Crop Insurance Provisions	0563-AB16
240	Common Crop Insurance Regulations for 1995 and Subsequent Contract Years (Appropriation Contingency)	0563-AB22

USDA

Grain Inspection, Packers and Stockyards Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
241	United States Standards for Corn	0580-AA28

Grain Inspection, Packers and Stockyards Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
242	United States Standards for Barley	0580-AA29
243	Official Performance and Procedural Requirements for Grain Weighing Equipment and Related Grain Handling Systems	0580-AA39
244	Fees for Official Inspection and Weighing Service	0580-AA40
245	U.S. Standards for Flaxseed, Mixed Grains, Oats, Rye, Sunflower Seed, and Triticale	0580-AA42
246	Regulations and Statements of General Policy Under the Packers and Stockyards Act (Group 2)	0580-AA44
247	Regulations and Statements of General Policy Under the Packers and Stockyards Act (Group 3)	0580-AA45
248	Statement of General Policy Under the Packers and Stockyard Act: Care and Handling of Livestock	0580-AA46

Grain Inspection, Packers and Stockyards Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
249	Fees for Official Inspection and Weighing Services	0580-AA27
250	Fees for Beltsville Laboratory Test Services	0580-AA41
251	Regulations and Statements of General Policy Under the Packers and Stockyards Act (Group 1)	0580-AA43

Grain Inspection, Packers and Stockyards Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
252	A Review of the Regulations Under the United States Grain Standards Act: Part 800	0580-AA08
253	Regulatory Application of Water to Grain	0580-AA25
254	Fees for Official Pesticide Residue Testing	0580-AA36

Food and Consumer Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
255	Special Supplemental Food Program for Women, Infants, and Children (WIC): Food Delivery Systems	0584-AA80
256	Food Stamp Program: Emergency Assistance for Victims of Disasters	0584-AA85
257	Special Supplemental Food Program for Women, Infants, and Children (WIC): Part 246.10, Food Package III, Children/Women With Special Dietary Needs	0584-AB09
258	Special Supplemental Food Program for Women, Infants and Children (WIC): Miscellaneous Provisions	0584-AB10
259	Child and Adult Care Food Program: Authority To Collect Overclaims	0584-AB19
260	Child and Adult Care Food Program: Prohibition of Institutionalized Adults	0584-AB21
261	Food Distribution Programs—Paperwork Reduction	0584-AB27
262	Food Distribution Programs—Implementation of 1990 Farm Bill	0584-AB28
263	Child Nutrition Programs: Revision of Infant Meal Patterns for the Child Nutrition Program	0584-AB34
264	Commodity Supplemental Food Program: Elderly-Only Sites, Administrative Funding, Referrals to Health and Social Services, Caseload Allocation Process, Priority System, and Miscellaneous	0584-AB37
265	Food Stamp Program: 1995 Quality Control Technical Amendments	0584-AB38
266	National School Lunch Program: Review of Free and Reduced Price Application Under the Coordinated Review Effort	0584-AB50

USDA

Food and Consumer Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
267	Provisions of Computer Matching and Privacy Protection Act of 1988, Amendments of 1990, and Implementation of the Disqualified Recipient Subsystem	0584-AB51
268	Food Distribution Programs—Disaster Provisions	0584-AB55
269	Food Stamp Program: Anticipating Income and Reporting Changes	0584-AB57
270	Food Stamp Program: Quality Control Provisions of the Mickey Leland Childhood Hunger Relief Act	0584-AB75
271	Child and Adult Care Food Program: Elimination of Whole Cow's Milk From the Infant Meal Pattern	0584-AB81
272	Food Distribution Program on Indian Reservations: Eligibility and Benefits	0584-AB83
273	Food Stamp Program: Revisions in Use and Disclosure of Information Provided by Retail Food Stores and Wholesale Food Concerns	0584-AB87
274	Food Stamp Program Recipient Claims Establishment and Recovery of Overissuances	0584-AB88
275	Collecting Food Stamp Recipient Claims From Federal Income Tax Refunds and Federal Salaries	0584-AB89
276	Food Stamp Program: Revisions in Retail Food Store Eligibility Criteria and in Eligibility Guidance and Program Authorization	0584-AB90
277	Monthly Reporting on Indian Reservations Provision of Food Stamp Program Improvements Act of 1994	0584-AB98
278	Waiver Authority Under the State Processing Program	0584-AB99
279	Amendment to Promote Healthy Meals for Healthy Children in Schools	0584-AC01

Food and Consumer Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
280	Food Stamp Program: Student Eligibility	0584-AA90
281	Miscellaneous Farm Bill Provisions Relating to the Authorization of Retail Firms and Wholesale Food Concerns	0584-AB02
282	Special Supplemental Food Program for Women, Infants and Children (WIC): Food Cost Containment Requirements	0584-AB11
283	Determination of Eligibility for Free Meals by Summer Food Service Program Sponsors and Free and Reduced Price Meals by Child and Adult Care Food Program Institutions	0584-AB17
284	Benefit Delivery Rule	0584-AB32
285	Permanent Agreements/Direct Certification in National School Lunch, School Breakfast, and Special Milk Programs	0584-AB35
286	Food Stamp Program: Resource Provision From the Mickey Leland Memorial Domestic Hunger Relief Act of 1990	0584-AB40
287	WIC Farmers' Market Nutrition Program	0584-AB43
288	Special Supplemental Food Program for Women, Infants and Children (WIC): Infant Formula Procurement Act of 1992	0584-AB52
289	Special Supplemental Food Program for Women, Infants and Children (WIC): Homelessness/Migrancy as Nutritional Risk Conditions	0584-AB53
290	Food Distribution Program on Indian Reservations—Oklahoma Waiver Authority	0584-AB56
291	Food Stamp Program: Child Support Deduction	0584-AB58
292	Food Stamp Program: Excess Shelter Expense Limit and Standard Utility Allowances	0584-AB59
293	Food Stamp Program: Simplification of Program Rules	0584-AB60
294	National School Lunch Program, State Admin. Expense Funds and Determining Elig. for Free and Reduced Price Meals and Free Milk in Schools: Tech. Corrections to Coordinated Review Effort Rule	0584-AB63
295	Food Stamp Program: Payment of Certain Administrative Costs of State Agencies	0584-AB66
296	Food Distribution Program on Indian Reservations: Definition of Indian Tribal Household	0584-AB67
297	Child Nutrition Programs: Nutrition Objectives for School Meals	0584-AB73
298	FSP: Targeting for Income and Eligibility Verification	0584-AB74
299	Food Stamp Program: Certification Provisions of the Mickey Leland Childhood Hunger Relief Act	0584-AB76
300	Food Stamp Program: Utility Reimbursement Exclusion	0584-AB79
301	National School Lunch, Special Milk, School Breakfast, Child and Adult Care Food and Summer Food Service Programs: Purchase of Food Products Produced in the U.S	0584-AB82
302	Treatment of Educational and Training Assistance	0584-AB84
303	Food Stamp Program: Disqualification Penalties for Intentional Program Violations	0584-AB91
304	Food Stamp Program Automated Data Processing Equipment and Services; Reduction in Reporting Requirements	0584-AB92
305	Nutrition Objectives for School Meals—Food-Based Alternatives	0584-AB94
306	Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Implementation of Nondiscretionary WIC Provisions of Pub. L. 103-448	0584-AC02

USDA

Food and Consumer Service—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
307	Systematic Alien Verification for Entitlements	0584-AA73
308	Food Stamp Program: Discretionary Retailer Wholesaler Changes	0584-AB03
309	Child and Adult Care Food Program: Child Nutrition and WIC Reauthorization Act Amendments	0584-AB16
310	Technical Amendments to the State Processing Program and the National Commodity Processing Program	0584-AB30
311	State Administrative Expense Funds: National School Lunch Program, Special Milk Program, School Breakfast Program, Child and Adult Care Food Programs, Food Distribution Program	0584-AB31
312	Child and Adult Care Food Program: Paperwork Reduction Regulations	0584-AB33
313	Distribution of Employment and Training Performance-Based Funds	0584-AB47
314	Emergency Food Assistance Program—Administrative Costs	0584-AB54
315	Alternate Foods for Meals: Enriched Macaroni Products With Fortified Protein	0584-AB68
316	Consideration of an Alternate Protein Source, Whey Protein Concentrate, as a Meat Alternate for Use in the Child Nutrition Programs	0584-AB69
317	Food Stamp Program Medical Expense Deduction	0584-AB78
318	Asset Accumulation Demonstration Projects	0584-AB80
319	Food Stamp Program: Maximum Allotments for the 48 States and DC, and Income Eligibility Standards & Deductions for the 48 States, DC, Alaska, Hawaii, Guam, and the Virgin Islands	0584-AB85
320	Food Stamp Program: Maximum Allotments for Alaska, Hawaii, Guam, and the Virgin Islands	0584-AB86

Food Safety and Inspection Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
321	Food Additives and GRAS Substances Used as Ingredients in Meat Food and Poultry Products	0583-AB02
322	Substitute Products Identified by Standardized Terms and Nutrient Content Claims	0583-AB51
323	Pathogen Reduction; Hazard Analysis and Critical Control Points (HACCP) Systems	0583-AB69
324	Use of Trisodium Phosphate on Raw, Unchilled Poultry Carcasses	0583-AB80
325	Nutrition Labeling; New Product Categories and Reference Amounts	0583-AB81
326	Transporting Undenatured Poultry Feet to Other Establishments for Processing	0583-AB84
327	Use of the Term ''Fresh'' on the Labeling of Raw Poultry Products	0583-AB86

Food Safety and Inspection Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
328	Requirements for Foreign Country Import Certification and Live Animal Importation	0583-AA47
329	Nutrition Labeling: Health Claims on Meat and Poultry Products	0583-AB64
330	Trisodium Phosphate as a Post-Chill Antimicrobial Treatment for Raw Poultry	0583-AB65
331	Poultry Products Produced by Mechanical Separation and Products in Which Such Poultry Products Are Used	0583-AB68
332	Nutrition Labeling of Ground Beef and Hamburger	0583-AB74
333	Use of Soy Protein Concentrate and Food Starch—Modified as Binders in Cured Pork Products: Direct Final Rule	0583-AB82
334	Reduction of Accreditation Fees for FSIS-Accredited Laboratories	0583-AB87

Food Safety and Inspection Service—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
335	Sodium/Potassium Lactate as Means of Reducing Certain Pathogenic Microorganisms in Certain Poultry Products	0583-AA83
336	Control of Added Substances and Labeling Requirements for Turkey Ham Products	0583-AA84
337	Imported Canadian Product; Provision for ''Streamlined'' Inspection Procedures; Exemption From Official Mark of Inspection	0583-AA99
338	Centralization and Automation of Export Certification Process	0583-AB04
339	Use of Compressed Air, Carbon Dioxide Gas, or Nitrogen Gas To Facilitate Boning of Carcasses or Parts Thereof	0583-AB13
340	Policy for Differentiating Between Calves and Adult Cattle	0583-AB18

USDA

Food Safety and Inspection Service—Completed/Longterm Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
341	Determining the Amenability of Birds to Mandatory Federal Inspection	0583-AB29
342	Notification of Residue Violators and Testing of Subsequent Shipments of Animals	0583-AB32
343	Requirements for Imported Poultry Products	0583-AB42
344	Prior Label Approval Process	0583-AB50
345	Prominent Labeling Disclosures on Meat and Poultry Products	0583-AB53
346	Procedures for Appealing Product Retentions	0583-AB62
347	Recordkeeping and Production Code Requirements for Meat and Poultry Establishments	0583-AB70
348	Refrigeration Requirements for Raw Meat and Poultry Products	0583-AB75
349	Meat Produced by Advanced Meat/Bone Separation Machinery and Meat Recovery Systems	0583-AB76
350	Enhanced Poultry Inspection	0583-AB79
351	Fee Increase for Inspection Services	0583-AB83

Foreign Agricultural Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
352	Proposed Regulations Governing Implementation of the Cooperator Market Development Program Overseas	0551-AA26
353	Section 22 Import Quotas	0551-AA27
354	CCC Export Credit Guarantee Program (GSM-102) and CCC Intermediate Export Credit Guarantee Program (GSM-103)	0551-AA30
355	Reporting Requirements Related to Tobacco Exports	0551-AA32
356	Sugar Import Licensing	0551-AA39

Foreign Agricultural Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
357	Program Criteria for the Sunflowerseed Oil Assistance Program (SOAP) and the Cottonseed Oil Assistance Program (COAP)	0551-AA31
358	Sunflowerseed Oil Assistance Program Operations (SOAP) and Cottonseed Oil Assistance Program Operations (COAP)	0551-AA33
359	Direct Credit Programs (GSM-5, GSM-201, GSM-301) Regulations	0551-AA34
360	Emerging Democracies Agricultural Facility Guarantee Program	0551-AA35
361	Regulations Governing the Financing of Commercial Sales of Agricultural Commodities (P.L. 480 Title I Program)	0551-AA36
362	Foreign Donation of Agricultural Commodities	0551-AA38
363	Export Bonus Programs	0551-AA40

Foreign Agricultural Service—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
364	Regulations Governing Implementation of the Market Promotion Program (MPP) Overseas	0551-AA24

Forest Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
365	Hydropower Applications	0596-AA47
366	National Forest Prohibitions; Law Enforcement Support Activities	0596-AA75
367	Revise Small Tracts Act Regulations	0596-AA79
368	Isolated Cabin Policy	0596-AA85

USDA

Forest Service—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
369	Solid Waste Disposal Policy	0596-AA92
370	Irrevocable Letter of Credit	0596-AA93
371	Timber Sale Performance and Payment Bond Form Revision	0596-AA94
372	National Forest System Land and Resource Management Planning	0596-AB20
373	Disposal of National Forest Timber; Cancellation of Timber Sale Contracts	0596-AB21
374	Change Emphasis Away From Residual Value Appraisal to Transaction Evidence Appraisal as the Prime Method of Appraising National Forest Timber	0596-AB26
375	Species Surplus to Domestic Manufacturing Needs	0596-AB27
376	Retention of Downpayment on Timber Sale Contracts	0596-AB28
377	National Forest System Land and Resource Management Planning Forest Service Manual Chapter 1920	0596-AB31
378	Use of Fixed Anchors for Rock Climbing in Wilderness	0596-AB33
379	Collection of Reimbursable Costs for Processing Special-Use Applications and Administration of Special-Use Authorizations	0596-AB36
380	Exercise of Outstanding Mineral Rights	0596-AB38
381	Smith River National Recreation Area	0596-AB39
382	Indices to Determine Market-Related Term Additions	0596-AB40
383	Market-Related Term Additions	0596-AB41
384	Private Sale of Golden Eagle Passports	0596-AB44
385	Appeal of Decisions Relating to Occupancy and Use of National Forest System Lands	0596-AB45
386	Sale and Disposal of National Forest System Timber; Extension of Timber Sale Contracts To Permit Urgent Removal of Other Timber	0596-AB48
387	Ski Area Permit Fee System	0596-AB49
388	Disposal of National Forest Timber: Timber Sale Contract Revisions	0596-AB52

Forest Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
389	36 CFR Part 222 Subpart A: Management of Grazing Use Within Rangeland Ecosystems	0596-AA35
390	Indian Allotments on National Forest System Lands	0596-AA52
391	Land Uses and Prohibitions; Noncommercial Group Uses	0596-AA80
392	Federal Timber Export and Substitution Restrictions (Comprehensive Revision)	0596-AB22
393	State and Private Forestry Assistance Stewardship Incentive Program	0596-AB32
394	Special-Use Applications and Administration of Special-Use Authorizations	0596-AB35
395	Occupancy and Use of Developed Sites and Areas of Concentrated Public Use	0596-AB43
396	Animal Damage Management	0596-AB47
397	Fee Schedules for Communication Uses on National Forest System Lands	0596-AB51
398	Outfitting and Guiding Permits and Fees	0596-AB53

Forest Service—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
399	Prohibition on Mechanical Transport and Other Activities in Wilderness	0596-AA39
400	Pre-Award Information Requirements	0596-AB03
401	36 CFR 222 Range Management, Subpart C Grazing Fees	0596-AB42
402	Use of Bait in Hunting	0596-AB46
403	36 CFR 222 Range Management; Subpart C; 222.51 Grazing Fees in the West; (j) Qualification Criteria	0596-AB50

USDA

Office of Chief Financial Officer—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
404	Audits of State, Local, and Indian Tribal Governments	0505-AA09

Office of the General Counsel—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
405	Rules of Practice	0510-AA00

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
406	Supplemental Standards of Ethical Conduct for Employees of the Department of Agriculture	0503-AA05
407	Grants and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations	0503-AA10

Office of the Secretary—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
408	Food Stamp Program: Forfeiture and Denial of Property Rights	0503-AA07
409	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	0503-AA08
410	Designation of Rural Empowerment Zones and Enterprise Communities	0503-AA09

Rural Business and Cooperative Development Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
411	Alcohol Fuels Credit Implementing Regulations	0570-AA01
412	Local Technical Assistance and Planning Grants	0570-AA05
413	Community Facility Loans: Recreation and Tourism	0570-AA14
414	Civil Rights Policies Applicable to REA Borrowers	0570-AA17

Rural Business and Cooperative Development Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
415	Rural Technology Development Grants	0570-AA02
416	Rural Business Enterprise Grants and Television Demonstration Grants	0570-AA08
417	Rural Business Loan Streamlining	0570-AA09
418	1980-E Business and Industrial Loan Program—Audit Requirements	0570-AA11
419	Rural Business Enterprise Grants and TV Demonstration Grants; Technical Assistance and Training Grants; Non-profit National Corporations Loan and Grant Program	0570-AA12
420	Business and Industrial Interest Buydown	0570-AA13
421	Intermediary Relending Program Rewrite	0570-AA15
422	Business and Industrial Loan Program	0570-AA16
423	Rural Economic Development Loan and Grant Program	0570-AA18

USDA

Rural Business and Cooperative Development Service—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
424	Federal-State Research on Cooperatives Program	0570-AA10

Rural Utilities Service—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
425	Loan Security Documents—Telephone Program	0572-AA30
426	Wholesale Contracts for the Purchase and Sale of Electric Power and Energy	0572-AA41
427	Revision of Telecommunication Policies and Procedures for Approval of Standards, Specifications, Contract Forms, and Drawings	0572-AA45
428	Electric System Planning and Design—Policies and Procedures	0572-AA48
429	Margin Stabilization Plans and Revenue and Expense Deferrals	0572-AA50
430	Specification for Fiber Optic Splice Closures	0572-AA62
431	REA Specification for Mechanical Fiber Optic Splices	0572-AA64
432	Rescission of REA Bulletins 345-13, 345-29, 345-75, and 345-178 —Telephone Program Regulations	0572-AA66
433	Electric Standards and Specifications for Materials and Construction	0572-AA67
434	Post-Loan Policies and Procedures Common to Insured and Guaranteed Electric Loans	0572-AA71
435	REA Buy American Requirement	0572-AA73
436	Electric Systems Operations and Maintenance	0572-AA74
437	Loan Documents—Bank Program	0572-AA76
438	Depreciation Rates and Procedures	0572-AA80
439	Specification for Pole Line Hardware	0572-AA83
440	REA Fidelity and Insurance Requirements for Electric and Telephone Borrowers	0572-AA86
441	Title Evidence Policies and Procedures	0572-AA90
442	Preservation of Records Accounting Requirements for REA Electric Borrowers	0572-AA92
443	Use of General Funds Investments, Loan Guarantees, and Retirement of Capital Credits by Electric Borrowers	0572-AB01
444	REA Approval of Sale of Capital Assets by Electric Borrowers	0572-AB02
445	Loan Deferments for Energy Resources Conservation - Electric Program	0572-AB03
446	Power Requirement Studies	0572-AB05
447	Credit Support of Power Supply Borrowers	0572-AB09
448	Community Facility Loans - Construct or Improve Solid Waste Facilities	0572-AB12
449	Liquidation of Loans and Acquisition, Management and Disposal of Security Property	0572-AB13
450	Solid Waste Management Grants	0572-AB14
451	Technical Assistance and Training Grants	0572-AB15

Rural Utilities Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
452	Loan Account Computations, Policies, and Procedures	0572-AA65
453	REA Performance Specification for Line Concentrators	0572-AA72
454	Long-Range Financial Forecasts of Electric Borrowers	0572-AA89
455	Exemptions of REA Controls Over Borrower Operations	0572-AA96
456	Pre-loan Policies and Procedures for Electric Loans	0572-AA98
457	Loans for Demand-Side Management, Energy Conservation Programs, and On-Grid and Off-Grid Renewable Energy Systems	0572-AA99
458	Refinancing and Prepayment of FFB Loans	0572-AB00
459	Loan Security Documents for Electric Loans	0572-AB06
460	Accounting Requirements for REA Telephone Borrowers	0572-AB10
461	Community Facility Loans - Timber-Dependent Communities	0572-AB11

USDA

Rural Utilities Service—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
462	Electric System Construction Policies and Procedures—Electric Materials and Construction	0572-AA47
463	Pre-Loan Policies and Procedures for Insured Electric Loans	0572-AA69
464	Electric System Construction Policies and Procedures	0572-AA84
465	State Telecommunications Modernization Plan	0572-AB07

National Resources Conservation Service—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
466	Wetlands Reserve Program Interim Rule	0578-AA15

National Resources Conservation Service—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
467	Soil Surveys	0578-AA00
468	Farmland Protection Policy Act	0578-AA14

Office of Operations—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
469	Agriculture Acquisition Regulation	0599-AA00

Office of Operations—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
470	New Restrictions on Lobbying	0599-AA01

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage

Agricultural Marketing Service (AMS)

1. VOLUNTARY AND MANDATORY EGG AND EGG PRODUCTS INSPECTION

Priority: Other Significant

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946; 21 USC 1031 to 1056 Egg Products Inspection Act

CFR Citation: 7 CFR 55; 7 CFR 59

Legal Deadline: None

Abstract: The proposal will change the terminology describing facilities to be furnished, redefine dirty eggs, define split samples and recognized laboratories, and clarify scheduling operations, officially identifying products appeal procedures, and general operating procedures among the inspectors who must enforce both regulations.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Janice L. Lockard, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, P.O. Box 96456, Washington, DC 20090-6456, **202 720-3506**

RIN: 0581–AA58

2. REVISION OF 7 CFR 29.500 FEES AND CHARGES FOR INSPECTION AND GRADING OF IMPORTED TOBACCO

Priority: Other Significant

Legal Authority: 7 USC 511d

CFR Citation: 7 CFR 29.500

Legal Deadline: None

USDA—AMS **Prerule Stage**

Abstract: This revision would adjust the fee charged for the inspection of imported tobacco to ensure a level comparable to that charged for domestic tobacco. This action is required by the Omnibus Budget Reconciliation Act of 1993.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: **John P. Duncan III**, Director, Tobacco Division, Department of Agriculture, Agricultural Marketing Service, Room 502 Annex Building, P.O. Box 96456, Washington DC 20090-6456, **202 205-0567**

RIN: 0581–AB12

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Agricultural Marketing Service (AMS)

3. STANDARDS FOR PRODUCTS PRODUCED FOLLOWING ORGANIC PRODUCTION, PROCESSING AND HANDLING METHODS

Priority: Other Significant

Legal Authority: PL 101-624, sec 2101 to 2123; 7 USC 6501 to 6522

CFR Citation: None

Legal Deadline: NPRM, Statutory, May 28, 1992. Final, Statutory, October 1, 1993. Other, Statutory, May 28, 1991. The Organic Foods Production Act calls for the Secretary to appoint the National Organic Standards Board 180 days after enactment and convene it within 60 days thereafter.

Abstract: The Organic Foods Production Act of 1990 (OFPA) states that the Secretary shall establish an organic certification program for producers and handlers of agricultural products that have been produced using organic methods. The OFPA provides for three proposed actions by the Department of Agriculture: (1) the accreditation of state and private certifying agents for the Secretary, which includes provision for the collection of reasonable fees from producers, certifying agents, and handlers who participate in the program; (2) the establishment of a national list of natural substances prohibited, and synthetic substances allowed in organic production and handling; and (3) the development of national standards and procedures to be used in organic production, processing and handling, with the requirement that any product labeled as organically produced will have to be certified once the program is implemented (except for producers with less than $5,000 gross sales). The OFPA also calls for establishment of a National Organic Standards Board (NOSB), notices of meetings, notices for hearings for standards for livestock products.

Timetable:

Action	Date	FR Cite
Organic Livestock Hearings	12/30/93	58 FR 69315
NPRM	06/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Harold S. Ricker**, Assistant Director, Transportation and Marketing Division, Department of Agriculture, Agricultural Marketing Service, Room 4006 South Building, P.O. Box 96456, Washington, DC 20090-6456, **202 720-2704**

RIN: 0581–AA40

4. REFRIGERATION AND LABELING REQUIREMENTS FOR SHELL EGGS

Priority: Other Significant

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act; 7 USC 1031 to 1056 Egg Products Inspection Act

CFR Citation: 7 CFR 56; 7 CFR 59

Legal Deadline: None

Abstract: Research has shown that refrigeration is a significant factor in the reduction of bacterial growth in shell eggs. To reduce the risk of human illness from Salmonella bacteria, a shell egg industry task force believed that refrigeration of eggs was an appropriate course of action. The task force subsequently sought legislation to require that shell eggs be refrigerated at an ambient temperature no greater than 45 degrees F after packing for the ultimate consumer and be labeled to indicate that refrigeration is required. The Egg Products Inspection Act (EPIA) was amended to include these requirements, effective December 13, 1991. As the proposed regulations will implement the requirements of the EPIA, there is no alternative to this proposal. Based on USDA egg production and price data, estimated first year compliance costs are $40.67 million and represent 1.37 percent of gross industry proceeds or $0.0083 per dozen. Since the first year figures include nonrecurring expenditures for facilities and vehicles, the total industry cost will be less in subsequent years.

Timetable:

Action	Date	FR Cite
NPRM	10/27/92	57 FR 48569
NPRM Comment Period End	12/28/92	
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Janice L. Lockard**, Chief, Standardization Branch, Poultry Division, Department of Agriculture, Agricultural Marketing Service, Room 3944 South Building, P.O. Box 96456, Washington, DC 20090-6456, **202 720-3506**

RIN: 0581–AA66

5. CHANGES IN FEES FOR VOLUNTARY FEDERAL MEAT GRADING AND CERTIFICATION SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 et seq

CFR Citation: 7 CFR 54

Legal Deadline: None

Abstract: The purpose of this proposed regulation is to raise the fees for Federal meat grading and certification services to insure that the program operates on a financially self-supporting basis. The fee increase is in response to a Congressionally-mandated nationwide 3.09 percent salary increase that was effective January 9, 1994; a Congressionally-mandated variable, geographic region salary increase that was effective January 9, 1994; an anticipated nationwide 2.3 percent salary increase in fiscal year (FY) 1995;

USDA—AMS **Proposed Rule Stage**

and a nationwide 2.09 percent salary increase in FY 1996.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Larry R. Meadows, Chief, Meat Grading and Certification Branch, Department of Agriculture, Agricultural Marketing Service, USDA, AMS, LS, MGC, P.O. Box 96456, Room 2093-So., Washington, DC 20090-6456, **202 720-1113**

RIN: 0581–AB34

6. SALMONELLA RECOGNIZED LABORATORY PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 1621 et seq

CFR Citation: 7 CFR 93

Legal Deadline: None

Abstract: The egg products inspection program is administered by the USDA Agricultural Marketing Service (AMS) in accordance with 7 USC 59, Regulations Governing the Inspection of Egg Products. The regulations provide for microbiological surveillance testing of pasteurized egg products for Salmonella spp. The regulations also state that the analyses must be conducted with approved USDA detection methodologies and procedures. A recent audit of the inspection program by the Department's Office of the Inspector General identified a need to strengthen Federal oversight of surveillance samples. To resolve this issue, a domestic Laboratory Recognition Program will be implemented for more than 50 commercial laboratories from which AMS accepts Salmonella test results. The program will require documentation as to ability and proficiency to perform these tests on egg products.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Isaac G. Sterling, Microbiologist, Department of Agriculture, Agricultural Marketing Service, Technical Services Branch, P.O. Box 96456, Room 3517-S, Washington, DC 20090-6456, **202 720-5878**

RIN: 0581–AB38

DEPARTMENT OF AGRICULTURE (USDA) Final Rule Stage
Agricultural Marketing Service (AMS)

7. REVISION OF REGULATIONS GOVERNING THE INSPECTION AND GRADING SERVICES OF MANUFACTURED OR PROCESSED DAIRY PRODUCTS

Priority: Routine and Frequent

Legal Authority: 7 USC 1621 to 1627 Agricultural Marketing Act of 1946

CFR Citation: 7 CFR 58

Legal Deadline: None

Abstract: The regulations have not been updated since December 1, 1976. The revisions of regulations are needed to reflect more desirable ways of carrying out the dairy inspection and grading program. The changes are not expected to have any major impact on program participation, however, in that most participants are operating in a manner that is consistent with the proposed changes.

Timetable:

Action	Date	FR Cite
NPRM	08/10/92	57 FR 35492
NPRM Comment Period End	10/09/92	57 FR 35492
Next Action Undetermined		

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Tracy Schonrock, Chief, Inspection and Grading Branch, Dairy Division, Department of Agriculture, Agricultural Marketing Service, Room 2968 South Building, Washington, DC 20250, **202 690-0530**

RIN: 0581–AA45

8. RELATING TO INSPECTION AND GRADING OF BURLEY TOBACCO

Priority: Routine and Frequent

Legal Authority: 7 USC 511 et seq

CFR Citation: 7 CFR 29.3053

Legal Deadline: None

Abstract: This revision would require that the average bale weight in each lot of burley tobacco not exceed 100 pounds. The industry has requested the Agricultural Marketing Service be given this authority in order to improve the integrity and uniformity of lots resulting in more orderly marketing and enhancing desirability of American burley.

Timetable:

Action	Date	FR Cite
NPRM	11/29/94	59 FR 60919
NPRM Comment Period End	12/29/94	
Final Action	04/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: John P. Duncan III, Director, Tobacco Division, Department of Agriculture, Agricultural Marketing Service, Room 502 Annex Building, P.O. Box 96456, Washington, DC 20090-6456, **202 205-0567**

RIN: 0581–AB01

9. USER FEES FOR COTTON CLASSIFICATION SERVICES TO GROWERS 1995 CROP

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 473(a); 7 USC 473(d); 7 USC 55

CFR Citation: 7 CFR 28

Legal Deadline: NPRM, Statutory, March 1, 1995. Final, Statutory, June 1, 1995.
Requires the Secretary to announce fees by June 1 each year as harvesting begins in July and a uniform fee is mandated for the entire crop.

Abstract: Annual revisions of the grower's fee for cotton classification for each crop year are mandated by formula in the Cotton Statistics and Estimates Act, as amended by Public Law 102-237. The revision provides for recovery of the cost of providing the service and allows for the variations in

USDA—AMS **Final Rule Stage**

size of the crop and in other factors which affect the costs. The economic impact of revisions is not known, but a slight increase or decrease in the fee would not cause major impact. All services are voluntary.

Timetable:

Action	Date	FR Cite
NPRM	02/24/95	60 FR 10335
Final Action	05/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: A. Lee Cliburn, Assistant Chief, Program Appraisal Staff, Department of Agriculture, Agricultural Marketing Service, Room 2641 South Building, Washington, DC 20250, **202 720-3193**

RIN: 0581–AB15

10. REGULATIONS UNDER THE PERISHABLE AGRICULTURAL COMMODITIES ACT

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 4990

CFR Citation: 7 CFR 46

Legal Deadline: None

Abstract: The final rule would invite comments extending PACA coverage to include fresh and frozen fruits and vegetables that are oil-blanched, including frozen french fried potato products. Under previous regulations, suppliers of these commodities suffered considerable financial losses because oil-blanched products were excluded from the PACA. This final rule would grant dealers in frozen oil-blanched products the same rights afforded dealers whose frozen potato product is water blanched.

Timetable:

Action	Date	FR Cite
NPRM	07/12/94	59 FR 35487
NPRM Comment Period End	08/11/94	
NPRM Comment Period Extended to	10/12/94	59 FR 46772
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: James Frazier, Assistant Chief, PACA, Department of Agriculture, Agricultural Marketing Service, 14th & Independence Ave., S.W. Room 2095-S, Washington, DC 20090-6456, **202 720-4180**

RIN: 0581–AB28

11. INCREASE SEED INSPECTION FEES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 to 1627

CFR Citation: 7 CFR 75

Legal Deadline: None

Abstract: This proposal would increase fees for seed testing under the Agricultural Marketing Act (AMA). The AMA provides for the collection of fees and charges equal to the cost of providing the service. The increase in fees will offset increased costs for operating the voluntary program.

Timetable:

Action	Date	FR Cite
NPRM	01/04/95	60 FR 379
NPRM Comment Period End	02/03/95	60 FR 379
Final Action	09/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James P. Triplitt, Chief, Seed Regulatory and Testing Branch, Department of Agriculture, Agricultural Marketing Service, Seed Regulatory and Testing Branch, Building 506, BARC-East, Beltsville, MD 20705-2350, **301 504-9430**

RIN: 0581–AB35

12. ● REGULATIONS AND RULES OF PRACTICE UNDER THE PLANT VARIETY PROTECTION ACT

Priority: Other Significant

Legal Authority: 7 USC 2321; 7 USC 2326; 7 USC 2352 to 2353; 7 USC 2356; 7 USC 2371; 7 USC 2402 to 2403; 7 USC 2426 to 2427; 7 USC 2501

CFR Citation: 7 CFR 97.1 to 97.3; 7 CFR 97.5 to 97.7; 7 CFR 97.9; 7 CFR 97.11 to 97.12; 7 CFR 97.14 to 97.15; 7 CFR 97.19 to 97.21; 7 CFR 97.23; 7 CFR 97.1000; 7 CFR 97.104 to 97.106; 7 CFR 97.120; 7 CFR 97.130; 7 CFR 97.40 to 97.143; 7 CFR 97.175; 7 CFR 97.201; 7 CFR 97.205 to 97.222; ...

Legal Deadline: Final, Statutory, April 4, 1995.

Abstract: The Plant Variety Protection Act (PVPA) was amended on October 6, 1994, to conform to the 1991 Convention of the International Union for the Protection of New Varieties of Plants (UPOV). These amendments will become effective on April 4, 1995. Amendments include extension of protection to hybrids and potatoes, extension of protection to 20 years, 25 years for woody plants, extension of protection to harvested material, extension of rights to essentially derived varieties, limit farmer's exemption to replanting their own farm, determine priority based on date of filing, require new varieties to be labeled as to which PVPA they are protected under and allows pending applications to be refiled as of April 4, 1995. This rule makes the minimum changes in the regulations to implement the PVPA. A fee increase is proposed to maintain the program as a fee-funded program. The Plant Variety Protection Advisory Board will be consulted on the proposed changes in the regulations as required by the PVPA. More extensive changes to the regulations were considered and rejected as unnecessary at this time.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/04/95	60 FR 17188
Interim Final Rule Comment Period End	05/04/95	60 FR 17188
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth H. Evans, Plant Variety Protection Office Commissioner, Department of Agriculture, Agricultural Marketing Service, 10301 Baltimore Blvd., Beltsville, MD 20705, **301 504-5518**

RIN: 0581–AB39

DEPARTMENT OF AGRICULTURE (USDA)
Agricultural Marketing Service (AMS)

Completed/Longterm Actions

13. NATIONAL LABORATORY ACCREDITATION PROGRAM

CFR Citation: Not applicable

Completed:

Reason	Date	FR Cite
Withdrawn - No action expected in the next 12 months	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: T. Pin Ho, 202 720-4993

RIN: 0581–AA38

14. REGULATIONS UNDER THE FEDERAL SEED ACT

CFR Citation: 7 CFR 201 to 202

Completed:

Reason	Date	FR Cite
Final Action	12/14/94	59 FR 66486
Final Action Effective	01/13/95	59 FR 66486

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James P. Triplitt, 301 504-9430

RIN: 0581–AA52

15. REVIEW OF BASIC FORMULA PRICE IN ALL FEDERAL MILK ORDERS

CFR Citation: 7 CFR 1001 to 1139

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John F. Borovies, 202 720-6274

RIN: 0581–AA57

16. GRADING OF SHELL EGGS

CFR Citation: 7 CFR 56

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, 202 720-3506

RIN: 0581–AA60

17. VOLUNTARY GRADING OF POULTRY PRODUCTS AND RABBIT PRODUCTS

CFR Citation: 7 CFR 70

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, 202 720-3506

RIN: 0581–AA61

18. GRADING AND INSPECTION, SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS; GENERAL SPECIFICATION FOR DAIRY PLANTS APPROVED FOR USDA INSPECTION AND GRADING

CFR Citation: 7 CFR 58

Completed:

Reason	Date	FR Cite
Final Action	01/24/95	60 FR 4824
Final Action Effective	01/24/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane R. Spomer, 202 720-7473

RIN: 0581–AA95

19. GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS; UNITED STATES STANDARDS FOR GRADES OF NONFAT DRY MILK (SPRAY PROCESS)

CFR Citation: 7 CFR 58

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane R. Spomer, 202 720-7473

RIN: 0581–AA96

20. GRADING AND INSPECTION, GENERAL SPECIFICATIONS FOR APPROVED DAIRY PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS; UNITED STATES STANDARDS FOR INSTANT NONFAT DRY MILK

CFR Citation: 7 CFR 58

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane R. Spomer, 202 720-7473

RIN: 0581–AA97

21. UNITED STATES STANDARDS FOR GRADES OF TOMATO SAUCE

CFR Citation: 7 CFR 52; 7 CFR 2371 to 2377

Completed:

Reason	Date	FR Cite
Final Action	10/18/94	59 FR 52624
Final Action Effective	11/17/94	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Harold A. Machias, 202 720-6247

RIN: 0581–AA99

22. REVISION OF THE REGULATIONS GOVERNING INSPECTION CERTIFICATION AND STANDARDS FOR FRESH FRUITS, VEGETABLES, AND OTHER PRODUCTS

CFR Citation: 7 CFR 51

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Douglas D. Shearer, 202 720-5870

RIN: 0581–AB02

23. CHANGE IN FEES FOR FEDERAL MEAT GRADING AND CERTIFICATION SERVICES

CFR Citation: 7 CFR 54

Completed:

Reason	Date	FR Cite
Final Action	03/23/94	59 FR 13642
Final Action Effective	03/23/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Evan J. Stachowicz, 202 720-1065

RIN: 0581–AB07

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24. MILK FOR MANUFACTURING PURPOSES AND ITS PRODUCTION AND PROCESSING REQUIREMENTS RECOMMENDED FOR ADOPTION BY STATE REGULATORY AGENCIES (RAW MILK)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Duane R. Spomer, 202 720-7473

RIN: 0581–AB11

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25. 1994 ADJUSTMENT OF THE VALUE OF IMPORTED COTTON FOR COLLECTIONS, COTTON RESEARCH AND PROMOTION ASSESSMENTS

CFR Citation: 7 CFR 1205

Completed:

Reason	Date	FR Cite
Final Action	11/16/94	59 FR 59109
Final Action Effective	12/16/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Craig Shackelford, 202 720-2259

RIN: 0581–AB14

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26. PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS (FEE INCREASE)

CFR Citation: 7 CFR 52

Completed:

Reason	Date	FR Cite
Final Action	08/12/94	59 FR 41377
Final Action Effective	08/12/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Raymondo O'Neal, 202 720-5021

RIN: 0581–AB16

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27. SOYBEAN PROMOTION, RESEARCH, AND CONSUMER INFORMATION ACT; REAPPORTIONMENT OF DIRECTORS ON THE UNITED SOYBEAN BOARD

CFR Citation: 7 CFR 1220

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph L. Tapp, 202 720-1111

RIN: 0581–AB18

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28. AMENDMENTS TO THE LIME RESEARCH, PROMOTION AND CONSUMER INFORMATION ORDER

CFR Citation: 7 CFR 1212

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard Schultz, 202 720-5976

RIN: 0581–AB19

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29. IMPLEMENTATION OF FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION ORDER

CFR Citation: 7 CFR 1208

Completed:

Reason	Date	FR Cite
Final Action	12/29/94	59 FR 67139
Final Action Effective	12/29/94	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Art Pease, 202 720-6930

RIN: 0581–AB20

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30. WATERMELON RESEARCH AND PROMOTION PLAN; PROPOSED AMENDMENTS TO THE PLAN; RULES AND REGULATIONS ISSUED THEREUNDER; AND PROCEDURE FOR THE CONDUCT OF REFERENDA

CFR Citation: 7 CFR 1210

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sonia N. Jimenez, 202 720-9916

RIN: 0581–AB21

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31. AMENDMENTS TO THE RECORDKEEPING REQUIREMENTS FOR CERTIFIED APPLICATORS OF FEDERALLY RESTRICTED USE PESTICIDES

CFR Citation: 7 CFR 110

Completed:

Reason	Date	FR Cite
Final Action	02/10/95	60 FR 8118
Final Action Effective	05/11/95	

Small Entities Affected: Undetermined

Government Levels Affected: State, Tribal, Federal

Agency Contact: Bonnie Poli, 703 330-7826

RIN: 0581–AB22

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32. AMENDMENTS TO THE HONEY RESEARCH, PROMOTION, AND CONSUMER INFORMATION ORDER

CFR Citation: 7 CFR 1240

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sonia N. Jimenez, 202 720-9916

RIN: 0581–AB23

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33. POTATO RESEARCH AND PROMOTION PLAN: AMENDMENT TO RULES AND REGULATIONS ISSUED THEREUNDER

CFR Citation: 7 CFR 1207

USDA—AMS **Completed/Longterm Actions**

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Georgia C. Abraham, 202 720-5057

RIN: 0581–AB26

34. RULES OF PRACTICE GOVERNING PROCEEDINGS ON PETITIONS TO MODIFY OR TO BE EXEMPT FROM RESEARCH AND PROMOTION PROGRAMS FOR FRUITS, VEGETABLES, AND SPECIALTY CROPS CONSOLIDATION

CFR Citation: 7 CFR 1200; 7 CFR 1205; 7 CFR 1207; 7 CFR 1209; 7 CFR 1210; 7 CFR 1211; 7 CFR 1212; 7 CFR 1220; 7 CFR 1230; 7 CFR 1240; 7 CFR 1250; 7 CFR 1290; 7 CFR 1208

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Martha B. Ransom, 202 720-9915

RIN: 0581–AB27

35. SOYBEAN PROMOTION AND RESEARCH PROGRAM; PROCEDURES FOR CONDUCT OF A PRODUCER POLL

CFR Citation: 7 CFR 1220

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph L. Tapp, 202 720-1115

RIN: 0581–AB30

36. BEEF PROMOTION AND RESEARCH: CHANGES IN HTS NUMBERS

CFR Citation: 7 CFR 1260

Completed:

Reason	Date	FR Cite
Withdrawn	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph L. Tapp, 202 720-1115

RIN: 0581–AB31

37. AMENDMENT TO EGG RESEARCH AND PROMOTION ORDER TO INCREASE THE RATE OF ASSESSMENT

CFR Citation: 7 CFR 1250

Completed:

Reason	Date	FR Cite
Final Action	12/15/94	59 FR 64559
Final Action Effective	02/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, 202 720-3506

RIN: 0581–AB32

38. INCREASE IN FEES AND CHARGES FOR EGG PRODUCTS INSPECTION AND EGG POULTRY AND RABBIT GRADING

CFR Citation: 7 CFR 55; 7 CFR 56; 7 CFR 59; 7 CFR 70

Completed:

Reason	Date	FR Cite
Final Action	10/18/94	59 FR 52636
Final Action Effective	11/01/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Janice L. Lockard, 202 720-3506

RIN: 0581–AB33

39. PORK PROMOTION RESEARCH, AND CONSUMER INFORMATION ACT OF 1985- INCREASE IN ASSESSMENT RATE

CFR Citation: 7 CFR 1230

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Ralph L. Tapp, 202 720-1115

RIN: 0581–AB36

40. REGULATIONS UNDER THE FEDERAL SEED ACT (AMENDMENTS)

CFR Citation: 7 CFR 201 to 202

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James P. Triplitt, 301 504-9430

RIN: 0581–AB37

BILLING CODE 3410-02-F

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage

Consolidated Farm Service Agency (CFSA)

41. AMENDMENTS TO SUGAR AND CRYSTALLINE FRUCTOSE MARKETING ALLOTMENT REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1359

CFR Citation: 7 CFR 1435

Legal Deadline: None

Abstract: This is needed to address a number of issues that were raised during and after the July-September 1993 period, when allotments were in effect. These issues are (1) processor mergers/acquisitions; (2) tolling or lease arrangements; (3) exports of surplus sugar during allotments; (4) revision of processor data after final allocations are announced; (5) timing of reassignments; (6) reassignments between cane sugar States/processors and between beet sugar processors; (7) processors' production forecasts; (8) reporting forms--timeliness of resource; and (9) development of alternative test for a new processor to establish processing capacity.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

USDA—CFSA **Prerule Stage**

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD79

42. ● REVISIONS TO THE DIRECT FARM OWNERSHIP LOAN REGULATION (1943-A) TO CLARIFY EXISTING POLICIES AND PROCEDURES PERTAINING TO THE AGENCY'S OUTREACH PROGRAM FOR MEMBERS OF SOCIALLY DISADVANTAGED

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 5 USC 301

CFR Citation: 7 CFR 1943 subpart A

Legal Deadline: None

Abstract: The Consolidated Farm Service Agency proposes to amend its direct farm ownership (FO) regulation to: (1) change and clarify the Agency's existing procedures on outreach provided to applicants/ borrowers who are members of socially disadvantaged groups, and to reference the policies and operating procedures for doing outreach as found in the Farmers Home Administration (FmHA) Handbook for the socially disadvantaged outreach program; (2) explain the Agency's policy pertaining to financing alternative agricultural enterprises; (3) revise Exhibit B on Target Participation Rates (TPRs) to remove the obsolete State TPRs and to provide for refinancing real estate debts, in justifiable cases, to prevent foreclosure action on farmland owned by socially disadvantaged applicants/borrowers; and (4) add a new section on the guidelines used in developing State and County TPRs, and to make reference to the FmHA Handbook which contains the policies and procedures for targeting FO loan funds in accordance with the TPRs. This action is necessary in order to reach more socially disadvantaged individuals and make them aware of the statutory targeted FO loan assistance available to them under this program. Also, this action will result in better coordination of the outreach program at the Agency's County Office level.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	
ANPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This entry was reported as RIN 0575-AB88 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis & Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE23

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage
Consolidated Farm Service Agency (CFSA)

43. AMENDMENTS TO CCC DEBT SETTLEMENT REGULATIONS REGARDING WAIVER OF RESTRICTION ON PROGRAM ELIGIBILITY AND COLLECTION OF JUDGMENTS BY ADMINISTRATIVE OFFSET

Priority: Other Significant

Legal Authority: 28 USC 3201; 15 USC 714b; 15 USC 714c

CFR Citation: None

Legal Deadline: None

Abstract: This action is needed to allow for the waiver of restrictions on program eligibility, as authorized by the Federal Debt Collection Procedures Act of 1990 (the Act), and to facilitate the collection of judgements by administrative offset. The Act provides that debtors who have judgement liens against their property for a debt owed to the United States are not eligible to receive grants or loans made by the United States until the debt is paid in full or otherwise satisfied. However, the Act also permits agencies to waive this restriction. In addition, the Commodity Credit Corporation is authorized to collect debts for other Federal agencies by administrative offset upon receipt of (1) a qualified offset request, (2) a Notice of Levy, or (3) a request or approval by the Department of Justice. This action would authorize ASCS to collect judgements in favor of the United States by administrative offset. This action will result in increased collection of debts owed to the Government.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD09

44. 90-DAY RULE

Priority: Other Significant

Legal Authority: 7 USC 1433e

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This action is needed to implement the 90-day rule as provided by the Food, Agriculture, Conservation, and Trade Act of 1990. The 90-day rule provides that decisions of State and county offices shall be final after 90 days and that no action shall be taken to recover payments made in error unless the producer had reason to believe that the decision was erroneous. The cost of this action has not yet been determined.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD43

45. AMENDMENTS TO REGULATIONS REGARDING PAYMENTS TO PERSONS CONVICTED OF CONTROLLED SUBSTANCE VIOLATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 881a

CFR Citation: 7 CFR 796

Legal Deadline: None

Abstract: This action is necessary to amend the regulations regarding payments to persons convicted of controlled substance violations to reflect recent legislation. Current regulations implement the Food Security Act of 1985 provisions but not the FY 1993 Appropriations Act provisions. This action will thus amend the regulations to implement the statutory provisions regarding controlled substance violations. The primary effect of this action will be to make most conservation programs subject to the controlled substance violation provisions and result in some people being declared ineligible for benefits. No Government outlays are expected.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD47

46. PROGRAM INELIGIBILITY FOR NONCOMPLIANCE WITH BOLL WEEVIL ERADICATION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1444a

CFR Citation: None

Legal Deadline: None

Abstract: This action is necessary to make producers and landowners ineligible for USDA program benefits when they are not in compliance with the Boll Weevil Eradication Program (BWEP). This will ensure better compliance with the BWEP and contribute to the elimination of boll weevils. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD57

47. WOOL AND MOHAIR RECOURSE LOAN PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 1782

CFR Citation: 7 CFR 1428

Legal Deadline: None

Abstract: This action is needed to implement a recourse loan program for wool and mohair through December 31, 1995, as required by statute. Determinations are to be made regarding applicability, administration, disbursement of loans, eligibility, loss or damage, liens, fees, charges and interest, loan rates, approved storage, settlement, foreclosure, loan maturity, and producer liability. The program is to be administered at no net cost to the Federal Government. Loan outlays are estimated at $1 to $20 million from inception to the end of the program.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD75

48. REGULATIONS FOR CONSERVATION COMPLIANCE CROP ACREAGE BASE (CAB) ADJUSTMENTS

Priority: Other Significant

Legal Authority: 7 USC 1461 et seq

CFR Citation: 7 CFR 1417

Legal Deadline: None

Abstract: This action is needed to provide the regulations governing the conservation compliance CAB adjustments for the Wheat, Feed Grain, Cotton, and Rice Programs as follows: 1) Implement a pilot program for producers to adjust or create CAB's in order to comply with conservation plan requirements; and 2) establish a conservation CAB pool in selected States and counties from which producers can draw to increase or create needed CAB's required by conservation plans. Implementation of this program will have insignificant costs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD80

49. ● FARM FACILITY LOAN PROGRAM REGULATIONS

Priority: Other Significant

Legal Authority: 15 USC 714b

CFR Citation: 07 CFR 1474

Legal Deadline: None

USDA—CFSA **Proposed Rule Stage**

Abstract: This action is needed to implement the Farm Facility Loan Program in which CCC provides loans to grain growers for the purchase and construction of on-farm grain storage and drying facilities when the Secretary has determined that there is a deficiency of such storage. Gross loan outlays of about $60 million per year are expected, depending on the breadth of the program. Net costs over the life of the program will be limited to those associated with loan defaults. Experience suggests defaults on only about one percent of the loans, with minimal net costs.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD85

50. ● AMENDMENTS TO THE PAYMENT LIMITATION REGULATIONS FOR 1995

Priority: Other Significant

Legal Authority: 7 USC 1306; 7 USC 1306-1; 7 USC 1306-2; 16 USC 3834

CFR Citation: 07 CFR 1497; 07 CFR 1498

Legal Deadline: None

Abstract: This action is needed to revise the regulations governing Payment Limitations as follows: (1) Apply actively engaged in farming requirements only when the individuals or entities of a farming operation seek to be paid benefits as more than one separate person; (2) Apply this rule to conservation programs other than the Conservation Reserve Program only if so provided in the individual program regulations under which payments are made; (3) Apply the General Provisions and Person Determination provisions to annual rental payments under the Conservation Reserve Program; and (4) Clarify existing provisions by making technical changes throughout this part. No significant increase in program outlays is expected.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD89

51. ● AMENDMENT TO THE PEANUT LOAN PROGRAM REGULATIONS—REQUIREMENT FOR CROP INSURANCE

Priority: Substantive, Nonsignificant

Legal Authority: Sec 508 (b)(7)(A) Federal Crop Insurance Reform Act of 1994; PL 103-354

CFR Citation: 07 CFR 1446

Legal Deadline: None

Abstract: This action is needed to amend the peanut loan program regulations to reflect legislation which requires that, as a condition of eligibility for a price support or production adjustment program, the producer must obtain at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop. A crop of economic significance is defined as a crop that has contributed, or is expected to contribute, 10 percent or more of the total of all crops grown by the producer.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD90

52. ● AMENDMENT TO THE TOBACCO LOAN PROGRAM REGULATIONS—REQUIREMENT FOR CROP INSURANCE

Priority: Substantive, Nonsignificant

Legal Authority: Sec 508(b)(7)(A) Federal Crop Insurance Reform Act of 1994; PL 103-354

CFR Citation: 07 CFR 1464

Legal Deadline: None

Abstract: This action is needed to amend the tobacco loan program regulations to reflect legislation which requires that, as a condition of eligibility for a price support or production adjustment program, the producer must obtain at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop. A crop of economic significance is defined as a crop that has contributed, or is expected to contribute, 10 percent or more of the total of all crops grown by the producer.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD91

53. ● AMENDMENTS TO THE CONSERVATION RESERVE PROGRAM REGULATIONS REGARDING EARLY CONTRACT TERMINATIONS, ENROLLING REPLACEMENT AND NEW ACREAGE, AND CONTRACT EXTENSIONS

Priority: Economically Significant

Legal Authority: 16 USC et seq

CFR Citation: 07 CFR 704; 07 CFR 1410

Legal Deadline: None

Abstract: On December 14 the Secretary of Agriculture announced USDA's plans to target the CRP to move environmentally sensitive acreage. Retargeting will occur through early release of certain acreage under contract and enrollment of more environmentally sensitive acreage. In addition, the Secretary announced plans to allow CRP contracts to be modified to extend the expiration date. The Secretary also announced that the actual terms and conditions regarding modifications of the CRP program will be addressed in the rule-making process.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
Interim Final Rule	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD95

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54. ● AMENDMENT TO THE CONSERVATION RESERVE PROGRAM (CRP) REGULATIONS—REQUIREMENTS FOR CROP INSURANCE

Priority: Other Significant

Legal Authority: Sec 508(b)(7)(A) Federal Crop Insurance Reform Act of 1994; PL 103-354

CFR Citation: 07 CFR 704; 07 CFR 1410

Legal Deadline: None

Abstract: The Federal Crop Insurance Reform Act requires that, as a condition of eligibility for the CRP, producers must obtain at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop. This action will amend the regulations to provide that the requirement will not apply to CRP acreage enrolled prior to November 28, 1990 (the date of enactment of the 1990 Farm Bill) and will apply to acreage enrolled thereafter provided that the acreage was enrolled or replaces acreage that was enrolled during a signup intended to enroll acreage in excess of 36.4 million acres as of October 13, 1994.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD96

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55. ● MEASURE-ALL PILOT PROJECT

Priority: Other Significant

Legal Authority: 7 USC 1373-74; 15 USC 714b-c

CFR Citation: 07 CFR 718

Legal Deadline: None

Abstract: The Measure-All Pilot Project will evaluate the feasibility and cost of measuring all acreage of a commodity or land use necessary to determine compliance under a program, it will replace the current practice of spot-checking, measurement upon request, and requirements for farmers' records. The Pilot Project will take place in twelve countries. The benefits of the program are expected to be more accurate measurement and program delivery, and less time and cost for procedures. Eventual implementation of a final Measure-All Program would be expected to generate a net savings for both producers and the Government.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD98

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56. LOANS TO INDIAN TRIBES AND TRIBAL CORPORATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 16 USC 1005; 5 USC 301

CFR Citation: 7 CFR 1942 subpart F; 7 CFR 1823; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: This action will update the loan making and servicing responsibilities for Indian Land Acquisition loan reserve accounts and loan security issues. Weaknesses identified by the Office of the Inspector General in past audits will be addressed.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
Interim Final Rule	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	04/00/96	
Final Action Effective	04/00/96	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0575-AB44 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE10

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57. ELIMINATION OF CONSOLIDATION OF LOANS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1951

Legal Deadline: None

Abstract: This rule is necessary to eliminate consolidation as a servicing action for insured farm loans. This action is taken as a result of the new requirements under the 1990 FACT Bill regulation and the Federal Credit Reform Act (FCRA) which have made loan consolidation increasingly more difficult and costly. Elimination of consolidation will not eliminate an

essential tool for servicing delinquent accounts or reduce program benefits to borrowers.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0575-AB46 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE12

58. REORGANIZATION PLANS UNDER FEDERAL BANKRUPTCY CODES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1924; 7 CFR 1951; 7 CFR 1956; 7 CFR 1962

Legal Deadline: None

Abstract: The Consolidated Farm Service Agency proposes to amend its insured loan servicing regulations to provide additional guidance to field offices for the servicing of borrowers accounts who file Chapters 11, 12, or 13 bankruptcy. This action is necessary as the present regulations provide very little information on this subject. The intended effect is to have a more uniform and standard system for servicing these types of bankruptcies.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This entry was reported as RIN 0575-AB76 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE18

59. DECISION TO LIQUIDATE

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; PL 100-387; PL 101-82

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: The Agency proposes to amend its regulations and appropriate Lenders Agreement, Form FmHA 449-35, to clarify the circumstances and to establish a timeframe under which the decision to liquidate will be made. The intended effect is to provide three independent criteria to serve as the basis for determining when the decision to liquidate should occur. The anticipated benefit will be that liquidations will occur more uniformly when the three criteria are met. This will provide more guidance to the lender regarding how to proceed when all other workout situations have been exhausted.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0575-AB81 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE19

60. SPECIAL DISASTER SET-ASIDE PROGRAM; FRUIT AND NUT TREES

Priority: Other Significant

Legal Authority: 7 USC 1989

CFR Citation: 7 CFR 1945 subpart D

Legal Deadline: None

Abstract: The Consolidated Farm Service Agency proposed to make an administrative change to its emergency loan (EM) regulations by revising Exhibit D to include all fruit and nut trees. By including fruit and nut trees, future advances to loan funds can be disbursed up to 5 years when loan funds are used to rehabilitate and/or reestablish the trees. Additionally, the limitation on the amount of physical loss will not exceed the value of the established grove (trees and land), as appraised on the day before the disaster occurred, or 1 year and 1 day before the disaster designation was requested by a State Governor or State Director, whichever date has the higher value, minus the the present market value of the land and any remaining trees.

Timetable:

Action	Date	FR Cite
NPRM	10/30/95	
NPRM Comment Period End	12/30/95	
Final Action	10/30/96	
Final Action Effective	10/30/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This entry was reported as RIN 0575-AB86 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE21

61. DISASTER ASSISTANCE

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 5 USC 301; 42 USC 1980

CFR Citation: 7 CFR 1945 subpart A

Legal Deadline: None

Abstract: The Farmers Home Administration proposes to amend this to improve and expedite the disaster designation process that will make emergency loan (EM) assistance available in a more expeditious manner in declared/designated disaster areas to assist family farmers whose operations have sustained qualifying losses as a result of a major or natural disaster,

and who wish to apply for such loan assistance. The regulation would also continue to be out of date with the current policy of basing countywide production losses on a major single enterprise only, in lieu of requiring a determination of countywide production losses in all crops. To change the regulation will bring the designation process in line with the current policy of eliminating the requirement for determining a 30 percent countywide reduction in the normal year's dollar value of all crops in a county(ies). This action will update and improve the process of current policy if (cont)

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	06/00/95	
Final Action	06/00/96	
Final Action Effective	06/00/96	

Small Entities Affected: Businesses

Government Levels Affected: State, Tribal

Additional Information: This entry was reported as RIN 0575-AB87 prior to the reorganization of USDA.

ABSTRACT CONT: there is a 30 percent or greater countywide reduction in the normal year's dollar value of a single enterprise (single crop), which is considered a major enterprise or crop in the county, or a determination that extenuating circumstances exist and warrant a designation under the Secretary of Agriculture's discretionary authority. This change will permit CFSA to automatically gather information for consideration of the Secretary's discretionary authority, and allow the Secretary to expeditiously designate the affected counties and make EM loans available to eligible family farmers.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE22

62. ● SOCIALLY DISADVANTAGED OUTREACH PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 1989; 42 USC 1480

CFR Citation: 7 CFR 1941 subpart A; 7 CFR 1980 subpart B

Legal Deadline: None

Abstract: The Consolidated Farm Service Agency proposes to amend its direct operating and guaranteed farmer programs regulations to: (1) provide for an outreach program for socially disadvantaged applicants, (2) require establishment of annual target participation rates for socially disadvantaged applicants, (3) explain the Agency's policy pertaining to financing alternative agricultural enterprises, and (4) make reference to the Farmers Home Administration Handbook for the outreach program. This will provide assistance to members so they can be made aware of the targeted assistance available to them and be assisted in applying for targeted loan assistance.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	06/00/95	
Final Action	06/00/96	
Final Action Effective	06/00/96	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This entry was reported as RIN 0575-AB89 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis & Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE24

63. ● PART 1946 MEDIATION; SUBPART A AGRICULTURAL LOAN MEDIATION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 7 USC 301; PL 103-354, sec 282

CFR Citation: 7 CFR 1946 subpart A

Legal Deadline: Final, Statutory, October 13, 1994. Regulations will be issued as soon as practicable after 10/13/94.

Abstract: This new legislation expands the State Mediation Programs to include wetland determinations, conservation compliance, and other issues the Secretary deems appropriate. The intended effect of this action is to establish procedures for certification and for administering the matching grant program, and set out the Department's duties to participate in such programs. This rule also changes reference from Farmers Home Administration (FmHA) to the newly established Consolidated Farm Service Agency set forth in the Secretary's Memorandum 1010-1 implementing the reorganization authorities contained in H.R. 4217, the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994. Section 275 of the USDA Reorganization Act of 1994 requires mediation to be a part of the informal hearing process when an officer, employee, or committee of an agency makes an adverse decision. The legislation requires certification of a State's Mediation program in order to participate in mediation pursuant to a State's Certified Mediation program, and to enable a State to receive a Federal matching grant(s) to be used for the operation and administration of the program. The Agriculture Improvement Act of 1992 increased the percentage of grant to 70 percent from 50 percent of the cost of a State's program, limited to $500,000, whichever is the lesser. The Reorganization Act of 1994 extended the mediation program authority through Fiscal Year 2000.

Timetable:

Action	Date	FR Cite
NPRM	04/02/95	
NPRM Comment Period End	06/02/95	
Final Action	08/01/95	
Final Action Effective	08/01/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This entry was reported as RIN 0575-AB91 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis & Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis,

USDA—CFSA **Proposed Rule Stage**

Room 3741-S, P.O. Box 2415,
Washington, DC 20013, **202 720-7583**
RIN: 0560–AE26

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage
Consolidated Farm Service Agency (CFSA)

64. EXCESSIVE MANUFACTURING (MAKE) ALLOWANCES IN STATE MARKETING ORDERS FOR MILK

Priority: Economically Significant

Legal Authority: 7 USC 1446e-1; The Food, Agriculture, Conservation, and Trade Act of 1990

CFR Citation: 7 CFR 13

Legal Deadline: Final, Statutory, November 28, 1991.

Abstract: The Food, Agriculture, Conservation, and Trade Act of 1990 requires that, beginning 12 months after enactment, no State shall provide for (and no person shall collect, directly or indirectly) a greater allowance for the processing of milk (''make allowance'') than is permitted under a Federal program to establish a Grade A price for manufacturing butter, nonfat dry milk, or cheese. The law provides for penalties and investigations by the Secretary if a producer provides evidence of such action. No Government outlays are expected.

Timetable:

Action	Date	FR Cite
NPRM	06/19/92	57 FR 27371
NPRM Comment Period End	10/19/92	
Supplemental NPRM	01/14/94	59 FR 2307
Final Action	09/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AC23

65. COMMON PROVISIONS FOR THE 1994 WHEAT, FEED GRAIN, COTTON, AND RICE PROGRAMS

Priority: Economically Significant

Legal Authority: 7 USC 1441-2; 7 USC 1444; 7 USC 1444-2; 7 USC 1444f; 7 USC 1445b-3a; The Agricultural Act of 1949, as amended

CFR Citation: 7 CFR 1413

Legal Deadline: None

Abstract: The objective of this action is to implement the Wheat, Feed Grain, Cotton, and Rice Programs as required by legislation. Primary determinations are 1) crops to be allowed to be planted on flexible acreage, 2) implementation of Targeted Option Payments, 3) planting of designated crops and conserving crops on Acreage Conservation Reserve (ACR) acreage, and 4) planting of oats on wheat and feed grain ACR. The net cost to the Government is expected to be $100 million to $200 million.

Timetable:

Action	Date	FR Cite
NPRM	09/03/93	58 FR 46886
NPRM Comment Period End	10/04/93	58 FR 46886
Interim Final Rule	11/16/94	59 FR 59280
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AC74

66. AMENDMENT TO THE HIGHLY ERODIBLE LAND AND WETLANDS CONSERVATION PROGRAM REGULATIONS—PERSON DETERMINATIONS

Priority: Other Significant

Legal Authority: 16 USC 3801; 16 USC 3811; 16 USC 3812; 16 USC 3821-23; The Food Security Act of 1985, sec 1201, as amended

CFR Citation: 7 CFR 12

Legal Deadline: None

Abstract: The objective of this action is to set a standard for a more consistent ''person'' determination by using an attribution method for determining benefits that shall be denied persons who are associated with the actual violators of the highly erodible land (HEL) and wetland conservation provisions. The current affiliated person rule for HEL and wetlands is difficult to administer because a strict interpretation of the rules could result in a chain of affiliated persons, all of whom would be ineligible for USDA benefits, when in fact many of the affiliated persons did not play a part in the violation. This action will provide a more equitable and understandable method for imposing sanctions on conservation compliance violations. No costs are expected as a result of this action.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/00/96	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AC86

67. AMENDMENTS TO THE WETLANDS REGULATIONS REGARDING ABANDONED ACREAGE AND DRAINAGE BY DRAINAGE DISTRICTS

Priority: Other Significant

Legal Authority: 16 USC 3801; 16 USC 3821-23

CFR Citation: 7 CFR 12

Legal Deadline: None

Abstract: This action is necessary to enhance the flexibility of wetlands regulations for producers without imposing any significant cost on the Government or decreasing protection of

wetlands. The determinations are 1) Allow any area used for production of any crop or for long term rotation to not be considered an ''abandoned'' wetland, and 2) allow areas drained by a drainage district to be planted to forage crops and harvested by mechanical means. The ''abandonment'' determination will remove an incentive to keep land in intensive production. The drainage determination will allow production on a small number of acres that otherwise would not likely be farmed. The total acreage involved will likely be less than 50,000 acres, and no impacts on prices are expected. Producers' income could increase by up to $2.5 million per year by the end of ten years through increased efficiency. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
NPRM	07/06/92	57 FR 29658
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AC92

68. AMENDMENTS TO THE PRODUCTION ADJUSTMENT REGULATIONS—RECONSTITUTION OF BASES, ALLOTMENTS AND QUOTAS

Priority: Other Significant

Legal Authority: 7 USC 1379; The Agricultural Adjustment Act of 1938, sec 379, as amended

CFR Citation: 7 CFR 719

Legal Deadline: None

Abstract: This action is needed to amend the regulations regarding reconstitution of bases, allotments, and quotas in order to 1) clarify them, 2) make them more consistent with the payment limitation regulations, and 3) determine whether a spouse should be considered the ''same owner'' when determining whether land is under the same ownership. No Federal outlays are expected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/94	59 FR 59280
Final Action	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AC99

69. PILOT VOLUNTARY PRODUCTION LIMITATION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1444f; 7 USC 1445b-3a; The Agricultural Act of 1949, sec 105B(g), as amended

CFR Citation: 7 CFR 1413

Legal Deadline: None

Abstract: This action is needed to implement the Pilot Voluntary Production Limitation Program (PVPLP) for wheat and feed grains, as required by P.L. 101-624. This action will implement regulations to provide for 1) Implementation of the PVPLP in at least 15 states, 2) Limiting the amount of wheat or feed grains that can be disposed of in excess of the production limitation quantity for the marketing year, 3) A production limitation quantity calculation, 4) Terms and conditions for producers who elect to participate, 5) Provisions for excess production, 6) Subsequent year marketing of excess production, and 7) Measures to prevent circumvention of the program, including refunds or forfeitures of commodities. Only minor administrative and program costs are expected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/94	59 FR 59280
Final Action	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD00

70. CONSERVATION ENVIRONMENTAL PROGRAMS REGULATIONS REGARDING WATER QUALITY INCENTIVES PROJECT, COST SHARE PROVISIONS OF THE EMERGENCY CONSERVATION PROGRAM, AND OTHER REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 590 et seq; 16 USC 1503; 16 USC 2201 to 2205; 16 USC 2101 to 2111; PL 102-142

CFR Citation: 7 CFR 701

Legal Deadline: None

Abstract: This action is needed to amend the Conservation and Environmental Program regulations to: (1) add the Water Quality Incentives Project (WQIP) as provided by the 1992 Agricultural Conservation Program appropriations; (2) change the Emergency Conservation Program (ECP) cost share rates from three rates to one rate; (3) authorize cost-share assistance for confined livestock operations under the ECP as provided for in the Disaster Assistance Act of 1989; and (4) revise the regulations for clarity and ease of operation. No cost to Government is expected.

Timetable:

Action	Date	FR Cite
NPRM	01/10/94	59 FR 1293
NPRM Comment Period End	02/09/94	59 FR 1293
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: NPRM incorrectly published as RIN 0560-AD08

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD16

71. 1995 FEED GRAIN PROGRAM

Priority: Economically Significant

Legal Authority: 7 USC 1444 et seq

CFR Citation: 7 CFR 1413

USDA—CFSA **Final Rule Stage**

Legal Deadline:
Final, Statutory, September 30, 1994, ARP.
Final, Statutory, November 15, 1994, Adjustments.

Abstract: This action is needed to provide an adequate supply of feed grains for domestic and foreign utilization, support farm income, hold down Federal costs, conserve natural resources, and comply with statutory requirements. The primary determinations are: 1) loan and purchase rates and 2) the acreage reduction program. Cost to the Government will be $3.0 to $4.5 billion.

Timetable:

Action	Date	FR Cite
NPRM	08/04/94	59 FR 46937
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD37

72. 1995 RICE PROGRAM

Priority: Economically Significant

Legal Authority: 7 USC 1441-2

CFR Citation: 7 CFR 1413; 7 CFR 1421

Legal Deadline:
NPRM, Statutory, December 1, 1994, Preliminary ARP announcement.
Final, Statutory, January 1, 1995, Final ARP announcement.

Abstract: This action is needed to implement the Rice Program as required by the Food, Agriculture, Conservation, and Trade Act of 1990. The purpose of the program is to assure sufficient supplies of rice for domestic and export use, maintain adequate carryover stocks, and support farm income. The primary determinations are: 1) Loan and purchase rate and 2) The acreage reduction program. Cost to the Government will be $0.7 to $1.0 billion.

Timetable:

Action	Date	FR Cite
NPRM	09/13/94	59 FR 46937
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD38

73. 1995 UPLAND COTTON PROGRAM

Priority: Economically Significant

Legal Authority: 7 USC 1444-2

CFR Citation: 7 CFR 1413; 7 CFR 1427

Legal Deadline:
NPRM, Statutory, November 1, 1994, Preliminary ARP level.
Final, Statutory, November 1, 1994, Loan rate.
Final, Statutory, January 1, 1995, Final ARP level.

Abstract: This action is needed to implement the Upland Cotton Program as required by the Food, Agriculture, Conservation, and Trade Act of 1990. The purpose of the program is to assure sufficient supplies of cotton for domestic and export use, maintain adequate carryover stocks, and support farm income. The primary determinations are: (1) loan rate; (2) acreage reduction program; (3) marketing loan; and (4) base quality. Cost to the Government will be $1 to $2 billion.

Timetable:

Action	Date	FR Cite
NPRM	09/27/94	59 FR 49214
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD39

74. 1995 WOOL AND MOHAIR PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 1781 et seq

CFR Citation: 7 CFR 1468

Legal Deadline: None

Abstract: This action is needed to encourage the continued domestic production of wool at prices fair to both producers and consumers in a manner that will assure a viable domestic wool industry in the future, by supporting the prices of wool and mohair by means of loans, purchases, payments, or other operations. The support level for wool is set by statutory formula. Payments will be 50 percent of the amount otherwise determined. The cost to the Government will be about $66 million.

Timetable:

Action	Date	FR Cite
NPRM	09/16/94	59 FR 47564
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD40

75. 1994 OPTIONS PILOT PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 1421 Note

CFR Citation: 7 CFR 1413

Legal Deadline: None

Abstract: This action is needed to implement the Options Pilot Program for wheat, corn, and soybeans and possibly other program crops for the 1994 crop year, as required by legislation. The program: (1) may be expanded to include additional States, counties and crops, in addition to the ones already administering the program; (2) will provide means for farmers to buy put options that would provide price assurance equivalent to deficiency payments and price support benefits; (3) provide terms and conditions for producers who elect to practicipate; (4) provide provisions for administering the program; and (5) provide measures to prevent circumvention of the program, including refunds and penalties. Only minor administrative and program costs are expected.

USDA—CFSA

Final Rule Stage

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/94	59 FR 59280
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD48

76. AMENDMENT TO THE ACREAGE CONSERVATION RESERVE AND THE CONSERVING USE ACREAGE REGULATIONS FOR PRODUCERS AFFECTED BY EXCESSIVE RAINFALL AND FLOODING

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1441-2; 7 USC 1444-2; 7 USC 1444f; 7 USC 1445b-3a

CFR Citation: 7 CFR 1413

Legal Deadline: None

Abstract: This action is needed to implement changes for the 1993 crop year only, to the minimum size and width requirements for Acreage Conservation Reserve (ACR) and Conserving Use for Payment (CU) acreage. These changes are necessary because excessive rainfall and flooding in the Midwest has prevented planting of enrolled 1993 crops, caused crop failure, or changed planting patterns. This action will provide terms and conditions for participating producers, permitting them to still be able to designate the required acreage for ACR or CU for payment. Only minor administrative costs are expected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/27/93	58 FR 57721
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD50

77. 1994 WHEAT FARMER-OWNED RESERVE PROGRAM

Priority: Economically Significant

Legal Authority: 7 USC 1445a

CFR Citation: 7 CFR 1421

Legal Deadline: Final, Statutory, December 15, 1994.

Abstract: This action is needed to implement the FOR program as required by statute. The FOR provides extended loans (at no less than the current loan rate) and storage payments to producers to enable them to store their crops when supplies are abundant, extend the time period for orderly marketing, and provide adequate carryover stocks to ensure a reliable supply. The primary determinations are: 1) Entry: the Secretary may extend loans if: a) the market price of wheat during the 90-day period prior to December 15, 1994 is less than 120 percent of the current loan rate; or b) the current year ending stocks-to-use ratio, in percentage terms, is more than 37.5 percent. He must extend loans when both conditions are met; and 2) Maximum quantity of wheat to be stored in the FOR: the quantity may not be less than 300 million bushels nor more than 450 million bushels. Entry of wheat into the FOR would be expected to reduce loan redemptions by about $1.0 billion in FY 1995. However, loan redemptions in FY's 1996-98 will result in net loan costs of $0. Storage payments over the FY 1995-98 period will total about $225 million.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD60

78. 1994 FEED GRAIN FARMER-OWNED RESERVE PROGRAM

Priority: Economically Significant

Legal Authority: 7 USC 1445e

CFR Citation: 7 CFR 1421

Legal Deadline: Final, Statutory, March 15, 1995.

Abstract: This action is needed to implement the FOR program as required by statute. The FOR provides extended loans (at no less than the current loan rate) and storage payments to producers to enable them to store their crops when supplies are abundant, extend the time period for orderly marketing, and provide adequate carryover stocks to ensure a reliable supply. The primary determinations are: 1) Entry: the Secretary may extend loans if: a) the market price of corn during the 90-day period prior to March 15, 1995 is less than 120 percent of the current loan rate; or b) the current year ending stocks-to-use ratio, in percentage terms, is more than 22.5 percent. He must extend loans when both conditions are met; and 2) Maximum quantity of feed grains to be stored in the FOR: the quantity may not be less than 600 million bushels, nor more than 900 million bushels. Entry if feed grains into the FOR would be expected to reduce loan redemptions by about $1.0 billion in FY 1995. However, loan redemptions in FY's 1996-98 will result in net loan costs of $0. Storage payments over the FY 1995-98 period will total about $500 million.

Timetable:

Action	Date	FR Cite
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD61

79. 1995-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR FLUE-CURED TOBACCO

Priority: Other Significant

Legal Authority: 7 USC 1314; 7 USC 1445

CFR Citation: 7 CFR 723; 7 CFR 1464

Legal Deadline: Final, Statutory, December 15, 1994.

Marketing Quotas

USDA—CFSA **Final Rule Stage**

Abstract: The flue-cured tobacco marketing quota and price support are required by statute. The quotas and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are considered sufficient for producers. The national quota is based on cigarette manufacturers' intentions, 3-year average exports, a loan stocks adjustment, and discretionary adjustment of plus or minus 3 percent. The quota may not be less than 90 percent of the previous year's quota except this limit may be waived if producer association inventories likely will exceed 150 percent of the reserve stock level. The price support level is based on a formula that averages market prices (2/3 weight) and a cost index (1/3 weight), with discretion to limit any increase to 65 percent of the formula increase. Marketing quotas are implemented if approved by producer in a referendum scheduled for January 1995. Gross loan outlays of $30 million are expected in FY's 1995 and 1996. They will be offset by redemptions and no-net-cost assessments in FY 1996 and later years, for a net cost of 0.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD62

80. 1995-CROP MARKETING QUOTA AND PRICE SUPPORT LEVEL FOR BURLEY TOBACCO

Priority: Other Significant

Legal Authority: 7 USC 1314

CFR Citation: 7 CFR 723; 7 CFR 1464

Legal Deadline: Final, Statutory, February 1, 1995.
Marketing Quota.

Abstract: The burley tobacco marketing quota and price support are required by statute. The purpose of the quota and price support is to balance supply with demand at levels assuring stable supplies for domestic and export use at prices that are considered sufficient for producers. The national quota is based on cigarette manufacturers' intentions, 3-year average exports, a loan stocks adjustment, and a discretionary adjustment of plus or minus 3 percent. The quota may not be less than 90 percent of the previous year's quota except this limit may be waived if producer association inventories likely will exceed 150 percent of reserve stock level. The price support level is based on a formula that averages market prices (2/3 weight) and a cost index (1/3 weight), plus discretion to limit any increase to 65 percent of the formula increase. Marketing quotas are implemented if approved by producers in a referendum scheduled for February 1995. Gross loan outlays of $30 million are expected in FY 1996. They will be offset by loan redemptions and no-net-cost assessments in FY 1996 and subsequent years, for a net cost of 0.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD63

81. 1995-CROP MARKETING QUOTA AND PRICE SUPPORT LEVELS FOR SIX KINDS OF TOBACCO

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1312; 7 USC 1445

CFR Citation: 7 CFR 723; 7 CFR 1464

Legal Deadline: Final, Statutory, March 1, 1995.
Marketing Quotas.

Abstract: Marketing quotas and acreage allotments are required by statute for these kinds of tobacco: Fire-cured (type 21), Fire-cured (types 22-23), Dark Air-cured (types 35-36), Virginia sun-cured (type 37), Cigar Filler (type 46) and Cigar Filler and Binder (types 42-44 and 53-55). Quotas and allotments are determined by statutory formula to balance supply with demand to assure stable supplies for domestic and export use. Marketing quotas are implemented if approved by producers in referenda. Producers approved quotas for the 1995 crops of cigar filler (type 46) and cigar filler and binder (types 42-44 and 53-55) in March 1993. Referenda for the other kinds are scheduled for March 1994 and 1995. Producers of these types have historically voted in favor of quotas. Price support levels are set by statutory formula. The Secretary may reduce the level at the request of producer associations, and may limit increases to 65 percent of the formula increase. Gross loan outlays of $2 million are expected in FY 1996. They will be offset by loan redemptions and no-net-cost assessments in FY 1996 and subsequent years, for a net cost of $0.

Timetable:

Action	Date	FR Cite
NPRM	01/25/95	60 FR 4871
NPRM Comment Period End	02/03/95	
Final Action	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD64

82. 1995-CROP MARKETING QUOTAS FOR THREE KINDS OF TOBACCO

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1312; 7 USC 1445

CFR Citation: 7 CFR 723

Legal Deadline: Final, Statutory, March 1, 1995.

Abstract: Marketing quotas and acreage allotments are required by statute to be announced for these three kinds of tobacco: Maryland (type 32), cigar filler (type 41) and cigar binder (type 51-52). Marketing quotas are implemented, if approved by producers in referenda, to achieve a supply equal to the ''reserve supply level'' as defined by legislation. No quotas are in effect because producers disapproved quotas for 1992-94 crops, and that status will continue if producers again disapprove quotas

for the 1995-97 crops in referenda scheduled for March 1995. Negligible cost to Government is expected.

Timetable:

Action	Date	FR Cite
NPRM	01/25/95	60 FR 4871
NPRM Comment Period End	02/03/95	
Final Action	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD65

83. 1995-CROP PEANUTS NATIONAL POUNDAGE QUOTA AND MINIMUM COMMODITY CREDIT CORPORATION (CCC) EXPORT-EDIBLE SALES PRICE FOR ADDITIONAL PEANUTS

Priority: Other Significant

Legal Authority: 7 USC 1358-1

CFR Citation: 7 CFR 729

Legal Deadline: Final, Statutory, December 15, 1994.

Abstract: This action is needed to implement the national peanut poundage quota, as required by statute. The purpose of the quota is to balance supply with demand at a level that will assure stable supplies for domestic use and assure producers a stable income. The export-edible sales price for additional peanuts provides price stability for additional peanuts sold under contract and assures handlers that CCC will not undercut export efforts. The primary determinations are: 1) National Poundage Quota--set by statutory formula, based on the Secretary's estimate of the amount of peanuts required for domestic food, seed, and related uses for the 1995 marketing year. The 1995 marketing year is from August 1, 1995, through July 31, 1996. 2) Minimum CCC export-edible sales price for additional peanuts--established at the Secretary's discretion (the level has been set at $400 per ton each of the last 7 years). The peanut program as a whole will result in a net realized loss of about $46.5 million, which will be attributable to loan forfeitures.

Timetable:

Action	Date	FR Cite
NPRM	01/04/95	60 FR 381
NPRM Comment Period End	01/17/95	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD66

84. 1995-CROP NATIONAL AVERAGE LOAN RATES FOR QUOTA AND ADDITIONAL PEANUTS

Priority: Other Significant

Legal Authority: 7 USC 1445c-3

CFR Citation: 7 CFR 1446; 7 CFR 1421

Legal Deadline: Final, Statutory, February 15, 1995.
Price Support.

Abstract: This action is needed to determine the peanut price support levels for quota and additional peanuts, as required by statute. The price support levels provide a domestic price floor for quota and additional peanuts. The primary determinations are: 1) Price support level for quota peanuts--set at previous year's level plus any increase in estimated peanut production costs under a statutory formula. Increase is limited to no more than 5 percent above the 1994 level, which is expected to be near the 1993 level of $674.93 per ton, and 2) Price support level for additional peanuts--set at a level sufficient to ensure CCC does not incur losses through the price support program (the level was set at $131.09 per ton for 1993). The peanut program as a whole will result in a net realized loss of about $46.5 million, which will be attributable to loan forfeitures.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD67

85. AMENDMENTS TO THE WOOL AND MOHAIR PROGRAM REGULATIONS—PAYMENT LIMITATIONS, MARKETING ASSESSMENTS, AND DEDUCTIONS FOR MARKETING CHARGES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1783; 7 USC 1785

CFR Citation: 7 CFR 1468

Legal Deadline: None

Abstract: This action is needed to implement changes mandated by recent legislation. The Omnibus Budget Reconciliation Act of 1993 1) provides for a new payment limitation for 1995, 2) eliminates the 1-percent marketing assessment for MY's 1993 through 1995, and 3) disallows the deduction of marketing charges for commissions, coring, and grading when determining net sales proceeds and national payment rates. Because these changes are statutorily required, no alternatives are considered. This action will result in a net decrease in payments of about $3 million, as follows: 1) a decrease of about $1 million for MY 1995 for the change in payment limitations, 2) an increase of about $4 million from removal of the assessment for MY's 1993-95, and 3) a decrease of about $6 million from the removal of the deductions for marketing charges.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/16/94	59 FR 47530
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD68

USDA—CFSA **Final Rule Stage**

86. TECHNICAL CORRECTIONS TO THE WHEAT, FEED GRAIN, COTTON AND RICE PROGRAM REGULATIONS

Priority: Other Significant

Legal Authority: 7 USC 1421 et seq

CFR Citation: 7 CFR 718; 7 CFR 719; 7 CFR 1413; 7 CFR 1414

Legal Deadline: None

Abstract: This action is needed to revise the regulations governing the Wheat, Feed Grain, Cotton, and Rice Programs, as follows: 1) Implement the 0,50/85 and 0,50/92 provisions of the updated Budget Reconciliation Act of 1993; 2) Amend the ARP participation contracts to provide for declarations of intention to participate; 3) Amend the Integrated Farm Management provisions for 1994; 4) Clarify the compliance regulations; and 5) Incorporate existing handbook provisions. Implementation of the 0,50/85 and 0,50/92 provisions is expected to save about $95-$100 million annually. The other provisions will have insignificant costs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/16/94	59 FR 59280
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD72

87. 1995 WHEAT LOAN RATE AND ACREAGE REDUCTION PROGRAM

Priority: Economically Significant

Legal Authority: 7 USC 1445b-3a

CFR Citation: 7 CFR 1413; 7 CFR 1421

Legal Deadline: NPRM, Statutory, April 1, 1994. Final, Statutory, June 1, 1994. Other, Statutory, March 31, 1994. Other deadline is for adjustments.

Abstract: This action is needed to implement the Wheat Program as required by the Food, Agriculture, Conservation, and Trade Act of 1990. The purpose of the program is to assure sufficient supplies of wheat for domestic and export use, maintain adequate carryover stocks, and support farm income. The expected cost is about $1 to $3 billion.

Timetable:

Action	Date	FR Cite
NPRM	04/06/94	59 FR 16149
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD76

88. AMENDMENTS TO ASCS AND CCC DEBT SETTLEMENT REGULATIONS

Priority: Other Significant

Legal Authority: 31 USC 3711 et seq; 15 USC 714b-c

CFR Citation: 7 CFR 792; 7 CFR 1403

Legal Deadline: None

Abstract: This action is needed to amend the ASCS and CCC debt settlement regulations to: (1) change the rate of interest CCC charges on its delinquent debts from a rate equal to that assessed under the Prompt Payment Act to a rate equal to the higher of the Treasury Department's current value of funds rate or the rate of interest assessed under the Prompt Payment Act. This would allow the late payment interest rate charged by CCC to conform to the late payment interest rate assessed by ASCS, as well as conforming to the rate required by the Federal Claims Collection Act; (2) delete references to IRS Notices of Levy; and (3) provide for offset of a debtor's pro rata share of payments due any entity in which the debtor participates and provide for offset when ASCS and CCC determine that a debtor has established an entity, or transferred ownership of, reorganized, or changed in some other manner, his or her operations in order to avoid a debt. This will increase the ability of ASCS and CCC to collect delinquent debts, without adversely affecting nondebtors.

Timetable:

Action	Date	FR Cite
NPRM	08/24/94	59 FR 43504
NPRM Comment Period End	09/23/94	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD78

89. REOPENING OF THE 1993 TREE ASSISTANCE PROGRAM

Priority: Other Significant

Legal Authority: PL 103-211

CFR Citation: 7 CFR 1478

Legal Deadline: None

Abstract: This action is needed to reopen the 1993 Tree Assistance Program (TAP) for nursery owners, as authorized by the Emergency Supplemental Appropriations Act of 1994 (PL 103-211). The program is intended to reimburse part of the reestablishment costs for small- and medium-scale commercial nursery owners who experienced tree and other nursery plant losses. Payments are only authorized for eligible owners who actually reestablish or rehabilitate eligible trees or other nursery plants. Flat rate cost-share payments will be made to nursery owners who incurred losses due to damaging weather, including but not limited to drought, hail, excessive moisture, freeze, tornado, hurricane, earthquake, or excessive wind, or any combination thereof; or related conditions including but not limited to heat, insect infestation, plant disease, or other related conditions. Outlays of about $5 million are expected.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis,

Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD83

90. AMENDMENT TO THE EMERGENCY LIVESTOCK ASSISTANCE REGULATIONS REGARDING FEED ALLOWANCE AND APPROVAL OF COUNTIES FOR ASSISTANCE

Priority: Other Significant

Legal Authority: 7 USC 1471; 15 USC 714b and 714c

CFR Citation: 7 CFR 1475

Legal Deadline: None

Abstract: This action is needed to clarify terminology used to describe how much feed will be allowed to maintain livestock and to allow a pilot program whereby designated State ASC Committees will be authorized to approve counties for Livestock Feed Programs. This action will not affect the cost of the LFP since none of the calculations used to determine benefits are changed.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD84

91. ● COMMON PROVISIONS FOR 1995 WHEAT, FEED GRAIN, COTTON, AND RICE PROGRAMS

Priority: Economically Significant

Legal Authority: 7 USC 1441-2; 7 USC 1444-2; 7 USC 1444; 7 USC 1444f; 7 USC 1445b-3a

CFR Citation: 07 CFR 1413

Legal Deadline: None

Abstract: This action is needed to implement the Wheat, Feed Grain, Cotton, and Rice Programs as required by the Food, Agriculture, Conservation, and Trade Act of 1990. The primary determinations are: 1) Crops allowed to be planted on flexible acreage, 2) Implementation of the Targeted Option Program, 3) Planting of designated crops on Acreage Conservation Reserve acreage (ACR), 4) Planting of conserving crops on ACR and Conserving Use acreage, 5) Planting of oats on wheat and feed grain ACR, and 6) Percentage of deficiency payments to be paid in advance. Outlays are expected to range from $0 to $1 billion.

Timetable:

Action	Date	FR Cite
NPRM	01/24/95	60 FR 4571
NPRM Comment Period End	01/27/95	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD86

92. ● 1995 OILSEED PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 1446; 7 USC 1446f

CFR Citation: 07 CFR 1421

Legal Deadline: Final, Statutory, November 15, 1994.

Abstract: This action is needed to implement the Oilseed Program as required by the Food, Agriculture, Conservation, and Trade Act of 1990. The purpose of the program is to assure sufficient supplies of oilseeds for domestic and export use, maintain adequate carryover stocks, and support farm income. The primary determinations are the loan rates--not less than $4.92/bu. for soybeans, and not less than $8.70/cwt. for minor oilseeds, with rates for ''other'' oilseeds set in relation to that for soybeans. Outlays are expected to range from -$50 (receipt) to $50 million.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD87

93. ● SUGAR AND CRYSTALLINE FRUCTOSE INFORMATION AND RECORDKEEPING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1359

CFR Citation: 07 CFR 1435

Legal Deadline: None

Abstract: This interim rule is needed to revise the forms that sugarcane processors, sugar beet processors, and cane refiners use to report information to USDA needed to administer the sugar and crystalline fructose marketing allotment program. The new forms significantly reduce the reporting burden on the sugar industry by eliminating the need to report data on distributions of liquid sugar separately from other, noncrystalline sugars. In response to industry requests, the new forms ask for price data that will be used to administer the program. No impact on Government outlays is expected.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD88

94. ● AMENDMENT TO THE WAREHOUSE REGULATIONS REGARDING AUCTION TOBACCO WAREHOUSES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 244

CFR Citation: 07 CFR 723; 07 CFR 737

Legal Deadline: None

Abstract: This action would shift jurisdiction for auction tobacco

USDA—CFSA **Final Rule Stage**

warehouses from the U.S. Warehouse Act (USWA) Regulations to the Tobacco Marketing Quota Regulations. Aspects of the USWA regulations will be added to the quota regulations to give producer depositors a level of protection similar to that they would find in a USWA warehouse, including bonding, net worth, inventory management, recordkeeping, and fee approval requirements. No cost to Government is expected. Cost to the tobacco industry will likely be about $1.4 to $3.7 million.

Timetable:

Action	Date	FR Cite
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD92

95. ● AMENDMENT TO THE TOBACCO LOAN PROGRAM REGULATIONS—BUDGET DEFICIT MARKETING ASSESSMENTS

Priority: Substantive, Nonsignificant

Legal Authority: Sec 422 of the Uruguay Round Agreements Act

CFR Citation: 7 CFR 1464

Legal Deadline: None

Abstract: This amendment to the regulations will impose a Budget Deficit Marketing Assessment (BDMA) of one percent of the national price support level on imported tobacco for which price support is made available. The BDMA on imported tobacco shall be identical to the domestic marketing assessments on the same kind of domestically produced quota tobacco. Current legislation imposes a marketing assessment on importers of tobacco in an amount equal to the sum of the marketing assessments imposed on domestic purchasers of burley and flue-cured tobacco. This action will also request comments on some of the operational features of the assessment.

Timetable:

Action	Date	FR Cite
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD93

96. ● REQUIREMENT FOR CROP INSURANCE AS A CONDITION FOR PROGRAM ELIGIBILITY

Priority: Other Significant

Legal Authority: Sec 508(b)(7)(A) Federal Crop Insurance Reform Act of 1994; PL 103-354

CFR Citation: 07 CFR 1406

Legal Deadline: None

Abstract: This action will implement a statutory requirement that, as a condition of eligibility for a price support or production adjustment program and the Conservation Reserve Program, producers must obtain at least the catastrophic level of insurance for each crop of economic significance grown on each farm in the county in which the producer has an interest, if insurance is available in the county for the crop. A crop of economic significance is defined as a crop that has contributed, or is expected to contribute, 10 percent or more of the total of all crops grown by the producer. Additional costs to producers are expected to be offset by the elimination of ad hoc disaster programs.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD97

97. ● 1995 SPECIFICATIONS FOR COTTON BALE PACKAGING MATERIALS

Priority: Routine and Frequent

Legal Authority: 7 USC 714; 7 USC 1421; 7 USC 1423; 7 USC 1425; 7 USC 1444; 7 USC 1444-2

CFR Citation: 07 CFR 1427

Legal Deadline: None

Abstract: This action is needed to amend the regulations regarding the price support loan programs for upland and extra-long staple cotton to provide current bale packaging requirements. This action will incorporate by reference the requirements approved by the Joint Cotton Industry Bale Packaging Committee.

Timetable:

Action	Date	FR Cite
Final Action	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD99

98. FARMER PROGRAMS GUARANTEED INTEREST ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980 subpart A; 7 CFR 1980 subpart B; 7 CFR 1980 subpart D; 7 CFR 1980 subpart E; 7 CFR 1980 subpart G

Legal Deadline: None

Abstract: This regulation will provide for a government subsidy to lenders for interest rates for guaranteed Farmer Programs loans so the borrower will be paying interest rates for guaranteed loans that are similar to insured loans. This should provide an incentive for using the guaranteed loan program. The potential cost to the Government will be reduced as the Government will only pay a lender up to 90 percent of the losses on loans and only part of the interest rate rather than loaning a borrower the full amount of the loan

and paying an investor the full cost of the Government borrowing the money for an insured loan. The benefit is that the borrower will be paying an interest rate for guaranteed loans that is comparable to that for insured loans.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/28/91	56 FR 8258
Final Action	12/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This entry was reported as RIN 0575-AA80 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE01

99. FARMER PROGRAM ACCOUNT SERVICING POLICIES FOR SECTION 1816 AND OTHER RELATED SECTIONS FOR THE ''1990 FACT ACT''

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-624, sec 1816; 7 USC 1989; 42 USC 1480; 5 USC 301; PL 102-554, sec 10; PL 102-554, sec 23

CFR Citation: 7 CFR 1900 subpart B; 7 CFR 1924 subpart B; 7 CFR 1951 subpart S

Legal Deadline: None

Abstract: Provisions of the Food, Agriculture, Conservation and Trade Act of 1990, as they affect the Farmers Home Administration's Farmer Programs, plus relevant provisions of the Omnibus Budget Reconciliation Act of 1990. In addition, the Agricultural Credit Act of 1992 provided that in extraordinary circumstances, the State Director could extend the 60-day time period for submitting an application for Farmer Programs Loan Servicing (RIN 0575-AB42, published as an interim rule, March 23, 1993, 58 FR 15417). RIN 0575-AB42 will be combined into RIN 0575-AA91; and one final rule will be published.

Timetable:

Action	Date	FR Cite
NPRM	10/23/91	56 FR 54970
NPRM Comment Period End	11/22/91	56 FR 54970
Interim Final Rule	04/30/92	57 FR 18612
Final Action	08/01/96	
Final Action Effective	08/01/96	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Analysis: Regulatory Flexibility Analysis

Additional Information: This entry was reported as RIN 0575-AA91 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE02

100. IMPLEMENT SECTION 1818 (BORROWER TRAINING) OF THE FOOD AGRICULTURE, CONSERVATION, AND TRADE ACT OF 1990 (FACT ACT)

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-624, sec 1818

CFR Citation: 7 CFR 1910 subpart A; 7 CFR 1943 subpart B; 7 CFR 1924 subpart B; 7 CFR 1941 subpart A; 7 CFR 1945 subpart D; 7 CFR 1943 subpart A; 7 CFR 1951 subpart S; 7 CFR 1980 subpart B; 7 CFR 1962 subpart A; 7 CFR 1965 subpart A

Legal Deadline: None

Abstract: Regulations are needed to set forth the curriculum and process to train Consolidated Farm Service Agency borrowers.

Timetable:

Action	Date	FR Cite
NPRM	11/25/92	57 FR 55473
NPRM Comment Period End	12/28/92	57 FR 55473
Interim Final Rule	12/30/93	58 FR 69190
Final Action	06/00/96	
Final Action Effective	06/00/96	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This entry was reported as RIN 0575-AB13 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE04

101. GUARANTEED LOAN PROGRAMS; MONITORING LIQUID ACCOUNTS

Priority: Other Significant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980 subpart A; 7 CFR 1980 subpart B

Legal Deadline: None

Abstract: Lenders are currently required to monitor liquidated accounts for five years. This regulation will reduce that period of time to three years. This regulation change only affects the monitoring of guaranteed loan accounts in which a final loss claim has been paid. These accounts will be monitored by lenders for three years following the liquidation for potential future recoveries.

Timetable:

Action	Date	FR Cite
NPRM	05/05/94	59 FR 23173
NPRM Comment Period End	07/05/94	59 FR 23173
Final Action	04/00/95	
Final Action Effective	04/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This entry was reported as RIN 0575-AB29 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE05

102. IMPLEMENTATION OF CERTIFIED LENDER PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1987; 42 USC 1480; 5 USC 301; PL 102-554

USDA—CFSA **Final Rule Stage**

CFR Citation: 7 CFR 1980 subpart A; 7 CFR 1980 subpart B

Legal Deadline: Final, Statutory, October 1, 1993. Other, Statutory, April 28, 1993.
Sec 23 of Pub. L. 102-554, requires that interim regulations be published by April 28, 1993, and final regulations published by October 1, 1993.

Abstract: Lenders participating in the Guaranteed Loan Program have cited the excessive amount of paperwork and time required to apply for and receive approval on guaranteed loans as a deterrent to participation in the program. The Agency assembled a Guaranteed Overview Task Force to identify specific forms and regulations that could be eliminated or revised without increasing the risk to the Government. Fewer forms and a streamlined process will reduce operating costs for both the Consolidated Farm Service Agency and lenders. Regulations were being drafted when a law was passed requiring a Certified Lender Program, along with a simplified application process for guaranteed loans of $50,000 or less.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/24/93	58 FR 34302
Final Action	09/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This entry was reported as RIN 0575-AB33 prior to the reorganization of USDA.

This rule implements section 18 of the Agricultural Credit Improvement Act of 1992 which establishes a Certified Lender Program (CLP). Farm operating loans and farm ownership loans are excluded with the exception of nonfarm enterprise activity from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local offices.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE07

103. 1945-D EMERGENCY LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS—WAIVER OF CROP INSURANCE FOR CROPS PLANTED FOR HARVEST IN 1992 AND 1993

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 5 USC 301

CFR Citation: 7 CFR 1945 subpart D; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The Food, Agricultural, Conservation and Trade Act of 1990 (FACT Act) (PL 101-624), as amended, waived the requirement for losses to the 1990 crop, and the Dire Supplemental Appropriations Act waived it again for 1991 crop losses. This action is necessary to implement the provisions of the Supplemental Appropriations, Transfers and Rescissions for the fiscal year ending September 30, 1992, and Other Purposes Act (PL 102-368 1992 Supplemental Appropriations Act).

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/17/92	57 FR 54172
Final Action	09/00/96	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Sectors Affected: None

Additional Information: This entry was reported as RIN 0575-AB38 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE08

104. INSURED AND GUARANTEED OPERATING AND FARM OWNERSHIP LOAN AND RELATED INSTRUCTIONS TO IMPLEMENT SECTIONS 4, 5, 7, 8, 9, AND 19 OF THE AGRICULTURAL CREDIT IMPROVEMENT ACT OF 1992

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-554

CFR Citation: 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1980; 7 CFR 1955

Legal Deadline: Final, Statutory, October 1, 1993. Other, Statutory, April 28, 1993.
Sec 23 of Pub. L. 102-554, requires that interim regulations be published by April 28, 1993, and final regulations published by October 1, 1993.

Abstract: The law was enacted to assist beginning farmers and ranchers in getting started in agriculture. The 1987 Census of Agriculture indicated an increase of 20.7 percent in the number of farmers in the 65 and over age group between 1978 and 1987. During the same period the number of farmers less than 25 years of age declined by 46.2 percent and the number of farmers between 25 and 34 years of age declined by 15 percent. The impact and cost on the farm ownership (FO) loan program should be minimal in view of the required 10 percent cash downpayment by beginning farmer applicants. The impact on the operating loan (OL) program should be minimal in view of FO loan restrictions during the first 5 years of participation in this program. Applicants have a choice of applying for FO and OL assistance under the new programs or under the existing FO and OL programs.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/93	58 FR 48275
Final Action	12/01/96	
Final Action Effective	12/01/96	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: This entry was reported as RIN 0575-AB41 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE09

USDA—CFSA **Final Rule Stage**

105. SECTION 14 OF THE AGRICULTURAL CREDIT IMPROVEMENT ACT OF 1992, (GRADUATION) AND SECTIONS 1819 (LOAN ASSESSMENT) AND 1821 (MARKET PLACEMENT) OF THE FACT ACT

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1480; 5 USC 301; 7 USC 1989; PL 101-624, sec 1819; PL 101-624, sec 1821; PL 102-554, sec 14

CFR Citation: 7 CFR 1910; 7 CFR 1924; 7 CFR 1941; 7 CFR 1951; 7 CFR 1980; 7 CFR 1943; 7 CFR 1945; 7 CFR 1962

Legal Deadline: Final, Statutory, October 1, 1993. Other, Statutory, August 28, 1993.
Sec 23 of Pub. L. 102-554, requires that interim regulations be published by April 28, 1993, and final regulations published by October 1, 1993.

Abstract: The objectives of this action are to improve borrowers' prospects for a successful operation. These changes are intended to promote graduation to private credit in conjunction with Loan Assessment and Market Placement regulations. The expected outcome is more rapid borrower progress and greater numbers of borrowers achieving economic viability. The primary focus of the graduation effort will be those borrowers classified ''commercial'' and ''standard.'' These classifications signify borrowers that possess a financial position that would normally be expected to enable them to obtain private credit.

Timetable:

Action	Date	FR Cite
NPRM	12/30/93	58 FR 69274
NPRM Comment Period End	02/28/94	58 FR 69274
Interim Final Rule	04/00/95	
Final Action	01/01/96	
Final Action Effective	01/01/96	

Small Entities Affected: None

Government Levels Affected: Undetermined

Additional Information: This entry was reported as RIN 0575-AB45 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE11

106. THE AGRICULTURAL CREDIT IMPROVEMENT ACT OF 1992

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-554, sec 18; PL 102-554, sec 22

CFR Citation: 7 CFR 1946; 7 CFR 1980

Legal Deadline: Final, Statutory, October 1, 1993. Other, Statutory, April 28, 1993.
Sec 23 of Pub. L. 102-554, requires that interim regulations be published by April 28, 1993, and final regulations published by October 1, 1993.

Abstract: The objective of this law, as expressed in these changes, is to assist farmers depending on and deserving of Consolidated Farm Service Agency (CFSA) credit by easing credit requirements for guaranteed loans. The ratio of operating expenses of State mediation programs matched by CFSA also will rise from 50 to 70 percent. Both changes are mandated by the law.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/17/93	58 FR 65871
Final Action	09/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This entry was reported as RIN 0575-AB51 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE13

107. IMPLEMENT SECTIONS 11 AND 13 OF THE AGRICULTURE CREDIT IMPROVEMENT ACT 1993 (APPLICATION PROCESSING TIMEFRAME)

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-554

CFR Citation: 7 CFR 1910; 7 CFR 1980

Legal Deadline: Final, Statutory, October 1, 1993. Other, Statutory, April 28, 1993.
Sec 23 of Pub. L. 102-554 requires interim regulations by publish published by April 28, 1993, and final regulations publish by October 1, 1993.

Abstract: The Agricultural Credit Improvement Act of 1992 requires the Consolidated Farm Service Agency (CFSA) to change its procedures for notifying applicants for farmer program loans and loan guarantees when information is needed to complete an application. In addition, County Offices will now be required to report applications that remain pending 45 days after receipt, and the reasons they remain pending. The Agency is also required to report to the Congress every month each application pending more that 50 days after its receipt. In addition, County Committees are required under the Act to review all applications for direct and guaranteed farmer programs loans not later than 5 days after receipt if there is more than one other complete application pending, and not later than 15 days if there are no other complete applications pending. These changes will ensure more timely and consistent processing of applications. Otherwise, their impact on the Agency should be minimal. Impact on applicants and participating lenders should be favorable, regarding timeliness in processing.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/29/93	58 FR 68717
Final Action	12/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This entry was reported as RIN 0575-AB56 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE14

USDA—CFSA **Final Rule Stage**

108. ACQUISITION AND MANAGEMENT OF REAL AND CHATTEL PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 2.23; 7 CFR 2.70; 7 CFR 1955A; 7 CFR 1955C

Legal Deadline: Final, Statutory, April 28, 1993.

Abstract: Provide additional notice to Native Americans to convey property prior to foreclosure, notify tribe of properties value and inform them of the amount of the Government's bid at a foreclosure sale. Allow surplus property to be leased with or without an option to purchase to eligible program applicants. Will implement changes required by the Agricultural Improvement Act of 1992, H.R. 6129, which was signed on October 28, 1992. Will also regulate how properties can be transferred to Indian tribes.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/29/93	58 FR 68722
Final Action	04/00/95	
Final Action Effective	04/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Sectors Affected: None

Additional Information: This entry was reported as RIN 0575-AB63 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE15

109. REMOVAL OF THE PROHIBITION AGAINST CHARGING INTEREST ON INTEREST ON GUARANTEED LOANS

Priority: Other Significant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980 subpart A; 7 CFR 1980 subpart B

Legal Deadline: None

Abstract: Lenders participating in the Guaranteed Loan Program have been reluctant to restructure the loans of delinquent guaranteed borrowers because of restrictive regulatory requirements. The Consolidated Farm Service Agency (CFSA) requires lenders to set aside the accrued interest portion of loans that are being restructured. Interest is only accrued on the outstanding principal. This practice is contrary to standard industry practice. Lenders normally capitalize the outstanding interest portion of the loan and reschedule or reamortize the payments based on the new principal amount. CFSA's restriction on capitalizing interest reduces the lender's return on the guaranteed loans. Also, the unique treatment of guaranteed loans requires additional bookkeeping efforts. There will be no substantial additional cost or savings with this change.

Timetable:

Action	Date	FR Cite
NPRM	03/30/94	59 FR 14769
NPRM Comment Period End	04/14/94	59 FR 14769
Final Action	08/01/95	
Final Action Effective	08/01/95	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: This entry was reported as RIN 0575-AB70 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE16

110. SMALL FARMER OUTREACH TRAINING AND TECHNICAL ASSISTANCE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-624; 7 USC 2279; 7 USC 1989; 5 USC 301

CFR Citation: 7 CFR 1943 subpart C

Legal Deadline: None

Abstract: The subpart is being added to meet the objectives of the Small Farmer Outreach Training and Technical Assistance Program which will allow the Consolidated Farm Service Agency to fund cooperative and other agreements or enter into a Memorandum of Understanding with 1890 or other eligible educational institution institutions or community-based organizations. (1890 Colleges and Universities - Black Land Grant Colleges established under the 1890 Morrill Act.)

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/27/94	59 FR 66441
Final Action	10/01/95	

Small Entities Affected: Organizations

Government Levels Affected: State

Additional Information: This entry was reported as RIN 0575-AB74 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE17

111. SPECIAL DISASTER SET-ASIDE PROGRAM; IMPLEMENTATION

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 5 USC 301; 42 USC 1480

CFR Citation: 7 CFR 1951 subpart T

Legal Deadline: None

Abstract: The Agency is proposing to amend its servicing regulations to implement the Special Disaster Set-Aside program to provide Consolidated Farm Service Agency officials with a servicing tool that will allow Farmer Program borrowers who were affected by the 1993 weather disasters to move their CFSA annual installments to the end of the loan term without restructuring their loan account(s). The intended effect is to service disaster victims in business. This program will only be available to disaster victims until April 1, 1995, and only to those borrowers who are current or less than 180 days delinquent.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/21/94	59 FR 53079
Final Action	01/01/96	
Final Action Effective	01/01/96	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

USDA—CFSA **Final Rule Stage**

Additional Information: This entry was reported as RIN 0575-AB85 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis and Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE20

112. ● FEDERAL CROP INSURANCE REFORM AND DEPARTMENT OF AGRICULTURE REORGANIZATION ACT OF 1994

Priority: Other Significant

Legal Authority: 7 USC 1989; 5 USC 301; 42 USC 1980; 42 USC 1480; PL 103-354, sec 427; PL 103-354, sec 371

CFR Citation: 7 CFR 1941; 7 CFR 1943; 7 CFR 1945; 7 CFR 1980; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The objective of this regulation change is to implement the provision of the Federal Crop Insurance Reform Act of 1994 requiring producers to obtain at least catastrophic risk protection as a condition of receiving any benefit. This will apply to both direct and guaranteed Operating, Farm Ownership and Emergency loans. Current regulations require the purchase of available crop insurance only for Emergency loans. The requirement should increase the borrower's prospects of success in the wake of a disaster, since the disaster payment program will no longer exist. The cost of the catastrophic coverage is limited to a standard processing fee and should not place a financial hardship on loan recipients. The cost to the Agency will be limited to the distribution of information and enforcement of the requirement. There is no alternative which would be in compliance with the law.

Timetable:

Action	Date	FR Cite
Final Action	06/00/95	
Final Action Effective	06/00/95	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: This entry was reported as RIN 0575-AB90 prior to the reorganization of USDA.

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Regulations Analysis & Control Branch, Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AE25

DEPARTMENT OF AGRICULTURE (USDA)
Consolidated Farm Service Agency (CFSA)

Completed/Longterm Actions

113. SUGAR AND CRYSTALLINE FRUCTOSE MARKETING ALLOTMENT REGULATIONS FOR FISCAL YEARS 1992 THROUGH 1996

CFR Citation: 7 CFR 1435

Completed:

Reason	Date	FR Cite
Final Action	02/09/95	60 FR 7697

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AC14

114. 1993-CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

CFR Citation: 7 CFR 1435

Completed:

Reason	Date	FR Cite
Final Action	01/31/95	60 FR 5836

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AC98

115. AMENDMENT TO THE U.S. WAREHOUSE ACT REGULATIONS—LICENSE AND INSPECTION FEES

CFR Citation: 7 CFR 735 TO 742

Completed:

Reason	Date	FR Cite
Final Action	10/11/94	59 FR 51355

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AD13

116. 1994-CROP SUGAR BEET AND SUGARCANE PRICE SUPPORT LOAN RATES

CFR Citation: 7 CFR 1435

Completed:

Reason	Date	FR Cite
Final Action	01/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AD41

117. 1995 EXTRA LONG STAPLE COTTON PROGRAM

CFR Citation: 7 CFR 1413; 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	04/10/95	60 FR 17984

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AD42

118. COLORADO RIVER BASIN SALINITY CONTROL PROGRAM AMENDMENTS

CFR Citation: 7 CFR 702

Completed:

Reason	Date	FR Cite
Action Cancelled: Transferred to NRCS due to USDA Reorganization	10/24/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AD45

119. MALTING BARLEY ASSESSMENT

CFR Citation: 7 CFR 1413

Completed:

Reason	Date	FR Cite
Final Action	11/18/94	59 FR 59639

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AD55

120. AMENDMENTS TO THE WETLANDS RESERVE PROGRAM

CFR Citation: 7 CFR 703

Completed:

Reason	Date	FR Cite
Final Action	11/23/94	59 FR 60297

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AD59

121. COOPERATIVE MARKETING ASSOCIATION ELIGIBILITY REQUIREMENTS FOR PRICE SUPPORT

CFR Citation: 7 CFR 1425

Completed:

Reason	Date	FR Cite
Final Action	01/11/95	60 FR 2680

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AD70

122. GENERAL PRICE SUPPORT REGULATIONS FOR HONEY

CFR Citation: 7 CFR 1434

Completed:

Reason	Date	FR Cite
Final Action	01/04/95	60 FR 321

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AD73

123. GENERAL PRICE SUPPORT REGULATIONS FOR GRAIN, RICE, AND OIL SEEDS FOR 1993 TO 1995 CROP YEARS

CFR Citation: 7 CFR 1421

Completed:

Reason	Date	FR Cite
Final Action	01/05/95	60 FR 1709

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AD74

124. END-USE CERTIFICATE SYSTEM

CFR Citation: 7 CFR 708

Completed:

Reason	Date	FR Cite
Final Action	01/26/95	60 FR 5087

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AD77

125. AMENDMENTS TO THE COTTON PRICE SUPPORT REGULATIONS

CFR Citation: 7 CFR 1427

Completed:

Reason	Date	FR Cite
Final Action	01/05/95	60 FR 1709

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AD82

126. ● EXTENSION OF CRP CONTRACTS SCHEDULED TO EXPIRE IN FY 1995

Legal Authority: 16 USC et seq

CFR Citation: 07 CFR 704

Legal Deadline: None

Abstract: This action is needed to establish the policy and procedures to allow holders of CRP contracts expiring September 30, 1995, to modify their contracts to extend the expiration date for 1 year. This option was announced by the Secretary on August 24, 1994. The expected cost is approximately $83 million, depending on the number of contracts modified.

Timetable:

Action	Date	FR Cite
Final Action	01/31/95	60 FR 5836

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, Agricultural Economist, Office of the Department of Agriculture, Consolidated Farm Service Agency, Deputy Administrator, Policy Analysis, Room 3741-S, P.O. Box 2415, Washington, DC 20013, **202 720-7583**

RIN: 0560–AD94

127. REAL PROPERTY INSURANCE

CFR Citation: 7 CFR 1806

Completed:

Reason	Date	FR Cite
Withdrawn - No action planned in the next 12 months.	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AE00

128. AGRICULTURAL RESOURCE CONSERVATION DEMONSTRATION PROGRAM

CFR Citation: 7 CFR 1980 subpart J; 7 CFR 2.23; 7 CFR 2.70

Completed:

Reason	Date	FR Cite
Withdrawn	10/13/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AE03

129. FIVE-YEAR APPLICANT LOAN ELIGIBILITY CERTIFICATION BY COUNTY COMMITTEE

CFR Citation: 7 CFR 1910 subpart A; 7 CFR 1941 subpart A; 7 CFR 1943 subpart A; 7 CFR 1943 subpart B; 7 CFR 1980 subpart B

USDA—CFSA **Completed/Longterm Actions**

Completed:

Reason	Date	FR Cite
Withdrawn -County Committee abolished per Reorganization Act of 1994.	10/13/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Tom Witzig, 202 720-7583

RIN: 0560–AE06

BILLING CODE 3410-05-F

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage
Animal and Plant Health Inspection Service (APHIS)

130. IMPORTATION OF FRUITS AND VEGETABLES

Priority: Other Significant

Legal Authority: 7 USC 150dd; 7 USC 150ee; 7 USC 150ff; 7 USC 151 to 167; 7 USC 450; 21 USC 136; 21 USC 136a

CFR Citation: 7 CFR 319.56

Legal Deadline: None

Abstract: The Department regulates the importation of fruits and vegetables into the United States to prevent the introduction of plant pests, including insects and diseases. A review of the Department's fruits and vegetables import regulations indicates the need for a complete revision to make the regulations more effective and to increase compliance with them.

Timetable:

Action	Date	FR Cite
ANPRM	06/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mr. Frank Cooper, Senior Operations Officer, PPQ, Port Operations, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 139, Riverdale, MD 20737-1236, **301 734-6799**

RIN: 0579–AA58

131. IMPORTATION OF CERTAIN EMBRYOS AND ANIMAL SEMEN

Priority: Other Significant

Legal Authority: 7 USC 1622; 21 USC 103 to 105; 21 USC 111; 21 USC 134a to 134d; 21 USC 134f; 21 USC 136; 21 USC 136a; 31 USC 9701

CFR Citation: 9 CFR 98

Legal Deadline: None

Abstract: Cyclical review of 9 CFR part 98, ''Importation of Certain Animal Embryos and Animal Semen.'' An advance notice of proposed rulemaking which solicited public comment on certain existing requirements in part 98, confirmed that the regulations in this part no longer reflect international industry practices and are inconsistent, at least in part, with scientifically accepted procedures. Specific changes proposed will be determined after thorough review of existing requirements. Potential cost and benefits are unknown at this time.

Timetable:

Action	Date	FR Cite
ANPRM	07/08/93	58 FR 36625
ANPRM Comment Period End	09/07/93	
Begin Review	04/00/95	
NPRM	10/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Roger Perkins, Staff Veterinarian, VS, National Center for Import and Export, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 38, Riverdale, MD 20737-1231, **301 734-8172**

RIN: 0579–AA63

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage
Animal and Plant Health Inspection Service (APHIS)

132. CYCLICAL REVIEW OF 9 CFR PART 92, PHASE II

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 114a; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 21 USC 136; 21 USC 136a; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department is reviewing the regulations in 9 CFR part 92, which, among other things, govern the importation into the United States of certain animals and poultry, and certain animal and poultry products. This is in compliance with Executive Order 12866 and Departmental Regulation 1512-1, which requires agencies to periodically review regulations.

The Department is conducting this Cyclical Review in phases. Phase I, effective August 2, 1990, reorganized the regulations. The Department is now starting Phase II. Subpart F (Dogs) of 9 CFR Part 92 has been reviewed and a notice of proposed rulemaking will be published. Reviews of the other subparts will follow. If the Department determines those regulations should be changed, notices of proposed rulemaking will be published.

Timetable:

Action	Date	FR Cite
NPRM subpart F	04/00/95	
NPRM Comment Period End Subpart F	06/00/95	
Final Action Subpart F	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Andrea Morgan, Senior Staff Veterinarian, VS, National

USDA—APHIS **Proposed Rule Stage**

Center for Import and Export, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 38, Riverdale, MD 20737-1231, **301 734-8383**

RIN: 0579–AA34

133. IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS—PREVENTION OF POULTRY DISEASES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 31 USC 9701

CFR Citation: 9 CFR 92

Legal Deadline: None

Abstract: The Department currently regulates the importation of poultry and poultry products, including eggs for hatching, to prevent the introduction of certain poultry diseases into the United States. We are considering revising these regulations to add restrictions to prevent the introduction of Salmonella enteritidis, serotype enteritidis, phage-type 4 (referred to below as S. enteritidis, phage-type 4), a virulent type of Salmonella that has not been detected in poultry flocks in the United States. Canada is the only country other than the United States in which poultry flocks are recognized as being free of S. enteritidis, phage-type 4. Safeguards under consideration include testing of individual poultry of the flock of origin in the country of origin, and testing and inspection during quarantine in the United States.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Keith Hand, Senior Staff Veterinarian, VS, Import-Export Animals Staff, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 39, Riverdale, MD 20737-1231, **301 734-5097**

RIN: 0579–AA38

134. ADDITION OF CERVIDAE TO THE REGULATIONS CONCERNING TUBERCULOSIS IN LIVESTOCK

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 105; 21 USC 111 to 113; 21 USC 114; 21 USC 114a; 21 USC 115 to 117; 21 USC 120 to 121; 21 USC 134b; 21 USC 134f

CFR Citation: 9 CFR 77; 9 CFR 91

Legal Deadline: None

Abstract: Bovine tuberculosis is a contagious, infectious, and communicable disease affecting cattle, bison, and other species, including humans. The spread of bovine tuberculosis in the United States could have serious consequences for the United States cattle and bison industries, as well as for human health. Currently, the regulations concerning control and eradication programs for bovine tuberculosis in livestock only regulate cattle, bison, and swine. Recent outbreaks in the United States of bovine tuberculosis in semi-domesticated herds of cervidae (such as deer and elk) have made apparent the need to also regulate these animals in order to prevent the spread of bovine tuberculosis.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Dr. Joseph VanTiem, Senior Staff Veterinarian, VS, Cattle Diseases and Surveillance, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 36, Riverdale, MD 20737-1231, **301 734-8715**

RIN: 0579–AA53

135. EXPORT CERTIFICATION

Priority: Routine and Frequent

Legal Authority: 7 USC 147a; 7 USC 2260; 21 USC 136; 21 USC 136a; 49 USC 1741

CFR Citation: 7 CFR 353; 7 CFR 354

Legal Deadline: None

Abstract: The Department is proposing to revise the ''Phytosanitary Export Certification'' regulations, which concern inspection and certification of plants and plant products offered for export. The proposed rule would facilitate the phytosanitary certification of American agricultural products by ensuring that a sufficient number of qualified individuals are available to carry out Federal certification activities and by implementing new certification systems in conjunction with existing phytosanitary certification. Revising the regulations would make them easier to understand, thereby increasing compliance and the effectiveness of the regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Leonard M. Crawford, Senior Operations Officer, PPQ, Port Operations, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 139, Riverdale, MD 20737-1236, **301 734-8537**

RIN: 0579–AA54

136. ADVANCE NOTICE OF PROPOSED REVISION OF THE FEDERAL SEED ACT REGULATIONS FOR IMPORTED SEED

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1581 to 1611

CFR Citation: 7 CFR 201

Legal Deadline: None

Abstract: On October 1, 1982, the Agricultural Marketing Service transferred to the Animal and Plant Health Inspection Service responsibility for administering Title III of the Federal Seed Act (FSA), which pertains to regulation of foreign commerce in seeds. Shortly afterwards, in 1983, the FSA was amended and the inspection requirements for imported seeds were considerably lessened. However, regulations under the FSA (7 CFR 201.101 to 201.230) have not been revised to reflect either the 1982 transfer of regulatory authority or the 1983 statutory amendments. Therefore, we are considering revising FSA regulations to reflect these changes. We are also considering revising FSA regulations to update or delete obsolete

sections, including taxonomies of listed weeds, and simplifying inspection requirements for seed imports from Canada. We will solicit comments from the public on the current regulations and any current revisions.

Timetable:

Action	Date	FR Cite
ANPRM	09/13/94	59 FR 47286
ANPRM Comment Period End	10/31/94	
NPRM	03/23/95	60 FR 15257
NPRM Comment Period End	04/24/95	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Polly Lehtonen, Botanist, PPQ, Biological Assessment/Taxonomic Support, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 133, Riverdale, MD 20737-1236, **301 734-8896**

RIN: 0579–AA64

137. DEFINITION OF ''BIOLOGICAL PRODUCTS'' AND ''GUIDELINES''

Priority: Other Significant

Legal Authority: 21 USC 151 to 159

CFR Citation: 9 CFR 101

Legal Deadline: None

Abstract: The proposed rule would update the definitions of ''biological products'' and ''guidelines'' to reflect current usage. The definition of biological products has not been amended since 1973. APHIS has received a citizen's petition from producers of veterinary biological products to update this definition to accommodate advances in scientific knowledge and to reflect current usage. Similarly, a definition of guidelines is necessary to describe the purpose of such documents as veterinary biologics memoranda, licensing considerations, and notices.

The proposal would provide guidance to producers who are making a choice to seek regulatory approval from the Food and Drug Administration for a product intended for use as an animal drug (e.g. antibiotics, hormones, feed supplements, etc.) or from APHIS for a product intended for use as a veterinary biological product (e.g. vaccines, adjuvants, immunomodulators, and diagnostics). Submission to the appropriate Federal agency would depend upon the intended use of the product for which regulatory approval is sought.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Dr. Frank Y. Tang, Biotechnologist, BCTA, BBEP, Veterinary Biologics, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 148, Riverdale, MD 20737-1237, **301 734-4833**

RIN: 0579–AA65

138. IN VITRO TESTS FOR SERIAL RELEASE IN PLACE OF ANIMAL POTENCY TESTS

Priority: Other Significant

Legal Authority: 21 USC 151 to 159

CFR Citation: 9 CFR 113

Legal Deadline: None

Abstract: Under the Virus-Serum-Toxin Act, veterinary biologics are required to be pure, safe, potent, and efficacious (not contaminated, dangerous, harmful, or worthless). Before a licensed veterinary biological product can be released for market, it must be demonstrated to be potent and efficacious. This is ordinarily done by determining the immunogenicity of the product. The use of fewer animals for immunogenicity testing would be consistent with the intent of animal welfare legislation to reduce dependence on animals for testing when feasible. The proposed rule would allow the use of in vitro tests in place of animal tests for determining the immunogenicity of veterinary biologics, provided that the in vitro tests meet the requirements of a ''parallel line assay'' so that the relative antigenic potency of a biological product can be determined by comparison with a reference preparation of known antigenicity. The proposed rule should not have a significant economic impact on manufacturers of veterinary biologics and other small businesses since immunogenicity testing is already required under the regulations pertaining to the preparation of veterinary biologics (cont)

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: ABSTRACT CONT: (9 CFR part 113). Under the proposed rule, manufacturers would retain the option whether or not to use in vitro tests in place of animal tests, based upon cost or feasibility.

The proposed rule would also require that reference preparations used in the determination of relative antigenic potency be updated periodically so as to ensure that reference preparations continue to be correlated with immunogenicity. Not to require requalification of references could result in the preparation of a worthless biological product.

Agency Contact: Dr. Albert Morgan, Chief Staff Veterinarian, BBEP, Veterinary Biologics, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 148, Riverdale, MD 20737-1237, **301 734-8245**

RIN: 0579–AA66

139. ● IMPORT/EXPORT USER FEES

Priority: Other Significant

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 114; 21 USC 114a; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 21 USC 136; 21 USC 136a

CFR Citation: 9 CFR 130

Legal Deadline: None

Abstract: Proposal to amend existing user fees for certain import- and export-related services we provide for live animals and birds, animal products, organisms and vectors, and germ plasm and veterinary diagnostic services. Proposal also includes establishment of user fees for import- and export-related services we provide for live animals and birds, and animal products and byproducts. Actions are necessary to help ensure that we recover our costs, and to simplify and clarify application of user fees.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	

Small Entities Affected: None

USDA—APHIS **Proposed Rule Stage**

Government Levels Affected: None

Agency Contact: Barbara Thompson, Chief, BAD, Financial Systems Services Branch, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 54, Riverdale, MD 20737-1232, **301 734-5901**

RIN: 0579–AA67

140. ● USER FEES—COMMERCIAL AIRCRAFT AND VESSELS; PHYTOSANITARY CERTIFICATES

Priority: Other Significant

Legal Authority: 7 USC 2260; 21 USC 136 to 136a; 49 USC 1741

CFR Citation: 7 CFR 354.3

Legal Deadline: None

Abstract: APHIS would amend the user fee regulations by lowering the fees charged for certain agricultural quarantine and inspection services we provide in connection with the arrival of international commercial aircraft at ports in the customs territory of the United States. APHIS would also amend the user fee regulations by raising the fees charged for export certification of plants and plant products. We have determined, based on a review of our user fees, that the fees must be adjusted to reflect the actual cost of providing these services. In addition, we are proposing to amend the user fee regulations to clarify the exemption for certain vessels which sail only between the United States and Canada.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: None

Agency Contact: Donna Ford, PPQ User Fees Section Head, BAD, Financial Systems Services Branch, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 54, Riverdale, MD 20737-1232, **301 734-5901**

RIN: 0579–AA68

141. ● HSTAIC REPAIR AND MAINTENANCE FEES

Priority: Other Significant

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 114a; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 21 USC 136; 21 USC 136a; 31 USC 9701

CFR Citation: 9 CFR 92.430; 9 CFR 92.522

Legal Deadline: None

Abstract: Certain animals intended for importation into the United States must first be quarantined at the Harry S Truman Import Center (HSTAIC) in Florida. Because of current wording in the Code of Federal Regulations concerning capital expenditures, the Animal and Plant Health Inspection Service (APHIS) is unable to collect money from importers for the maintenance and repair of HSTAIC. APHIS is proposing to collect a ''repair and maintenance'' fee from importers who use HSTAIC. By charging importers a minimal fee, APHIS will be able to make vital repairs at HSTAIC and also keep the facility and its equipment in good operating condition. The amount charged will be a pro rated share based on Internal Revenue Service guidelines for depreciation of the facility and equipment. These funds will be established and maintained in a separate account to be used exclusively for repairs and maintenance at HSTAIC. The HSTAIC physical plant and its equipment are in a serious state of disrepair. If repairs are not made, the facility may be forced to close down. Such a development could have an adverse economic impact on those U.S. importers who depend on the facility to provide them with high-risk quarantine services.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Joan Montgomery, Staff Specialist, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 39, Riverdale, MD 20737-1231, **301 734-8172**

RIN: 0579–AA69

142. ● USER FEES, REVISED USER FEES FOR FULL-COST RECOVERY

Priority: Other Significant

Legal Authority: 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 114; 21 USC 114a; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 21 USC 136; 21 USC 136a

CFR Citation: 9 CFR 130

Legal Deadline: None

Abstract: The Animal and Plant Health Inspection Service (APHIS) is proposing to revise current fees for cost increases or decreases in the user fee program and to propose additional fees for goods and services which APHIS provides. The purpose is to more accurately provide for full-cost recovery of Agency activities. Fees being revised include: user fees at APHIS's animal import centers and user fees at the National Veterinary Services Laboratories (NVSL) (including the labs at the Foreign Animal Diseases Diagnostic Laboratory (FADDL)) to account for cost increases and decreases. Fees being proposed include: user fees at APHIS's animal import center and user fees for hourly services, for tests and reagents which currently do not have user fees and for other miscellaneous goods and services at NVSL and FADDL.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Barbara Thompson, Chief, BAD, Financial Systems Services Branch, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 54, Riverdale, MD 20737-1232, **301 734-5901**

RIN: 0579–AA70

143. ● IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

Priority: Other Significant

Legal Authority: 7 USC 147a; 7 USC 150ee; 7 USC 161 to 162; 7 USC 450; 7 USC 1622; 19 USC 1306; 21 USC 102 to 105; 21 USC 111; 21 USC 114a; 21 USC 134a to 134d; 21 USC 134f; 21 USC 135; 21 USC 136; 21 USC 136a; 31 USC 9701; ...

USDA—APHIS **Proposed Rule Stage**

CFR Citation: 9 CFR 92; 9 CFR 94; 9 CFR 95; 9 CFR 96; 9 CFR 98

Legal Deadline: None

Abstract: APHIS would amend the animal and animal product importation regulations that currently identify entire countries as those that are either free of certain diseases or those in which the diseases exist. The proposed change would allow for regionalization of countries--i.e., disease classification of parts of a country, an entire country, or groups of countries. The rule change would also recognize levels of disease risk in regions. Although APHIS anticipates expanding these proposed provisions to apply to the importation of all regulated animals and animal products, at this time the rule changes would apply to ruminants and swine, and their products.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State, Federal

Agency Contact: Dr. Hugh Metcalf, Senior Staff Veterinarian, VS, Program Evaluation and Planning, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 34, Riverdale, MD 20737-1231, **301 734-7202**

RIN: 0579–AA71

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage
Animal and Plant Health Inspection Service (APHIS)

144. EXOTIC NEWCASTLE DISEASE IN ALL BIRDS AND POULTRY; PSITTACOSIS AND ORNITHOSIS IN POULTRY

Priority: Other Significant

Legal Authority: 21 USC 111 to 113; 21 USC 115; 21 USC 117; 21 USC 120; 21 USC 123 to 126; 21 USC 134a; 21 USC 134b; 21 USC 134f

CFR Citation: 9 CFR 82

Legal Deadline: None

Abstract: Exotic Newcastle Disease (also known as viscerotropic velogenic Newcastle disease and as VVND) and psittacosis or ornithosis (now generally referred to as chlamydiosis) are communicable diseases of birds and poultry. The spread of these diseases in the United States could have serious consequences for the United States poultry industry. A review of the Department's regulations to prevent the interstate spread of these diseases indicates the need for a complete revision to make the regulations more effective and to increase compliance with them.

Timetable:

Action	Date	FR Cite
NPRM	06/28/94	59 FR 33214
NPRM Comment Period End	08/29/94	
NPRM	09/30/94	59 FR 44865
NPRM Comment Period Extended to	11/29/94	
Final Action	07/00/95	

Small Entities Affected: Businesses

Government Levels Affected: State

Agency Contact: Dr. C.M. Groocock, Senior Staff Veterinarian, VS, Emergency Programs, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 41, Riverdale, MD 20737-1231, **301 734-8240**

RIN: 0579–AA22

145. IMPORTATION OF UNMANUFACTURED WOOD

Priority: Other Significant

Legal Authority: 7 USC 150dd; 7 USC 150ee; 7 USC 150ff; 7 USC 151 to 167

CFR Citation: 7 CFR 319

Legal Deadline: None

Abstract: USDA is developing regulations to restrict the importation of certain types of unmanufactured wood, such as logs, lumber, wood chips, bark, and pulp wood. There are a variety of plant pests and diseases associated with these articles, and there has recently been increased interest in importing large quantities of these articles into the U.S. At this time we are considering prohibiting the importation of logs and unmanufactured wood from certain tree genera and species, unless they meet importation criteria contained in the regulations and are imported under a permit issued by APHIS. The trees we are considering regulating in this manner are: all coniferous species; Carya; Fagus; Juglans; Liquidambar; Liriodendron; Nyssa; Populus; Quercus; Salix; and Thuja. The importation criteria would address the genus or species of the tree; the nature of the wood article; the country or area of origin; and methods by which the trees were harvested, stored, and treated.

Timetable:

Action	Date	FR Cite
ANPRM	09/22/92	57 FR 43628
ANPRM Comment Period End	11/23/92	
NPRM	01/20/94	59 FR 3002
Public Hearing	02/10/94	59 FR 3002
Public Hearing	02/23/94	59 FR 3002
NPRM Comment Period End	04/20/94	
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Analysis: Regulatory Flexibility Analysis

Agency Contact: Mr. Michael J. Shannon, Chief Operations Officer, PPQ, Operational Support, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 131, Riverdale, MD 20737-1236, **301 734-8261**

RIN: 0579–AA47

146. CHICKEN DISEASE CAUSED BY SALMONELLA ENTERITIDIS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 111; 21 USC 134a; 21 USC 134f

CFR Citation: 9 CFR 82

Legal Deadline: None

Abstract: Disease caused by the bacterium known as Salmonella enteritidis serotype enteritidis (referred to below as SE) is a serious problem in egg-type chicken breeding flocks and egg production flocks, and is also a serious public health concern. The Animal and Plant Health Inspection Service (APHIS) has established regulations to control the spread of SE in egg-type chicken breeding flocks and egg production flocks, and continues to

USDA—APHIS **Final Rule Stage**

work to reduce the impact of SE on the poultry industry and consumer health. Under the current APHIS regulatory program, study flocks are identified through traceback of eggs implicated in human outbreaks of SE, these study flocks are subjected to testing for SE, and if the flocks test positive for SE, interstate movement of articles from the flocks is restricted. We are currently working with other agencies including the Agricultural Marketing Service, the Food and Drug Administration, and the Centers for Disease Control to evaluate the success of this approach and determine whether to propose changes to the regulatory procedures of the current program.

Timetable:

Action	Date	FR Cite
NPRM	08/02/93	58 FR 41048
Public Hearing	09/02/93	58 FR 46569
NPRM Comment Period Extended to 11/15/93	09/28/93	58 FR 50527
NPRM Comment Period End	10/01/93	58 FR 41048
Public Hearing	10/07/93	58 FR 52240
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Allen Hogue, Director, Salmonella Task Force, Veterinary Service, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 43, Riverdale, MD 20737-1231, **301 734-4363**

RIN: 0579–AA48

147. ANIMAL WELFARE—STANDARDS FOR MARINE MAMMALS

Priority: Regulatory Plan

Legal Authority: 7 USC 2131 to 2159

CFR Citation: 9 CFR 3

Legal Deadline: None

Abstract: The Department regulates the treatment of certain marine mammals under the Animal Welfare Act. The present standards for treatment of these animals have been in effect for over 10 years. During this time, advances have been made and new information has been developed with regard to the housing and care of marine mammals. The Department has given notice of its review of the present standards to determine what revisions or additions might be necessary, and has requested comments on appropriate specific standards for treatment of marine mammals. The Department is conducting negotiated rulemaking and developing proposed changes to the regulations.

Timetable:

Action	Date	FR Cite
ANPRM	07/23/93	58 FR 39458
ANPRM Comment Period End	10/06/93	
NPRM	03/24/95	60 FR 15524
NPRM Comment Period End	03/24/95	60 FR 15524
Final Action	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Agency Contact: Dr. Barbara Kohn, Veterinary Medical Officer, REAC, Animal Care, Department of Agriculture, Animal and Plant Health Inspection Service, 4700 River Road Unit 84, Riverdale, MD 20737-1234, **301 734-8699**

RIN: 0579–AA59

148. INTRODUCTION OF NONINDIGENOUS ORGANISMS

Priority: Regulatory Plan

Legal Authority: 7 USC 150aa to 150jj; 7 USC 151 to 167; 7 USC 1622n; 31 USC 9701

CFR Citation: 7 CFR 335

Legal Deadline: None

Abstract: The scope of the Federal plant pest regulation in 7 CFR 330.200 and the noxious weed regulations in 7 CFR 360 is limited to the importation and interstate movement of recognized plant pests and noxious weeds; the importation and interstate movement of nonindigenous organisms not known to present a plant-pest risk, as well as the release of such organisms into the environment, is not addressed. We believe that APHIS must supplement its current regulations to prevent or minimize the potential problems presented by the introduction (importation, interstate movement, and the release into the environment) of nonindigenous organisms whose plant-pest status is unknown. The proposed regulations would allow APHIS to examine nonindigenous organisms proposed for introduction, evaluate their plant-pest risk, and, if necessary, assign conditions to their introduction in order to prevent plant-pest dissemination.

Timetable:

Action	Date	FR Cite
NPRM	01/26/95	60 FR 5288
NPRM Comment Period End	03/27/95	
Final Action	07/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: State, Federal

Agency Contact: Dr. Matthew H. Royer, Chief Operations Officer, BATS, PPQ, Department of Agriculture, Animal and Plant Health Inspection Service, Room 626, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, **301 436-8896**

RIN: 0579–AA61

DEPARTMENT OF AGRICULTURE (USDA)
Animal and Plant Health Inspection Service (APHIS)

Completed/Longterm Actions

149. REGULATION OF HORSES AND FARM ANIMALS UNDER THE ANIMAL WELFARE ACT

CFR Citation: 9 CFR 1; 9 CFR 2; 9 CFR 3

Completed:

Reason	Date	FR Cite
Withdrawn - No action expected in the next 12 months.	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Debra E. Beasley, 301 734-4977

RIN: 0579–AA31

USDA—APHIS

Completed/Longterm Actions

150. NATIONAL ENVIRONMENTAL POLICY ACT IMPLEMENTING PROCEDURES

CFR Citation: 7 CFR 372

Completed:

Reason	Date	FR Cite
Final Action	02/01/95	60 FR 6000
Final Action Effective	03/03/95	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Mr. Robert E. Pizel, 301 734-8565

RIN: 0579–AA33

151. HONEYBEES AND HONEYBEE SEMEN; REMOVING CERTAIN RESTRICTIONS ON HONEYBEES AND HONEYBEE SEMEN FROM NEW ZEALAND

CFR Citation: 7 CFR 322

Completed:

Reason	Date	FR Cite
Final Action	02/01/95	60 FR 5997
Final Action Effective	03/03/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. James Fons, 301 734-8295

RIN: 0579–AA37

152. IMPORTATION OF NURSERY STOCK PLANTS, ROOTS, BULBS, SEEDS, AND OTHER PLANT PRODUCTS—PHASE II

CFR Citation: 7 CFR 319.37

Completed:

Reason	Date	FR Cite
Final Action	01/13/95	60 FR 3068
Final Action Effective	02/13/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mr. Frank Cooper, 301 734-6799

RIN: 0579–AA41

153. PSEUDORABIES

CFR Citation: 9 CFR 85

Completed:

Reason	Date	FR Cite
Withdrawn - No action expected in the next 12 months.	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Arnold C. Taft, 301 734-4916

RIN: 0579–AA49

154. IMPORTATION OF CERTAIN DRIED PORK PRODUCTS

CFR Citation: 9 CFR 94

Completed:

Reason	Date	FR Cite
Final Action	11/03/94	59 FR 55021
Final Action Effective	12/05/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. John H. Blackwell, 301 734-7834

RIN: 0579–AA50

155. LLAMAS AND ALPACAS

CFR Citation: 9 CFR 92; 9 CFR 94

Completed:

Reason	Date	FR Cite
Final Action	10/17/94	59 FR 52237
Final Action Effective	11/16/94	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dr. Michael David, 301 734-7511

RIN: 0579–AA62

BILLING CODE 3410-34-F

DEPARTMENT OF AGRICULTURE (USDA)

Proposed Rule Stage

Cooperative State Research, Education, and Extension Service (CSREES)

156. HIGHER EDUCATION CHALLENGE GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 3152

CFR Citation: 7 CFR 3405

Legal Deadline: None

Abstract: Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and the award of project grants under the Higher Education Challenge Grants Program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	09/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffery Gilmore, Higher Education Grant Programs Manager, Department of Agriculture, Cooperative State Research, Education, and Extension Service, Rm 3438 South Agriculture Building, 14th Street & Independence Ave. SW., Washington, DC 20250-2200, **202 720-3377**

RIN: 0524–AA02

157. 1890 INSTITUTION CAPACITY BUILDING GRANTS PROGRAM; ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 3318

CFR Citation: 7 CFR 3406

Legal Deadline: None

Abstract: Regulation will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals, and award of project grants under the 1890 Institution Capacity Building Grants Program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	07/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey Gilmore, Higher Education Grant Programs Manager, Department of Agriculture, Cooperative State Research, Education, and Extension Service, Rm 3438 South

USDA—CSREES **Proposed Rule Stage**

Agriculture Building, 14th Street & Independence Ave. SW., Washington DC 20250-2200, **202 720-3377**

RIN: 0524–AA03

158. NATIONAL RESEARCH INITIATIVE COMPETITIVE GRANTS PROGRAM ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 450i(B); 7 USC 450i(c)(1)(A); 7 USC 3333; 7 USC 5921

CFR Citation: None

Legal Deadline: None

Abstract: The Cooperative State Research, Education and Extension Service (CSREES) proposes to amend its regulations relating to the administration of the National Research Initiative Competitive Grants Program that prescribe the procedures to be followed annually in the solicitation of competitive grant proposals, the evaluation of such proposals, and the award of competitive research grants under this program. This action amends those regulations to clarify certain aspects of the program and to add eligibility requirements for the Agricultural Research Enhancement Awards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Colien Hefferan, Acting Deputy Administrator, Department of Agriculture, Cooperative State Research, Education, and Extension Service, Ag Box 2240, Washington, DC 20250-2240, **202 401-1761**

RIN: 0524–AA07

159. SMALL BUSINESS INNOVATION RESEARCH PROGRAM ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 638

CFR Citation: 7 CFR 3403

Legal Deadline: None

Abstract: We propose to amend the Administrative Provisions of the Small Business Innovation Research (SBIR) Program to incorporate compliance with the National Environmental Policy Act (NEPA) and changes to conform with the January 1993 issue of the SBIR Policy Directive. These changes include rewording and/or adding additional wording to further explain existing definitions and new requirements as well as the inclusion of new definitions and new requirements including the Documentation of Multiple Phase II awards. We propose to publish the SBIR Administrative Provisions as one document. This would be a practical and economical way to serve the public as well as offer one updated reference document for easy access.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Louise Ebaugh, Acting Director, Awards Management Division, Department of Agriculture, Cooperative State Research, Education, and Extension Service, AG Box 2245, Washington, DC 20250-2245, **202 401-5050**

RIN: 0524–AA08

160. HIGHER EDUCATION MULTICULTURAL SCHOLARS PROGRAM; ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 3152(b)(5); PL 103-111

CFR Citation: 7 CFR 3409

Legal Deadline: None

Abstract: Regulations will establish the procedures to be followed annually in the solicitation of proposals, the evaluation of such proposals and the award of project grants under the Multicultural Scholars Program.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	08/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Jeffrey L. Gilmore, Higher Education Grant Programs Manager, Department of Agriculture, Cooperative State Research, Education, and Extension Service, Rm 3438 South Agriculture Building, 14th Street & Independence Ave. SW., Washington, DC 20250-2200, **202 720-3377**

RIN: 0524–AA09

161. ● BUILDINGS AND FACILITIES PROGRAM ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 3318

CFR Citation: 7 CFR 3410

Legal Deadline: None

Abstract: We propose to establish Administrative Provisions for the Buildings and Facilities Program to institute procedures to be followed in preparing proposals, to outline requirements which grant recipients must meet, to provide instructions on how to apply for a grant, and to provide general information about post-award administration of grants under the program.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Louise Ebaugh, Acting Director, Awards Management Division, Department of Agriculture, Cooperative State Research, Education, and Extension Service, AG Box 2245, Washington, DC 20250-2245, **202 401-5050**

RIN: 0524–AA11

162. ● AGRICULTURAL TELECOMMUNICATIONS PROGRAM ADMINISTRATIVE PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 3318

CFR Citation: None

Legal Deadline: None

Abstract: The objective of this proposal is to provide administrative regulations relating to the Cooperative State Research, Education, and Extension Service Agricultural Telecommunications Program.

Timetable: Next Action Undetermined

Small Entities Affected: None

USDA—CSREES **Proposed Rule Stage**

Government Levels Affected: None

Agency Contact: Phillip A. Carter, Director, Cooperative Funds Division, Competitive Research Grants and Awards Mgmt., Department of Agriculture, Cooperative State Research, Education, and Extension Service, 2nd Floor Mezzanine, Cotton Annex, Washington, DC 20250-0995, **202 401-4527**

RIN: 0524–AA12

163. PERSONAL PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 483(d)(2)(E)

CFR Citation: None

Legal Deadline: None

Abstract: This regulation will set forth the procedures to be followed by State Cooperative Extension entities eligible to receive Federal excess personal property loaned by the Extension Service and used in the conduct of approved USDA cooperative Extension projects and programs. It will also cover the procedure for acquisition and disposal of personal property purchased with Federal funds.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0527-AA02 prior to the reorganization of USDA.

Agency Contact: Betty Bolt, Property Utilization Specialist, Department of Agriculture, Cooperative State Research, Education, and Extension Service, Ag Box 0993, Cotton Annex, Washington, DC 20250-0993, **202 401-4502**

RIN: 0524–AA14

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage
Cooperative State Research, Education, and Extension Service (CSREES)

164. ADMINISTRATIVE MANUAL FOR FEDERAL EXCESS PERSONAL PROPERTY LOANED TO STATE COOPERATIVE RESEARCH ACTIVITIES

Priority: Substantive, Nonsignificant

Legal Authority: 40 USC 483 (d)(2)(E)

CFR Citation: 7 CFR 3408

Legal Deadline: None

Abstract: This regulation will set forth the procedures to be followed by Cooperative Research entities eligible to receive Federal excess personal property loaned by the Cooperative State Research Service and used in the conduct of approved USDA cooperative research projects and programs.

Timetable:

Action	Date	FR Cite
NPRM	10/14/93	58 FR 53153
NPRM Comment Period End	11/15/93	
Interim Final Rule	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0527-AA01 prior to the reorganization of USDA.

Agency Contact: Betty Bolt, Property Utilization Specialist, Department of Agriculture, Cooperative State Research, Education, and Extension Service, 3M00 Cotton Annex Building, Ag Box 0993, Washington, DC 20250-0993, **202 401-4502**

RIN: 0524–AA13

DEPARTMENT OF AGRICULTURE (USDA) — Completed/Longterm Actions
Cooperative State Research, Education, and Extension Service (CSREES)

165. FOOD AND AGRICULTURAL SCIENCES NATIONAL NEEDS GRADUATE FELLOWSHIPS GRANTS PROGRAM; REVISED ADMINISTRATIVE PROVISIONS

CFR Citation: 7 CFR 3402

Completed:

Reason	Date	FR Cite
Final Action	12/30/94	59 FR 68072
Final Action Effective	12/30/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey L. Gilmore, 202 720-3377

RIN: 0524–AA10

BILLING CODE 3410-22-F

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage
Rural Housing and Community Development Service (RHCDS)

166. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS

Priority: Regulatory Plan

Legal Authority: 42 USC 1480; 7 USC 1989; 5 USC 301

CFR Citation: 7 CFR 1944 subpart A; 7 CFR 1910 subpart A; 7 CFR 1965 subpart C; 7 CFR 1951 subpart G; 7 CFR 1944 subpart J; 7 CFR 1924 subpart C; 7 CFR 1930 subpart C; 7 CFR 1941 subpart A; 7 CFR 1944 subpart D; 7 CFR 1944 subpart N; 7 CFR 1951 subpart M; 7 CFR 1951 subpart S; 7 CFR 1955 subpart B

Legal Deadline: None

Abstract: This rule will make major revisions on single family housing loan making regulation including elimination of housing restrictions and new concepts of modest housing, revised method of granting interest credit, use of ratios for determining repayment ability, changes in

application processing and changes in maximum loan limits.

Timetable:

Action	Date	FR Cite
ANPRM	04/28/92	57 FR 17858
ANPRM Comment Period End	05/28/92	57 FR 17858
NPRM	10/00/95	
NPRM Comment Period End	12/00/95	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AA35

167. CIVIL RIGHTS COMPLIANCE REQUIREMENTS—1940-D

Priority: Other Significant

Legal Authority: PL 100-259; PL 88-352; 42 USC 2000d et seq; PL 90-284; 42 USC 3601 to 3619; PL 100-430; PL 92-318; 20 USC 1681 et seq; PL 93-112; 29 USC 794; PL 94-135; 42 USC 6101 et seq; PL 94-239; 15 USC 1601 et seq; EO 11246

CFR Citation: 7 CFR 15; 12 CFR 202; 28 CFR 42; 45 CFR 90; 41 CFR 60 to 64; 24 CFR 14

Legal Deadline: None

Abstract: Will effectuate a comprehensive civil rights regulation implementing the following laws: The Equal Credit Opportunity Act (ECOA); Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (The Fair Housing Act); section 504 Federally conducted programs, Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, and programs and activities; Amendments of 1972; the Age Discrimination Act of 1975; and Executive Order 11246. The revised regulations will provide detailed guidelines for field offices for improved enforcement and compliance with these laws which heavily impact the Agency's programs. Mechanisms for monitoring compliance by field offices and recipients of financial assistance at all levels will decrease the Agency's vulnerability due to noncompliance with recently enacted Civil Rights legislation. Also includes section 504 of the Rehabilitation Act of 1973.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AA83

168. HOUSING FOR RURAL HOMELESS AND MIGRANT FARMWORKERS; POLICIES, PROCEDURES, AND AUTHORIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1486

CFR Citation: 7 CFR 1944 subpart H (New)

Legal Deadline: Final, Statutory, March 28, 1991.

Abstract: This regulation provides for the eligibility of the rural homeless and migrant farmworkers under Section 516 Farm Labor Housing Program. Regulations are being drafted to implement this provision of the law which will provide short term occupancy housing for these individuals.

Timetable:

Action	Date	FR Cite
NPRM	02/00/96	
NPRM Comment Period End	04/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Additional Information: Regulation clearance is delayed pending legislative revisions.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB14

169. MANAGEMENT OF HAZARDOUS SUBSTANCES

Priority: Other Significant

Legal Authority: PL 96-510; PL 94-580; PL 94-469; PL 92-500

CFR Citation: 40 CFR 300; 40 CFR 260; 40 CFR 700; 40 CFR 400

Legal Deadline: None

Abstract: There are a number of Federal environmental statutes which govern the management of hazardous substances, materials and wastes. At the present time, Rural Housing and Community Development Service (RHCDS), Rural Business and Community Development Service (RBCDS), Rural Utilities Service (RUS), and Consolidated Farm Service Agency (CFSA) do not have implementing regulations for these Federal statutes. The development of implementation procedures for managing hazardous substances is necessary to insure consistency in compliance with Federal, as well as State, environmental statutes, and to develop appropriate ''due diligence'' policies to minimize the Agency's liability with regard to environmental cleanups of hazardous waste in loan processing/servicing and property management activities. RHCDS, RBCDS, RUS, and CFSA have approximately 3,500 inventory properties. RHCDS, RBCDS, RUS, and CFSA cannot be certain how many of these inventory properties will require hazardous waste cleanup prior to sale.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	
NPRM Comment Period End	02/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348

South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB18

170. HOUSING PRESERVATION GRANTS FOR REPLACEMENT OF HOUSING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1490m

CFR Citation: 7 CFR 1944 subpart N

Legal Deadline: None

Abstract: The Housing Preservation Grant program will be expanded to include Housing Preservation Grant funds to be used for replacement housing. Funds will be used to provide loans or grants, not to exceed $15,000 per unit, to owners of single family housing to replace existing housing if repairs or rehabilitation of the housing is not practicable and the owner of the housing is unable to afford a loan under Section 502 for replacement housing.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Local

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB43

171. COMMUNITY PROGRAMS GUARANTEED LOANS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980 subpart I

Legal Deadline: None

Abstract: To amend subject regulation which will provide more comprehensive guidance to applicants, lenders, and agency staff regarding financial assistance for essential guaranteed community facilities loans.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	
NPRM Comment Period End	02/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB48

172. IMPLEMENTATION PROCEDURES FOR HIGHLY ERODIBLE LAND AND WETLANDS CONSERVATION PROVISIONS OF THE FOOD SECURITY ACT

Priority: Other Significant

Legal Authority: PL 101-624; PL 99-198

CFR Citation: 7 CFR 1940

Legal Deadline: None

Abstract: Subtitle B and subtitle C of title XII of the Food Security Act of 1985, Public Law 99-198, established requirements for the conservation of Wetlands and Highly Erodible Lands. These requirements were subsequently amended by the Food Agriculture Conservation and Trade Act of 1990, Public Law 101-624. The amendments, among other changes, would allow in some cases for graduated payment reductions rather than a complete loss of USDA program benefits to producers who contribute to excess soil erosion or wetlands conversion. Rural Housing and Community Development Service, Rural Business and Community Development Service, Rural Utilities Service and Consolidate Farm Service Agency proposes to revise existing regulations to reflect the amendments required by Public Law 101-624. In addition, the regulation will be reorganized and supplemented to improve understanding and ease of implementation.

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	12/00/95	
Interim Final Rule	02/00/96	
Final Action	04/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB58

173. PLANNING AND PERFORMING CONSTRUCTION AND OTHER DEVELOPMENT AND RELATED CONSTRUCTION SEISMIC SAFETY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 7701 et seq; PL 95-124; EO 12699

CFR Citation: 7 CFR 1924 subpart A; 7 CFR 1942 subpart A; 7 CFR 1942 subpart C; 7 CFR 1948 subpart C; 7 CFR 1980 subpart E; 7 CFR 1980 subpart G; 7 CFR 1944

Legal Deadline: Final, Statutory, September 15, 1994. Other, Statutory, February 28, 1995.
Executive Order 12699 requires agencies to plan and initiate by February 1, 1993, measures to assure appropriate consideration of Seismic Safety.

Abstract: The Earthquake Hazards Reduction Act of 1977 (PL 95-124, 42 USC 7701 et seq) was passed to reduce the risk of personal injury and property damage from earthquakes through the establishment and maintenance of an effective earthquake hazards reduction program. Executive Order 12699 (EO) ''Seismic Safety of Federal and Federally Assisted or Regulated New Building construction'' requires all Federal agencies to ensure that new federally assisted buildings are designed and constructed in accord with appropriate seismic design and construction standards. Each agency is responsible for issuing or amending its regulations or procedures, planning for implementation through its own budget process, and regularly reviewing its regulations and procedures. The impact on National economic growth is considered to be negligible. For the typical Rural Housing and Community Development Service, Rural Business and Community Development Service, Rural Utilities Service, and Consolidate Farm Service Agency funded new building the additional cost associated with this requirement (1 to 2 percent of the total construction cost) is

expected to be well worth the benefits gained.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB59

174. ENVIRONMENTAL PROGRAM

Priority: Other Significant

Legal Authority: PL 91-190

CFR Citation: 7 CFR 1940

Legal Deadline: None

Abstract: Section 1940.311 of FmHA Instruction 1940-G, Environmental Program, describes certain utility systems which meet the criteria for environmental review using the format for a Class I environmental assessment. There has been some confusion as to what constitutes a ''substantial increase'' in withdrawal or discharge, and there has also been some confusion as to what criteria should be used when calculating a 50,000 gallon per day withdrawal from surface or groundwater. It is expected that the effect of this action will be to eliminate this unnecessary confusion, and reduce documentation and paperwork on the part of Rural Housing and Community Development Service, Rural Business and Community Development Service, Rural Utilities Service, and Consolidated Farm Service Agency employees in the preparation and review of Class I environmental assessments based on these sections.

Timetable:

Action	Date	FR Cite
NPRM	03/15/95	60 FR 13928
NPRM Comment Period End	05/15/95	60 FR 13928

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: On March 15, 1995, the NPRM for RIN 0575-AB64 was published at 60 FR 13928 with incorrect RIN 0575-AB66.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB64

175. RURAL HOUSING VOUCHER PROGRAM

Priority: Other Significant

Legal Authority: 42 USC 1490r

CFR Citation: 7 CFR 1944 subpart O

Legal Deadline: None

Abstract: This regulation will implement a rural housing voucher program in accordance with section 542 of the Housing Act of 1949. The Agency proposes to provide funds to grantees to assist very low-income persons and families to afford rental housing in rural areas and by assisting such families to pay rent for decent, safe, and sanitary housing. Grantees will be selected on a competitive basis and funded for a 5-year period. Assistance will include and administrative fee for the grantee and cover the difference in tenants' rent between Agency determined market rent and 30 percent of the family's adjusted income. Priority and fund distribution will consider subsidy needs of currently build and operating rural rental housing financed under section 515.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Local, Tribal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB79

176. DEBT SETTLEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301; 31 USC 3711

CFR Citation: 7 CFR 1956 subpart B

Legal Deadline: None

Abstract: The regulation is being revised to emphasize effective debt collection through administrative offsets, pursuing judgments, and making borrowers more accountable for the debt.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB80

177. ● LENDER REPURCHASES OF GUARANTEED LOANS FROM CFSA

Priority: Other Significant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980 subpart B

Legal Deadline: None

Abstract: Lenders participating in the Guaranteed Loan Program have been unable to purchase the guaranteed portion of loans back from Consolidated Farmers Service Agency (CFSA) with the guarantee remaining in place, once CFSA repurchases the loan from a holder. Lenders request to purchase these loans back, when borrowers pay the loan current or loan restructuring occurs. Recently, Department of Treasury has approved CFSA's request to allow lenders to purchase these loans back from CFSA on a recourse basis. This would allow the lender to keep the guarantee, save the Government the cost associated with holding the loan and allow the operators to continue with their farming/ranching operation. Current regulations require the lender to reimburse CFSA within 180 days of

USDA—RHCDS **Proposed Rule Stage**

CFSA's repurchase; lenders normally accomplish this through the liquidation of the loan.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis & Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB92

178. ● RURAL RENTAL AND RURAL COOPERATIVE HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS - POINT SCORE SYSTEM TO PRIORITIZE RURAL RENTAL HOUSING LOANS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1489

CFR Citation: 7 CFR 1944 subpart E

Legal Deadline: None

Abstract: This Regulatory action revises the point system used to prioritize rural rental housing loan requests by reducing the number of points for proposals located 20 or more miles from an urban area, by awarding points for communities with a need for rental units for larger families, by awarding points for proposals that leverage funds with State or local funds, and by revising the preapplication and market analysis requirements to require less detailed information at the preliminary eligibility and feasibility stage.

Timetable:

Action	Date	FR Cite
NPRM	05/01/95	
NPRM Comment Period End	07/01/95	
Final Action	09/01/95	
Final Action Effective	10/01/95	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB93

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage

Rural Housing and Community Development Service (RHCDS)

179. RECAPTURE OF SECTION 502, RURAL HOUSING SUBSIDY

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1951 subpart I

Legal Deadline: None

Abstract: The Rural Housing and Community Development Services proposes to revise the regulation for the recapture of subsidy granted on Section 502 rural housing loans. This action will simplify and automate the calculation process in conjunction with the purchase of a modern commercial off-the-shelf loan servicing system with escrow capability.

Timetable:

Action	Date	FR Cite
NPRM	10/25/90	55 FR 42987
NPRM Comment Period End	12/24/90	55 FR 42987
Final Action	07/00/95	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AA29

180. DENYING CREDIT TO APPLICANTS DELINQUENT ON ANY FEDERAL DEBT

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1823; 7 CFR 1910 subpart A; 7 CFR 1941 subpart A; 7 CFR 1942 subpart A; 7 CFR 1942 subpart C; 7 CFR 1942 subpart G; 7 CFR 1942 subpart H; 7 CFR 1942 subpart I; 7 CFR 1942 subpart J; 7 CFR 1942 subpart K; 7 CFR 1943 subpart A; 7 CFR 1943 subpart B; 7 CFR 1944 subpart A; 7 CFR 1945 subpart D; 7 CFR 1980 subpart B

Legal Deadline: None

Abstract: OMB Circular A-129 dated November 25, 1988, recommends that the processing of applications for Federal direct loans be suspended and require private lenders to suspend processing of loan guarantee applications when an applicant is found to be delinquent on a Federal debt. The Federal Debt Collections Procedures Act of 1990 also requires that credit be denied if an outstanding judgment lien obtained by the United States in a Federal Court (other than the United States Tax Court), which has been recorded, is found.

Timetable:

Action	Date	FR Cite
NPRM	05/04/94	59 FR 23018
NPRM Comment Period End	07/05/94	59 FR 23018
Final Action	11/00/95	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: Federal

Additional Information: Item 7 (Cont.) 1944-D, E, and J; 1948-B and C; 1951-E; 1980-E, G, and I

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AA66

USDA—RHCDS **Final Rule Stage**

181. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS (DEFERRED MORTGAGE PROGRAM)

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1944 subpart A; 7 CFR 1951 subpart G

Legal Deadline: None

Abstract: This regulation is being amended to include a mortgage payment deferral program to enable the Agency to assist a greater number of very low-income families. The Program is intended to provide additional assistance to those families who cannot afford the costs of homeownership with full interest credit benefits.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/23/91	56 FR 41764
Final Action	02/17/95	
Final Action Effective	03/19/95	
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: The effective date of the law is April 1, 1991.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AA87

182. PLANNING AND PERFORMING SITE DEVELOPMENT WORK

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1924 subpart C

Legal Deadline: None

Abstract: Under HR 5334, the Secretary is authorized to accept locally approved subdivisions. This regulation will be amended to no longer require approval of individual subdivisions before Rural Housing and Community Development Service (RHCDS) loans are approved within the subdivision. Instead, there will be individual site approval requirements. The cost of implementing the changes would include procedure development, training, and development of forms. The benefits would be that RHCDS site requirements would be consistent with Housing and Urban Development and Veterans Administration.

Timetable:

Action	Date	FR Cite
NPRM	08/19/94	59 FR 42778
NPRM Comment Period End	10/18/94	
Final Action	06/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AA88

183. RURAL HOUSING GUARANTEED LOANS

Priority: Other Significant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980 subpart D; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Improve the acceptability of the program to lenders and the secondary market for mortgage loans to remove internal administrative procedures, and make minor corrections.

Timetable:

Action	Date	FR Cite
ANPRM	04/28/92	57 FR 17858
ANPRM Comment Period End	05/28/92	57 FR 17858
NPRM	09/03/93	58 FR 46889
NPRM Comment Period End	11/02/93	58 FR 46889
Final Action	06/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB15

184. SECTION 502 RURAL HOUSING LOAN POLICIES, PROCEDURES, AND AUTHORIZATIONS (INTEREST CREDIT/EARNED INCOME)

Priority: Other Significant

Legal Authority: PL 101-508; PL 101-201; 25 USC 1480; 42 USC 1437; EO 12744

CFR Citation: 7 CFR 1944 subpart A

Legal Deadline: None

Abstract: The definition of income is being revised pursuant to the Omnibus Budget Reconciliation Act of 1990. The regulations are being revised to clarify that the interest of individual Indians in trust on restricted land shall not be considered a resource in determining eligibility. Changes are being made to exclude from the Agent Orange settlement fund or any other fund established pursuant to the settlement in Agent Orange liability litigation. Based on a Supreme Court decision, Rural Housing and Community Development Service is deleting the public posting that require county supervisors to post on the bulletin board after each selection period a list of those applications selected and notified of the processing of their applications. The county supervisors are also required to review the Single Family Housing applicants audited or most recent Federal tax return. Removes existing restrictions on U.S. Military personnel and income exclusion for Nazi victims. The interest credit regulation is being revised to remove previous discrepancies.

Timetable:

Action	Date	FR Cite
NPRM	01/06/93	58 FR 507
NPRM Comment Period End	03/05/93	58 FR 507
Interim Final Rule	06/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $38,197; Yearly Recurring Cost: $38,197

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB16

USDA—RHCDS **Final Rule Stage**

185. DISPOSITION OF INTERESTS IN INDIAN TRUST LAND

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1955; 7 CFR 1965

Legal Deadline: None

Abstract: Incorporate requirements of the Cranston-Gonzalez National Affordable Housing Act, Section 708. This law prohibits the transfer or sale of Rural Housing and Community Development Service security interest in Indian Trust Land to anyone except an eligible tribal member, the tribe, or the Indian Housing Authority serving the tribes. These requirements will enhance the opportunity of these specific entities to become homeowners, thereby serving a previously underserved area.

Timetable:

Action	Date	FR Cite
NPRM	10/19/93	58 FR 53891
NPRM Comment Period End	12/17/93	58 FR 53891
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB17

186. 1927-B REAL ESTATE TITLE CLEARANCE AND LOAN CLOSING

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1927 subpart B; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Attorney and title companies close Rural Housing and Community Development Service (RHCDS) and Consolidated Farm Service Agency (CFSA) loans, provide title clearances, and disburses RHCDS/CFSA loan funds. In order to protect the security of the Government in the execution of these functions, RHCDS/CFSA requires them to have in full force and effect, an acceptable liability insurance policy for errors and omissions, deductible and appropriate level of fidelity coverage in the amount prescribed by RHCDS/CFSA. If the attorney or the title company wishes to close RHCDS/CFSA loans and has a larger deductible or lower insurance liability coverage, the State Director has to obtain authorization or exception from the National Office. The process is cumbersome and requires a great amount of paperwork and time. The use of Title Insurance is encouraged to be required by State Directors. This would eliminate the need for liability insurance bond coverage, and provide better protection for the government.

Timetable:

Action	Date	FR Cite
NPRM	05/11/94	59 FR 24362
NPRM Comment Period End	07/11/94	59 FR 24362
Final Action	06/01/95	
Final Action Effective	07/01/95	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0; Base Year for Dollar Estimates: 1995

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB52

187. OFFSETS OF FEDERAL PAYMENTS TO FMHA BORROWERS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1951 subpart C; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The Rural Housing and Community Development Service, Rural Business and Community Development Service, Rural Utilities Service, and Consolidated Farm Service Agency propose to amend their regulations on offsets of Federal payments to borrowers by removing repetitious directions and ambiguous guidance used by field offices to determine salary offset feasibility. The intended effect of this action is to add further guidance on salary offset eligibility criteria and to clarify the language of the regulations. The additional guidance provided by these proposed revisions will help to increase delinquent debt collection. If no revisions are made, it could result in reduced collections using administrative, salary and IRS offset.

Timetable:

Action	Date	FR Cite
NPRM	05/02/94	59 FR 22548
NPRM Comment Period End	06/01/94	59 FR 22548
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB55

188. SECTION 515 NONPROFIT SET-ASIDE FUNDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1485; 7 USC 1989; 5 USC 301; PL 102-550, Sec 708

CFR Citation: 7 CFR 1940 subpart L; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: The regulation change will be in compliance with provisions of the Housing and Community Development Act allowing limited partnerships with a nonprofit general partner to participate in set-aside; modify applicant eligibility requirements for nonprofit set-aside; and modify provisions regarding available funds and pooling of unused funds.

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/21/93	58 FR 38949
Final Action Effective	00/00/00	

USDA—RHCDS **Final Rule Stage**

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB60

189. SECURITY SERVICING FOR MULTIPLE-FAMILY HOUSING LOANS

Priority: Other Significant

Legal Authority: 7 USC 1980; 41 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1965 subpart B

Legal Deadline: None

Abstract: Section 1965.85 of FmHA Instruction 1965-B requires that each delinquent Multiple Family Housing account be classified on a delinquency report in addition to the preparation of a detailed servicing plan. Since the plan also includes the reason for the delinquency and the plans for resolving the problem, the classification is a duplication of work. We propose to eliminate the classifying of the account with this revision. The only alternative would be to continue classifying delinquent accounts. The deletion of this requirement would result in reduced burden for District Offices and State Offices. Exhibit A to the Instruction is being revised to clarify completion instructions and to provide uniformity required by the Internal Revenue Service.

Timetable:

Action	Date	FR Cite
NPRM	09/04/90	55 FR 35907
NPRM Comment Period End	11/03/90	55 FR 35907
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Federal

Public Compliance Cost: Initial Cost: $89,975; Yearly Recurring Cost: $89,975; Base Year for Dollar Estimates: 1997

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB73

190. COMMUNITY FACILITY LOANS: INTERNAL REVENUE SERVICE TAXPAYERS IDENTIFICATION NUMBER

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 16 USC 1005; 5 USC 301

CFR Citation: 7 CFR 1942; 7 CFR 1948; 7 CFR 1951; 7 CFR 1980

Legal Deadline: None

Abstract: To amend subject regulations to comply with OMB Circular A-129 and simplify procedures for the Agency's field staff. Specifically, the changes will implement the requirement to use the Internal Revenue Service Taxpayers Identification number in the borrower's case number and will provide mechanism for documentation of contacts with lenders. Additionally, some sections have been modified to provide clarification of the rules.

Timetable:

Action	Date	FR Cite
NPRM	06/15/94	59 FR 30717
NPRM Comment Period End	06/15/94	59 FR 30717
Final Action	05/20/95	
Final Action Effective	07/20/95	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local, Tribal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0575–AB77

DEPARTMENT OF AGRICULTURE (USDA)

Completed/Longterm Actions

Rural Housing and Community Development Service (RHCDS)

191. LIQUIDATION, MANAGEMENT, AND DISPOSITION OF REAL PROPERTY WITH SECURED SINGLE FAMILY HOUSING (SFH) LOANS

CFR Citation: 7 CFR 1955

Completed:

Reason	Date	FR Cite
Withdrawn - No action expected in the next 12 months.	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575–AA03

192. SERVICING CASES WHERE UNAUTHORIZED LOAN OR OTHER FINANCIAL ASSISTANCE WAS RECEIVED—MULTIPLE FAMILY HOUSING

CFR Citation: 7 CFR 1951 subpart N

Completed:

Reason	Date	FR Cite
Withdrawn - No action expected in the next 12 months.	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575–AA69

193. ADVERSE DECISIONS AND ADMINISTRATIVE APPEALS; FMHA INSTRUCTION 1900-B

CFR Citation: 7 CFR 1900 subpart B

Completed:

Reason	Date	FR Cite
Withdrawn - Transferred to Secretary level per National Appeal Div.	01/11/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575–AA70

USDA—RHCDS **Completed/Longterm Actions**

194. FARM LABOR HOUSING LOAN AND GRANT POLICIES, PROCEDURES, AND AUTHORIZATIONS

CFR Citation: 7 CFR 1944 subpart D

Completed:

Reason	Date	FR Cite
Final Action	01/20/95	60 FR 4069
Final Action Effective	02/21/95	60 FR 4069

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0575–AB47

BILLING CODE 3410-07-F

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage

Federal Crop Insurance Corporation (FCIC)

195. COMMON CROP INSURANCE REGULATIONS; HYBRID CORN SEED CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457.108

Legal Deadline: None

Abstract: This regulation proposes to remove the Hybrid Corn Seed Endorsement from part 401 and add it to part 457 Common Crop Insurance Regulations. The new Endorsement under part 457 will contain late and prevented planting provisions.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA78

196. COMMON CROP INSURANCE REGULATIONS; TOBACCO (QUOTA PLAN) AND TOBACCO (GUARANTEED PLAN) CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457.118

Legal Deadline: None

Abstract: This regulation proposes to remove the Tobacco Endorsements from part 401-General Crop Insurance Regulations and add them to part 457-Common Crop Insurance Regulations. The Tobacco Endorsements under part 457 will contain late and prevented planting provisions.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA84

197. COMMON CROP INSURANCE REGULATIONS; ONION CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1506 et seq

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation hereby proposes regulations for provisions to insure onions. The provisions will be used in conjunction with the Common Crop Insurance Policy which contains standard terms and conditions common to most crops. The intended effect of this action is to provide automatic coverage for late and prevented planting as well as make other minor policy changes to better meet the needs of the insured. The previous onion crop insurance policy was located at 401.126 General Crop Insurance Provisions. This rule proposes that the onion policy fall under the Common Crop Insurance regulations located in part 457.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA87

198. COMMON CROP INSURANCE REGULATIONS; POTATO CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation hereby proposes regulations for provisions to insure potatoes. The provisions will be used in conjunction with the Common Crop Insurance Policy which contains standard terms and conditions common to most crops. The intended effect of this action is to provide automatic coverage for late and prevented planting as well as make minor policy changes to better meet the needs of the insured. This rule proposes to remove the potato policy which is currently a ''stand-alone'' policy located in part 422 and move it under part 457 Common Crop Insurance Provisions. The rule also proposes separate provisions for Northern and Central-Southern potatoes.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA89

199. COMMON CROP INSURANCE REGULATIONS; POPCORN CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation hereby proposes regulations for provisions to insure popcorn. The provisions will be used in conjunction with the Common Crop Insurance Policy which contains standard terms and conditions common to most crops. The intended effect of this action is to provide automatic coverage for late and prevented

planting as well as to make other minor policy changes to better meet the needs of the insured. This rule proposes to remove the popcorn policy which is currently a ''stand-alone'' policy located at part 447 under the Common Crop Insurance Regulations located at part 457.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA91

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200. COMMON CROP INSURANCE REGULATIONS; DRY PEA CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation hereby proposes regulations for provisions to insure dry peas. The provisions will be used in conjunction with the Common Crop Insurance Policy which contains standard terms and conditions common to most crops. The intended effect of this action is to provide automatic coverage for late and prevented planting as well as to make other minor policy changes to better meet the needs of the insured. This rule proposes to remove the dry pea policy which currently is a ''stand-alone'' policy located in part 416 under the Common Crop Insurance Regulations located at part 457.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA92

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201. COMMON CROP INSURANCE REGULATIONS; SUGARBEET CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation hereby proposes regulations for provisions to insure sugarbeets. The provisions will be used in conjunction with the Common Crop Insurance Policy which contains standard terms and conditions common to most crops. The intended effect of this action is to provide automatic coverage for late and prevented planting as well as make other minor policy changes to better meet the needs of the insured. This rule proposes to remove the Sugarbeet policy which currently is a ''stand-alone'' policy located in part 430 under the Common Crop Insurance Regulations located at part 457.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA93

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202. COMMON CROP INSURANCE REGULATIONS; CANNING AND PROCESSING TOMATO CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation hereby proposes regulations for provisions to insure canning and processing tomatoes. The provisions will be used in conjunction with the Common Crop Insurance Policy which contains standard terms and conditions common to most crops. The intended effect of this action is to provide automatic coverage for late and prevented planting as well as make other minor policy changes to better meet the needs of the insured. This rule proposes to remove the Canning and Processing tomato policy which currently is a ''stand-alone'' policy located at part 438 under the Common Crop Insurance Regulations at part 457.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA94

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203. COMMON CROP INSURANCE REGULATIONS; FRESH TOMATO CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation hereby proposes regulations for provisions to insure fresh tomatoes. The provisions will be used in conjunction with the Common Crop Insurance Policy which contains standard terms and conditions common to most crops. The intended effect of this action is to provide automatic coverage for late and prevented planting as well as make other minor policy changes to better meet the needs of the insured. This rule proposes to remove the fresh tomato policy which currently is a ''stand-alone'' policy located at part 444 under the Common Crop Insurance Regulations located at part 457.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA95

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204. GENERAL ADMINISTRATIVE REGULATIONS; HIGH RISK LAND REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation adds new regulations to be known as High Risk Land Regulations. The intended effect of this rule is to set forth rates apart from those prescribed by standard actuarial tables and coverage procedures for acreage on

which actual or expected frequency and severity of loss does not reasonably conform to standard insurance coverage and rating determination methods.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA98

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205. GENERAL ADMINISTRATIVE REGULATIONS; SUBPART D; APPLICATION FOR CROP INSURANCE

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 400, subpart D

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation amends the General Administrative Regulations by revising the ''Collection of Information and Data (Privacy Act)'' statement found on the general crop insurance application. The proposed amendments to the statement include defining ''substantial beneficial interest'' as those persons whose interest in the policyholder is in excess of 10 percent. Other minor changes have been made to more fully comply with provisions of the Privacy Act.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB00

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206. GENERAL ADMINISTRATIVE REGULATIONS; SUBPART Z; INELIGIBLE FILE - CROP INSURANCE INELIGIBILITY

Priority: Other Significant

Legal Authority: 44 USC 3501 et seq; 7 USC 1501 et seq

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: This rule proposes to establish a new subpart that describes the Corporation's intention to compile a list of those persons who have been found ineligible for participation in the Federal Crop Insurance Program because of various violations committed when either insured or reinsured by FCIC. Violations include nonpayment of premium, delinquent debt owed to FCIC, fraud misrepresentation, FCIC debarment or suspension, ineligibility determinations resulting from formal or informal administrative proceedings or from court rulings, or those arising from settlement agreements, as well as other violations of program regulations. Violations may also be declared because of violations of the conservation compliance or controlled substance provisions of the Food Security Act of 1985, as amended by the Food, Agriculture, Conservation and Trade Act of 1990. The rule also proposes to preclude a person from receiving any benefits for the applicable crop year if it is determined that a person has knowingly adopted a scheme to obtain a catastrophic or noninsured benefit under the Federal Crop Insurance Reform Act of 1994 to which the person was not entitled.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB01

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207. COMMON CROP INSURANCE REGULATIONS; DRY BEAN CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457.112

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation hereby proposes regulations for provisions to insure dry beans. The provisions will be used in conjunction with the Common Crop Insurance Policy which contains standard terms and conditions common to most crops. The intended effect of this action is to provide automatic coverage for late and prevented planting as well as make other minor policy changes to better meet the needs of the insured. This rule proposes to remove the dry bean policy which currently is a ''stand-alone'' policy located at part 433 under the Common Crop Insurance Regulations located at part 457.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB02

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208. COMMON CROP INSURANCE REGULATIONS; VARIOUS CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation hereby proposes regulations for provisions to insure rice. The provisions will be used in conjunction with the Common Crop Figs, Almonds, Raisins, Forage Production, Hybrid Sorghum Seed, Pears, Apples, Canning and Processing Sweet Corn, Canola, Dollar Plan Fresh Market Tomatoes, Fresh Market Sweet Corn, Nursery, Fresh Peaches, and Peppers Insurance Policy which contains standard terms and conditions common to most crops. This rule proposes to remove the rice policy currently located at part 401.120, the fig policy located at part 401.125, the almond policy located at part 459, the raisin policy located at part 401.142, forage production policy at part 415, hybrid sorghum seed policy at part 405, canning and processing sweet corn policy at part 437, and provisions for canola, remove the Dollar Plan Fresh Market tomato policy located at part 401.139, the fresh market sweet corn policy at part 401.138, the Nursery policy, which currently is a ''stand-alone'' policy, the fresh peach policy which stands alone at part 403, and the pepper policy which currently stands alone at part 445, and move them all under part 457 Common Crop Insurance Regulations. Each policy will be assigned a separate section.

Timetable: Next Action Undetermined

Small Entities Affected: None

USDA—FCIC **Prerule Stage**

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB03

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209. GENERAL ADMINISTRATIVE REGULATIONS; NONSTANDARD CLASSIFICATION SYSTEM; SUBPART O

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 400, subpart O

Legal Deadline: None

Abstract: This regulation amends the above subpart by correcting an error in a definition, expanding the definition of ''base period'' to account for certain exceptions with citrus and sugarcane farming practices, and making other minor changes to the provisions.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB05

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210. PROVISIONS; PART 459 GROUP RISK PLAN CROP INSURANCE

Priority: Other Significant

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 459

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation (FCIC) hereby proposes to issue provisions which will outline a new risk management tool to be known as the Group Risk Plan of Insurance (GRP). This plan will insure against the widespread loss of production of certain crops in a county and is intended primarily for use by those farmers whose yields tend to follow the county average yield. GRP pays only when the average yield of the entire county drops below the expected county yield for the insured crop set by the FCIC. Payment is based on the percentage of county or area wide loss below the insured's trigger yield. Specific GRP Crop Insurance Provisions will be proposed for cotton, wheat, barley, corn grain sorghum, soybeans, forage production, and peanuts.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB06

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211. GENERAL ADMINISTRATIVE REGULATIONS; REGULATIONS FOR INSURANCE COVERAGE BY WRITTEN AGREEMENT

Priority: Other Significant

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 400, subpart S

Legal Deadline: None

Abstract: The Federal Crop Insurance Corporation (FCIC) hereby proposes regulations to allow insurance coverage by written agreement for crops in counties which have no actuarial table. Currently, FCIC provides insurance by written agreement for only program crops. By providing insurance by written agreement, FCIC will provide a risk management tool to a broader base of producers.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB07

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212. ● GENERAL ADMINISTRATIVE REGULATIONS: SUBPART K; DEBT MANAGEMENT

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: FCIC proposes to amend its General Administrative Regulations by revising subpart K, which has to do with debt collection. FCIC proposes to redefine its definition of a hearing officer and clarify that debt collection matters involving salary offset shall be heard at the National Appeals Division or by the Administrative Law Judge at the Department level. In addition, FCIC proposes to correct the inaccurate section citations presently contained within this regulation.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB14

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213. ● GENERAL ADMINISTRATIVE REGULATIONS; SUBPART V; SUPPLEMENTAL AND ALTERNATIVE CROP INSURANCE POLICY APPROVAL PROCESS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 400, subpart V

Legal Deadline: None

Abstract: This rule proposes to add a new subpart to the General Administrative Regulations which will provide guidelines for FCIC approval of supplemental and alternative crop insurance policies and policy provisions developed by FCIC approved insurance providers.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB15

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214. ● GENERAL ADMINISTRATIVE REGULATIONS; SUBPART J; APPEAL PROCEDURE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 400, subpart J

Legal Deadline: None

Abstract: This proposed rule will amend FCIC appeal procedures by outlining provisions that producers

must follow when appealing decisions which deny them program benefits or eligibility.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB17

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215. • COMMON CROP INSURANCE REGULATIONS; VARIOUS CROP INSURANCE POLICIES; COVERAGE IN TERMS OF DOLLARS PER ACRE

Priority: Other Significant

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: This rule proposes to offer catastrophic risk and additional insurance coverage in terms of dollars per acre instead of coverage based upon yields and price elections.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB18

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216. • GENERAL ADMINISTRATIVE REGULATIONS; SUBPART N; DISASTER ASSISTANCE ACT OF 1988

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 400, subpart N

Legal Deadline: None

Abstract: This rule proposes to revise subpart N of the General Administrative Regulations by repealing obsolete disaster guidelines and requiring the mandatory purchase of catastrophic crop insurance for program crops as a prerequisite for obtaining benefits under any commodity price subpart, production adjustment, or conservation program administered by USDA, or any farmer loan program, whether these programs are administered by FCIC or CFSA.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB20

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217. • GENERAL ADMINISTRATIVE REGULATIONS; FEDERAL JURISDICTION AND STATUTE OF LIMITATION FOR SUITS BASED UPON DENIAL OF CLAIMS FOR INDEMNITY

Priority: Routine and Frequent

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: This rule proposes to revise FCIC's General Administrative Regulations, amending the supplementary information section of all FCIC rules by requiring that suits against the Corporation, CFSA, or the private insurance provider, due to denial of claims for indemnity, must be brought in Federal District Court. This rule proposes that suit must be brought within one year after the date on which the written notice of denial was sent to the claimant.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB21

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218. • GENERAL ADMINISTRATIVE REGULATIONS; ACTUAL PRODUCTION HISTORY COVERAGE PROGRAM; TRANSITIONAL YIELDS FOR PRODUCERS OF FEED OR FORAGE

Priority: Other Significant

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 400

Legal Deadline: None

Abstract: This rule proposes to provide a two-year authority for the Corporation to offer a transitional yield of 80 percent for producers of feed or forage for on-farm use in a livestock, dairy, or poultry operation. This transitional yield rate shall be available to the producer for the first year of the production history subsequent to the enactment of the Federal Crop Act. Thereafter, the actual production history and assigned yield provisions of the Act shall apply.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB23

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219. • COMMON CROP INSURANCE REGULATIONS; SMALL GRAINS, COTTON, ELS COTTON, AND COARSE GRAINS CROP PROVISIONS

Priority: Other Significant

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 457.101; 7 CFR 457.103 to 457.105; 7 CFR 457.113

Legal Deadline: None

Abstract: This regulation proposes to amend the provisions to insure small grains. These provisions will be used in conjunction with the common crop insurance policy which contains standard terms and conditions common to most crops. The intended effect of this action is to establish eligible prevented planting acres and base proration of acres on a farm serial number basis. This rule also proposes to allow the malting barley producer to select the contract price as the price election under certain conditions.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB24

DEPARTMENT OF AGRICULTURE (USDA)
Federal Crop Insurance Corporation (FCIC)

Proposed Rule Stage

220. SUGARCANE ENDORSEMENT FOR PART 457, COMMON CROP INSURANCE REGULATIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457.116

Legal Deadline: None

Abstract: This regulation proposes to remove the Sugarcane Endorsement from part 401 - General Crop Insurance Regulations and add it to part 457 - Common Crop Insurance Regulations. The Sugarcane Endorsement under part 457 will contain late and prevented planting provisions.

Timetable:

Action	Date	FR Cite
NPRM	02/21/95	60 FR 9629
NPRM Comment Period End	05/23/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA79

221. COMMON CROP INSURANCE REGULATIONS; PEANUT CROP INSURANCE PROVISIONS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: This regulation proposes to remove the Peanut Endorsements from part 425 as a ''stand-alone'' policy and from 401.141 General Crop Insurance Provisions, and add it to part 457-Common Crop Insurance Regulations. The Peanut Endorsement under part 457 will contain late and prevented planting provisions.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA85

DEPARTMENT OF AGRICULTURE (USDA)
Federal Crop Insurance Corporation (FCIC)

Final Rule Stage

222. GENERAL CROP INSURANCE REGULATIONS; LATE AND PREVENTED PLANTING PROVISIONS FOR VARIOUS CROPS

Priority: Routine and Frequent

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 401

Legal Deadline: None

Abstract: This interim rule amends the General Crop Insurance Regulations, effective for the 1994 and succeeding crop years, by amending the late planting and prevented planting provisions of the corn, sorghum and soybean endorsements. Additionally, this rule serves to incorporate late and prevented planting coverage into the hybrid sorghum seed, rice, cotton, barley, oats, and wheat crop endorsements, and prevented planting provisions into the ELS cotton endorsement. These provisions will be effective for the 1994 crop year.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/22/93	58 FR 67630
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AA80

223. GENERAL ADMINISTRATIVE REGULATIONS; SUBPART L, REINSURANCE AGREEMENT - STANDARDS FOR APPROVAL

Priority: Informational

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 400, subpart L

Legal Deadline: None

Abstract: This regulation amends the General Administrative Regulations by revising the general qualifications for being awarded a Standard Reinsurance Agreement. This rule intends to provide additional information so that the Federal Crop Insurance Corporation can more accurately identify those insurance companies at financial risk.

Timetable:

Action	Date	FR Cite
NPRM	06/14/94	
NPRM Comment Period End	06/29/94	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB08

224. ● CATASTROPHIC RISK PROTECTION ENDORSEMENT

Priority: Economically Significant

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 402

Legal Deadline: None

Abstract: This rule proposes to establish a new crop insurance coverage which will be mandatory for those producers who apply for other Federal farm program benefits or assistance. In order to participate in the program, a producer must obtain coverage for all insurable land in the county. An administrative fee will be charged for crop insurance to the producer. However, those who qualify as ''limited resource farmers'' may obtain a waiver of that fee.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/06/95	60 FR 2000

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

USDA—FCIC **Final Rule Stage**

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L St. NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB09

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225. ● GENERAL ADMINISTRATIVE REGULATIONS; SANCTIONS; SUBPART R

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 400, subpart R

Legal Deadline: None

Abstract: This regulation proposes to amend the sanction regulations by expanding the use of sanctions to include catastrophic risk coverage, noninsured assistance, and program ineligibility.

Timetable:

Action	Date	FR Cite
NPRM	01/13/95	60 FR 3106
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L. St. NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB10

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226. ● GENERAL ADMINISTRATIVE REGULATIONS: SUBPART T; FEDERAL CROP INSURANCE REFORM ACT OF 1994; REGULATIONS FOR IMPLEMENTATION

Priority: Economically Significant

Legal Authority: 7 USC 1501 et seq

CFR Citation: 7 CFR 400, subpart T

Legal Deadline: None

Abstract: FCIC proposes to add a new subpart T to its General Administrative Regulations. The intended effect of this rule is to notify policyholders, noninsureds, and insurance companies of the policies, procedures, general program requirements, and changes to the Federal Crop Insurance Program contained in the Federal Crop Insurance Reform Act of 1994. Promulgation of this rule will implement the reformed crop insurance program required by the Federal Crop Reform Act of 1994 and will affect the availability and issuance of insurance policies provided or reinsured by the Federal Crop Insurance Corporation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/06/95	60 FR 1996
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L. St. NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB11

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227. ● NONINSURED CROP DISASTER ASSISTANCE PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 404

Legal Deadline: None

Abstract: The rule proposes regulations for provision for a noninsured crop disaster program, a substitute for standing ad hoc disaster assistance in order to provide a level of protection that is comparable to the catastrophic risk protection plan of insurance.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB13

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228. ● GENERAL CROP INSURANCE REGULATIONS; RICE ENDORSEMENT

Priority: Routine and Frequent

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 401.20

Legal Deadline: None

Abstract: This rule proposes regulations for provisions to insure rice. These provisions will be used with the General Crop Insurance Policy.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/18/93	58 FR 33506
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB19

DEPARTMENT OF AGRICULTURE (USDA)

Federal Crop Insurance Corporation (FCIC)

Completed/Longterm Actions

229. REINSURANCE AGREEMENT—STANDARDS FOR APPROVAL REGULATIONS FOR 1988 AND SUBSEQUENT CONTRACT YEARS

CFR Citation: 7 CFR 400, subpart L

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, 202 254-8314

RIN: 0563–AA74

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230. COMMON CROP INSURANCE REGULATIONS; SUNFLOWER CROP INSURANCE PROVISIONS

CFR Citation: 7 CFR 457.117

Completed:

Reason	Date	FR Cite
Final Action	12/29/94	59 FR 67134

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, 202 254-8314

RIN: 0563–AA77

231. NURSERY CROP ENDORSEMENT FOR PART 457 COMMON CROP INSURANCE REGULATIONS

CFR Citation: 7 CFR 406

Completed:

Reason	Date	FR Cite
Final Action	07/13/94	59 FR 35613

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, 202 254-8314

RIN: 0563–AA82

232. GENERAL ADMINISTRATIVE REGULATIONS; GROUP RISK PLAN (GRP)

CFR Citation: 7 CFR 457

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, 202 254-8314

RIN: 0563–AA83

233. COMMON CROP INSURANCE REGULATIONS; FORAGE PRODUCTION INSURANCE PROVISIONS

CFR Citation: 7 CFR 457

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, 202 254-8314

RIN: 0563–AA88

234. COMMON CROP INSURANCE REGULATIONS; FLAXSEED CROP INSURANCE PROVISIONS

CFR Citation: 7 CFR 457

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, 202 254-8314

RIN: 0563–AA90

235. COMMON CROP INSURANCE REGULATIONS; ALMOND CROP INSURANCE PROVISIONS

CFR Citation: 7 CFR 457

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, 202 254-8314

RIN: 0563–AA96

236. COMMON CROP INSURANCE REGULATIONS; RAISIN CROP INSURANCE PROVISIONS

CFR Citation: 7 CFR 457

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, 202 254-8314

RIN: 0563–AA97

237. GENERAL ADMINISTRATIVE REGULATIONS; SUBPART Q; COLLECTION AND STORAGE OF SOCIAL SECURITY ACCOUNT NUMBERS AND EMPLOYER IDENTIFICATION NUMBERS

CFR Citation: 7 CFR 400, subpart Q

Completed:

Reason	Date	FR Cite
Final Action	10/18/94	59 FR 52407

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, 202 254-8314

RIN: 0563–AA99

238. COMMON CROP INSURANCE REGULATIONS, HYBRID SORGHUM SEED CROP INSURANCE PROVISIONS

CFR Citation: 7 CFR 457

Completed:

Reason	Date	FR Cite
Withdrawn	01/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, 202 254-8314

RIN: 0563–AB04

239. ● COMMON CROP INSURANCE REGULATIONS; SUNFLOWER SEED CROP INSURANCE PROVISIONS

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 457.117

Legal Deadline: None

Abstract: This rule proposes to provide insurance coverage for solid-seeded sunflowers. The rule also proposes to base the confectionery sunflower seed price election on the contract price when there is a contract with a buyer in advance of the growing season.

Timetable:

Action	Date	FR Cite
NPRM	09/23/94	59 FR 48827
Final Action	12/29/94	59 FR 67134

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance Corporation, 2101 L. Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB16

240. ● COMMON CROP INSURANCE REGULATIONS FOR 1995 AND SUBSEQUENT CONTRACT YEARS (APPROPRIATION CONTINGENCY)

Legal Authority: 7 USC 1501

CFR Citation: 7 CFR 457

Legal Deadline: None

Abstract: This rule proposes that the continuation of crop insurance policies reinsured by FCIC be subject to the availability of appropriations.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/06/94	59 FR 45971
Final Action	04/03/95	60 FR 16765
Final Action Effective	04/03/95	60 FR 16765

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Diana Moslak, Regulatory Specialist, Department of Agriculture, Federal Crop Insurance

Corporation, 2101 L Street NW., Washington, DC 20037, **202 254-8314**

RIN: 0563–AB22

BILLING CODE 3410-08-F

DEPARTMENT OF AGRICULTURE (USDA) — Prerule Stage
Grain Inspection, Packers and Stockyards Administration (GIPSA)

241. UNITED STATES STANDARDS FOR CORN

Priority: Routine and Frequent

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 810

Legal Deadline: None

Abstract: The Federal Grain Inspection Service proposes to initiate a review of the United States Standards for Corn. Public comments will be requested regarding the adequacy of existing corn standards: (e.g. tolerances, classification system, language clarity, and other potential improvements). The review is being initiated to meet the requirements of Executive Order 12291 and Departmental Regulation 1521 to conduct periodic reviews of existing regulations. This action is a routine administrative review. Alternatives to the existing standards will be considered as the review schedule progresses and public comments are evaluated.

Timetable:

Action	Date	FR Cite
ANPRM	02/22/95	60 FR 9790
ANPRM Comment Period End	04/24/95	
Final Action	08/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: None

Agency Contact: George Wollam, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, PO Box 96454, Room 0623 South Building, Washington, DC 20090-6454, **202 720-0292**

RIN: 0580–AA28

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage
Grain Inspection, Packers and Stockyards Administration (GIPSA)

242. UNITED STATES STANDARDS FOR BARLEY

Priority: Routine and Frequent

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 810

Legal Deadline: None

Abstract: The Federal Grain Inspection Service proposes to initiate a review of the United States Standards for Barley. Public comments will be requested regarding the adequacy of existing barley standards: (e.g, tolerances, classification system, language clarity, and other potential improvements). The review is being initiated to meet the requirements of Executive Order 12866 and Departmental Regulation 1521 to conduct periodic reviews of existing regulations. This action is a routine administrative review. Alternatives to the existing standards will be considered as the review schedule progresses and public comments are evaluated.

Timetable:

Action	Date	FR Cite
NPRM	03/22/95	60 FR 15075
NPRM Comment Period End	04/22/95	
Final Action	12/00/95	
Final Action Effective	12/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Wollam, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, PO Box 96454, Room 0623 South Building, Washington, DC 20090-6454, **202 720-0292**

RIN: 0580–AA29

243. OFFICIAL PERFORMANCE AND PROCEDURAL REQUIREMENTS FOR GRAIN WEIGHING EQUIPMENT AND RELATED GRAIN HANDLING SYSTEMS

Priority: Routine and Frequent

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 802

Legal Deadline: None

Abstract: The Federal Grain Inspection Service (FGIS) proposes to revise the regulations under the United States Grain Standards Act (USGSA), as amended, entitled Performance and Procedural Requirements for Grain Weighing Equipment and Related Grain Handling Systems. FGIS proposes to incorporate by reference the applicable requirements of the National Institute of Standards and Technology (NIST) Handbook 44, ''Specification Tolerance, and other Technical Requirements for Weighing and Measuring Services,'' 1993 edition (Handbook 44) and continue to adopt all requirements for NIST Handbook 105-1 ''Specifications and Tolerances for Reference Standard Weights and Measures,'' 1990 revision (Handbook 105-1).

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	
Final Action	07/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Wollam, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, PO Box 96454, Room 0623 South Building,

USDA—GIPSA **Proposed Rule Stage**

Washington, DC 20090-6454, **202 720-0292**

RIN: 0580–AA39

244. FEES FOR OFFICIAL INSPECTION AND WEIGHING SERVICE

Priority: Other Significant

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 800

Legal Deadline: None

Abstract: The Federal Grain Inspection Service (FGIS) is proposing a change in the manner in which it collects fees for Official Inspection and Weighing services performed in the United States under the United States Grain Standard Act (USGSA), as amended.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **George Wollam**, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, PO Box 96454, Room 0623 South Building, Washington, DC 20090-6454, **202 720-0292**

RIN: 0580–AA40

245. U.S. STANDARDS FOR FLAXSEED, MIXED GRAINS, OATS, RYE, SUNFLOWER SEED, AND TRITICALE

Priority: Routine and Frequent

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 810

Legal Deadline: None

Abstract: The Federal Grain Inspection Service is reviewing the existing United States Standards for Flaxseed, Mixed Grains, Oats, Rye, Sunflower Seed, and Triticale.

Timetable:

Action	Date	FR Cite
ANPRM	12/17/93	58 FR 65939
ANPRM Comment Period End	02/15/94	
NPRM	06/00/95	
NPRM Comment Period End	09/00/95	
Final Action	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **George Wollam**, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, PO Box 96454, Room 0623 South Building, Washington, DC 20090-6454, **202 720-0292**

RIN: 0580–AA42

246. REGULATIONS AND STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT (GROUP 2)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 204; 7 USC 228

CFR Citation: 9 CFR 201.49; 9 CFR 201.53; 9 CFR 201.55; 9 CFR 201.69; 9 CFR 201.70; 9 CFR 201.71; 9 CFR 201.73; 9 CFR 201.76; 9 CFR 201.98; 9 CFR 201.100; 9 CFR 201.108(1); 9 CFR 201.200; 9 CFR 203.4; 9 CFR 203.18; 9 CFR 203.19; ...

Legal Deadline: None

Abstract: All regulations and statements of general policy issued under the provisions of the Packers and Stockyards Act are being reviewed to determine which sections should be retained in their present form and which sections should be modified or removed. A notice will be published which will identify and propose to retain, modify, or remove each section in this group.

Timetable:

Action	Date	FR Cite
ANPRM	09/15/92	57 FR 42515
ANPRM Comment Period End	11/16/92	57 FR 42515
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Final Action	09/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0590-AA09 prior to the reorganization of USDA.

Agency Contact: **Harold W. Davis**, Assistant Deputy Administrator, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Room 3039 South Building, Washington, DC 20250-2800, **202 720-7063**

RIN: 0580–AA44

247. REGULATIONS AND STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT (GROUP 3)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 204; 7 USC 228

CFR Citation: 9 CFR 201.10; 9 CFR 201.27; 9 CFR 201.28; 9 CFR 201.29; 9 CFR 201.30; 9 CFR 201.31; 9 CFR 201.32; 9 CFR 201.33; 9 CFR 201.34

Legal Deadline: None

Abstract: All regulations and statements of general policy issued under the provisions of the Packers and Stockyards Act are being reviewed to determine which sections should be retained in their present form and which sections should be modified or removed. A notice will be published which identifies each section and proposes to either retain, modify, or remove the section. The sections included in this document pertain to the registration and bonding requirements under the provisions of the Packers and Stockyards Act.

Timetable:

Action	Date	FR Cite
ANPRM	09/15/92	57 FR 42515
ANPRM Comment Period End	11/16/92	57 FR 42515
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	12/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0590-AA10 prior to the reorganization of USDA.

Agency Contact: **Harold W. Davis**, Assistant Deputy Administrator, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Room 3039 South Building, Washington, DC 20250-2800, **202 720-7063**

RIN: 0580–AA45

USDA—GIPSA **Proposed Rule Stage**

248. STATEMENT OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARD ACT: CARE AND HANDLING OF LIVESTOCK

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 204; 7 USC 228

CFR Citation: 9 CFR 203.20

Legal Deadline: None

Abstract: Due to concerns regarding the care and handling of livestock, the Agency initiated a program to review the services, facilities, and procedures for receiving and handling livestock at all stockyards. Over 1,400 stockyards were reviewed and problems in the care and handling of livestock were found to exist at some stockyards. As a result of these reviews, the Agency proposes to issue guidelines in the form of a statement of general policy on the care and handling of livestock at stockyards.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	
Interim Final Rule	11/00/95	
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0590-AA11 prior to the reorganization of USDA.

Agency Contact: **Harold W. Davis**, Assistant Deputy Administrator, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Room 3039, South Building, Washington, DC 20250-2800, **202 720-7063**

RIN: 0580–AA46

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage
Grain Inspection, Packers and Stockyards Administration (GIPSA)

249. FEES FOR OFFICIAL INSPECTION AND WEIGHING SERVICES

Priority: Other Significant

Legal Authority: 7 USC 71 et seq

CFR Citation: 7 CFR 800.71

Legal Deadline: None

Abstract: The Federal Grain Inspection Service (FGIS) proposes to increase its fees on average by 3.7 percent for Official Inspection and Weighing Services performed in the United States under the United States Grain Standards Act (USGSA), as amended. The USGSA provides for establishment of fees which are to cover the costs for performance of these official services. FGIS's current fee does not generate sufficient revenue to cover any of the approved FY 1992 3.7 percent federal employee raise.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/08/93	58 FR 3263
Final Action	04/00/95	
Interim Final Rule Postponement of Effective Date	01/21/93	58 FR 5255

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **George Wollam**, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, PO Box 96454, Room 0623 South Building, Washington, DC 20090-6454, **202 720-0292**

RIN: 0580–AA27

250. FEES FOR BELTSVILLE LABORATORY TEST SERVICES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 et seq

CFR Citation: 7 CFR 68

Legal Deadline: None

Abstract: The Federal Grain Inspection Services (FGIS) is proposing to adjust fees charged by the Commodity Testing Laboratory at Beltsville, Maryland, by increasing fees for individual services provided by the Laboratory. These revisions are intended to cover projected operating costs.

Timetable:

Action	Date	FR Cite
NPRM	11/03/94	59 FR 55067
NPRM Comment Period End	12/05/94	59 FR 55067
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **George Wollam**, Regulatory Liaison, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, PO Box 96454, Room 0623 South Building, Washington, DC 20090-6454, **202 720-0292**

RIN: 0580–AA41

251. REGULATIONS AND STATEMENTS OF GENERAL POLICY UNDER THE PACKERS AND STOCKYARDS ACT (GROUP 1)

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 204; 7 USC 228

CFR Citation: 9 CFR 201.1; 9 CFR 201.17; 9 CFR 201.39; 9 CFR 201.44; 9 CFR 201.45; 9 CFR 201.61; 9 CFR 201.81; 9 CFR 201.82; 9 CFR 201.86; 9 CFR 201.94; 9 CFR 201.95; 9 CFR 201.96; 9 CFR 203.5; 9 CFR 203.12; 9 CFR 203.17; ...

Legal Deadline: None

Abstract: All regulations and statements of general policy issued under the provisions of the Packers and Stockyards Act are being reviewed to determine which sections should be retained in their present form and which sections should be modified or removed. A notice will be published which will identify and propose to retain, modify, or remove each section in this group.

Timetable:

Action	Date	FR Cite
ANPRM	09/15/92	57 FR 42515
ANPRM Comment Period End	11/16/92	57 FR 42515
NPRM	05/24/94	59 FR 26763
NPRM Comment Period End	07/25/94	
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

USDA—GIPSA **Final Rule Stage**

Additional Information: This entry was reported as RIN 0590-AA08 prior to the reorganization of USDA.

Agency Contact: Harold W. Davis, Assistant Deputy Administrator, Department of Agriculture, Grain Inspection, Packers and Stockyards Administration, Room 3039 South Building, Washington, DC 20250-2800, **202 720-7063**

RIN: 0580–AA43

DEPARTMENT OF AGRICULTURE (USDA)
Grain Inspection, Packers and Stockyards Administration (GIPSA)

Completed/Longterm Actions

252. A REVIEW OF THE REGULATIONS UNDER THE UNITED STATES GRAIN STANDARDS ACT: PART 800

CFR Citation: 7 CFR 800

Completed:

Reason	Date	FR Cite
Withdrawn - No action expected in the next 12 months.	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Wollam, 202 720-0292

RIN: 0580–AA08

253. REGULATORY APPLICATION OF WATER TO GRAIN

CFR Citation: 7 CFR 800.61 (a)(1); 7 CFR 800.61 (a)(2)

Completed:

Reason	Date	FR Cite
Final Action	10/14/94	59 FR 52071
Final Action Effective	02/11/95	59 FR 52071

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Wollam, 202 720-0292

RIN: 0580–AA25

254. FEES FOR OFFICIAL PESTICIDE RESIDUE TESTING

CFR Citation: 7 CFR 800

Completed:

Reason	Date	FR Cite
Final Action	10/19/94	59 FR 201
Final Action Effective	11/18/94	59 FR 201

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: George Wollam, 202 720-0292

RIN: 0580–AA36

BILLING CODE 3410-EN-F

DEPARTMENT OF AGRICULTURE (USDA)
Food and Consumer Service (FCS)

Proposed Rule Stage

255. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): FOOD DELIVERY SYSTEMS

Priority: Regulatory Plan

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: A proposed rule addressing WIC Food Delivery Systems was published on December 28, 1990. The Department provided a 120-day comment period for the proposed rule, which closed on April 29, 1991. Nearly 1,100 comments were received from a wide variety of sources. Despite the degree of preliminary input to the December 28, 1990, proposed rule, many of the commenters responding during the formal comment period suggested that the Department's food delivery regulations needed to be proposed again, rather than proceeding directly to a final rule. In addition, several members of Congress requested that the rule be re-proposed in light of its impact on State agency food delivery systems. Therefore, the Department intends to issue a second proposed rule addressing WIC food delivery systems and requirements. This second rule will address all of the provisions contained in the previous rulemaking, but will contain significant modifications to some of the proposed provisions, as well as clarifications to several provisions, which may not have been clearly understood in the earlier rule. (88-512)

Timetable:

Action	Date	FR Cite
NPRM	12/28/90	55 FR 53446
NPRM Comment Period End	04/29/91	
NPRM	06/00/95	
NPRM Comment Period End	10/00/95	
Final Action	01/00/96	
Final Action Effective	01/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local, Tribal

Sectors Affected: None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AA80

256. FOOD STAMP PROGRAM: EMERGENCY ASSISTANCE FOR VICTIMS OF DISASTERS

Priority: Other Significant

Legal Authority: 7 USC 2013 (b); 7 USC 2014 (h)

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 274; 7 CFR 280

Legal Deadline: None

Abstract: This rule would define special eligibility and issuance procedures during disasters. The rule addresses the eligibility and issuance of food stamps by the Food Stamp Program during a disaster. (86-029)

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	09/00/95	
Final Action	06/00/96	
Final Action Effective	07/00/96	

USDA—FCS **Proposed Rule Stage**

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AA85

257. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC): PART 246.10, FOOD PACKAGE III, CHILDREN/WOMEN WITH SPECIAL DIETARY NEEDS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: Food Package III will be revised to increase the maximum quantity of special formula authorized per month; clarify what formula is; add additional authorized WIC foods to the package; and address tailoring.

Need for Action:

This special dietary package currently provides special formula, juice, and cereal. It was designed specifically to assist low-income women and children who require special formulas due to medical conditions. Without WIC these individuals would have difficulty in obtaining special formulas, which tend to be quite expensive. Program administrators, participants and the National Advisory Council on Maternal, Infant and Fetal Nutrition recognize that current monthly maximum quantity of formula allowed is sometimes not sufficient and recommend that it be increased. They also recognize that there is a nutritional need for additional WIC foods to be made available to participants receiving this package. This is a very infrequently used package, and the proposed rule will in no way affect the other WIC food packages. (89-505)

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	
NPRM Comment Period End	01/00/96	
Final Action	08/00/96	
Final Action Effective	10/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local, Tribal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB09

258. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): MISCELLANEOUS PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This proposed rule responds to a variety of program concerns, most of which have been expressed by WIC State agencies. The proposal strengthens the provision of services to participants in the areas of eligibility determination and nutrition education and increases State agency flexibility regarding the sharing of participant information with other programs. Several minor clarifications and technical corrections are also made. Principal provisions include: (1) mandatory minimum content requirements for nutrition education participant contacts; and (2) additional flexibility for State agencies to share participant information with related programs. (89-515)

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	09/00/95	
Final Action	12/00/95	
Final Action Effective	02/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local, Tribal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB10

259. CHILD AND ADULT CARE FOOD PROGRAM: AUTHORITY TO COLLECT OVERCLAIMS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: Establishes the Department's authority to collect overclaims where participating institutions fail to comply with regulatory recordkeeping requirements. (87-514)

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	10/00/95	
Final Action	04/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB19

260. CHILD AND ADULT CARE FOOD PROGRAM: PROHIBITION OF INSTITUTIONALIZED ADULTS

Priority: Informational

Legal Authority: 42 USC 1766

CFR Citation: 7 CFR 226

Legal Deadline: None

Abstract: Clarifies the statutory intent of PL 100-175, the Older Americans Act of 1987, by incorporating into regulations a provision under which adults residing in institutions are not eligible for benefits under the Child and Adult Care Food Program. (90-514)

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	11/00/95	
Final Action	05/00/96	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room

308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB21

261. FOOD DISTRIBUTION PROGRAMS—PAPERWORK REDUCTION

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-147

CFR Citation: 7 CFR 250; 7 CFR 251

Legal Deadline: None

Abstract: This rule will implement the food distribution portion of the recommendations of the August 1990 task force on paperwork reduction. These recommendations were included in a report to Congress and included perpetual State/Federal agreements and longer contract duration for warehouses. (94-007)

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	02/00/96	
Final Action Effective	03/00/96	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB27

262. FOOD DISTRIBUTION PROGRAMS—IMPLEMENTATION OF 1990 FARM BILL

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-624

CFR Citation: 7 CFR 250; 7 CFR 251

Legal Deadline: Final, Statutory, July 30, 1992.

Abstract: This rule will revise the requirements for evaluation of State warehousing and distribution systems and conversion to commercial systems. (91-004)

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	
Final Action	01/00/96	
Final Action Effective	02/00/96	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB28

263. CHILD NUTRITION PROGRAMS: REVISION OF INFANT MEAL PATTERNS FOR THE CHILD NUTRITION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1758; 42 USC 1766 (g)(1); 42 USC 1733 (e)(1)

CFR Citation: 7 CFR 210; 7 CFR 220; 7 CFR 226

Legal Deadline: None

Abstract: Implements provision in the National School Lunch, School Breakfast and Child and Adult Care Food Program regulations under which reimbursement would be provided for meals served to infants which contain only breast milk. (91-019)

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	11/00/95	
Final Action	03/00/96	
Final Action Effective	03/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB34

264. COMMODITY SUPPLEMENTAL FOOD PROGRAM: ELDERLY-ONLY SITES, ADMINISTRATIVE FUNDING, REFERRALS TO HEALTH AND SOCIAL SERVICES, CASELOAD ALLOCATION PROCESS, PRIORITY SYSTEM, AND MISCELLANEOUS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 512(c)

CFR Citation: 7 CFR 247

Legal Deadline:
Final, Statutory, October 1, 1990, for funding provisions.
Final, Statutory, October 1, 1991, for all other provisions.

Abstract: This proposed rule would amend regulations governing the Commodity Supplemental Food Program (CSFP) to replace the current method of assigning caseload with a system that is based on the allocation of grants to the State agencies. (91-015)

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	09/00/95	
Final Action	03/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB37

265. FOOD STAMP PROGRAM: 1995 QUALITY CONTROL TECHNICAL AMENDMENTS

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 271.2; 7 CFR 275.3; 7 CFR 275.10; 7 CFR 275.11; 7 CFR 275.12; 7 CFR 275.13; 7 CFR 275.23

Legal Deadline: None

Abstract: The Food and Nutrition Service is proposing technical changes to the Food Stamp Program's Quality Control System which will reduce the workload on State agencies and improve the efficiency of the quality control system. The proposed changes would: (1) permit State agencies to

reduce their sample sizes; (2) clarify the minimum size of the Federal subsample; (3) clarify State sampling procedures; (4) change the formulas for calculating Federal subsample sizes; (5) clarify the process of conducting a quality control review of negative subsystem cases and add suspended cases, those cases that are certified for the Program but do not receive benefits, to the sample universe of cases that are reviewed under the negative subsytem; (6) change the error dollar tolerance level; (7) modify the requirements regarding a home visit in active quality control reviews; (8) provide a variance exclusion under certain circumstances for errors resulting from incorrect policy issued in written State agency policies or directives; (9) adjust the case completion standard; and (10) codify into regulations those circumstances under which Federal quality control findings or disposition for a case will be changed. (2-006).

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	12/00/95	
Final Action Effective	10/00/96	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: RIN 0584-AB07 has been withdrawn, and the actions in that proposed rule have been included in this action.

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB38

266. NATIONAL SCHOOL LUNCH PROGRAM: REVIEW OF FREE AND REDUCED PRICE APPLICATION UNDER THE COORDINATED REVIEW EFFORT

Priority: Other Significant

Legal Authority: PL 101-147

CFR Citation: 7 CFR 210

Legal Deadline: None

Abstract: Currently, State agencies must review all applications for free and reduced price meals on file as part of an administrative review of the school lunch program or use a statistically valid sample. Generally it is necessary to review all applications in order to determine whether or not the number of meals claimed, by type, is correct. In some instances, however, this level of review is not necessary due to the small number of errors discovered early in the review. This rulemaking will establish guidelines for curtailing such activity with FNS approval. (92-009)

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	10/00/95	
Final Action	01/00/96	
Final Action Effective	02/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Office Center, Room 308, Alexandria, VA 22302, **202 305-2760**

RIN: 0584–AB50

267. PROVISIONS OF COMPUTER MATCHING AND PRIVACY PROTECTION ACT OF 1988, AMENDMENTS OF 1990, AND IMPLEMENTATION OF THE DISQUALIFIED RECIPIENT SUBSYSTEM

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 552(a) Computer Matching and Privacy Protection Act; 7 USC 2015(b) Food Stamp Act

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: None

Abstract: In accordance with the Computer Matching and Privacy Protection Act, PL 100-503, and the Computer Matching and Privacy Protection Amendments of 1990, PL 101-508, the Food Stamp Program must extend certain protections to persons whose benefits could be adversely affected by computer matches. These protections include independent verification of computer information, notification to the affected individual and provision of an opportunity to respond to the information before an adverse action becomes effective. In addition, this proposed rule describes requirements for State agencies to report information on individuals disqualified from the program for intentional program violations to FNS and the related FNS computer matching program known as the Disqualified Recipient Subsystem (DRS). (89-010)

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	09/00/95	
Final Action	03/00/96	
Final Action Effective	06/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB51

268. FOOD DISTRIBUTION PROGRAMS—DISASTER PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: PL 100-707

CFR Citation: 7 CFR 250

Legal Deadline: None

Abstract: This rule will propose to: (1) allow simultaneous distribution of commodities and food stamps during disaster; (2) allow commodity distribution to households during situations of distress. This rule will also define necessary accountability procedures. (90-0001)

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Final Action	11/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: Organizations

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB55

USDA—FCS **Proposed Rule Stage**

269. FOOD STAMP PROGRAM: ANTICIPATING INCOME AND REPORTING CHANGES

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 273

Legal Deadline: None

Abstract: This rule proposes several revisions in Food Stamp Program reporting and budgeting requirements. The changes in prospective budgeting and change reporting rules are intended to improve procedures for anticipating the eligibility and benefits of households whose income fluctuates unpredictably. The proposed revisions would provide a more stable level of benefits for these households by requiring them to report a change in employment status rather than a change in the amount of earnings. The rule also would allow suspension, as opposed to termination, of prospectively budgeted households that become ineligible for one month because of income fluctuations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Final Action	11/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB57

270. FOOD STAMP PROGRAM: QUALITY CONTROL PROVISIONS OF THE MICKEY LELAND CHILDHOOD HUNGER RELIEF ACT

Priority: Other Significant

Legal Authority: PL 103-66, sec 13951

CFR Citation: 7 CFR 273; 7 CFR 275

Legal Deadline: None

Abstract: To implement quality control changes to the Food Stamp Act required by section 13951 of the Mickey Leland Childhood Hunger Relief Act in the following areas: 1) interest on quality control claims, 2) the formula for determining quality control claim amounts, 3) variance exclusion for the application of new regulations, 4) time frames for completion of the arbitration process, 5) time frames for determining final error rates, the national average payment error rate, and the amounts of payment claims against State agencies, 6) time frames for notifying State agencies of payment claims, 7) the addition of specific criteria for a determination that ''good cause'' exists for not imposing a payment claim, and 8) the transfer of authority to make ''good cause'' determinations from FNS to the Administrative Law Judges. These provisions are nondiscretionary and will not result in an annual effect on the economy of $100 million or more, or a major increase in costs or prices for consumers, individuals, industries, Federal, State or local government agencies, or geographical regions. (93-018)

Timetable:

Action	Date	FR Cite
Final Action Effective	10/01/91	
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	02/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB75

271. CHILD AND ADULT CARE FOOD PROGRAM: ELIMINATION OF WHOLE COW'S MILK FROM THE INFANT MEAL PATTERN

Priority: Informational

Legal Authority: 42 USC 1751 to 1760; 42 USC 1779

CFR Citation: 7 CFR 210; 7 CFR 220; 7 CFR 226

Legal Deadline: None

Abstract: This action proposes two amendments that would affect meal pattern requirements for infants under the National School Lunch Program, School Breakfast Program, and Child and Adult Care Food Program, Parts 210, 220, and 226 respectively. USDA is issuing this proposal in response to new scientific evidence on infant nutrition. First, this rule would prohibit consumption of whole cow's milk for infants ages 8 months through 11 months. Studies have demonstrated that it is difficult for infants to consume a balanced diet, with adequate nutrients, when whole cow's milk replaces breast milk or iron-fortified formula. Given the nutritional and medical concerns about cow's milk, this action would require that breast milk or iron-fortified formula be served for an infant's entire first year. Second, the proposal would revise the meal pattern for infants from birth through age 3 months to indicate that either 4 to 6 fluid ounces of formula or 3 to 6 fluid ounces of breast milk could be served. The current meal pattern for this age requires a minimum serving of 4 fluid ounces, however data indicate that the average amount of breast milk intake per feeding may be less than 4 ounces. This revision is important to correct the impression among day care providers who refer to the infant meal pattern for guidance, that a minimum of 4 ounces of breast milk must be offered at all feedings to all breastfed infants from birth through 3 months of age. (95-005)

Timetable:

Action	Date	FR Cite
NPRM	01/00/96	
NPRM Comment Period End	04/00/96	
Final Action	12/00/96	
Final Action Effective	12/00/96	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB81

272. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS: ELIGIBILITY AND BENEFITS

Priority: Other Significant

Legal Authority: PL 97-98, sec 1338; PL 95-113; PL 103-66

CFR Citation: 7 CFR 253

Legal Deadline: None

Abstract: The rule implements certain provisions of PL 103-66 for the Food Distribution Program on Indian Reservations (FDPIR) by: excluding the earnings of certain household members; revising the definition of household; and conforming resource limits to those used by the Food Stamp Program. (94-008)

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	01/00/96	
Final Action Effective	02/00/96	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB83

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273. FOOD STAMP PROGRAM: REVISIONS IN USE AND DISCLOSURE OF INFORMATION PROVIDED BY RETAIL FOOD STORES AND WHOLESALE FOOD CONCERNS

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-225; 7 USC 2018(c)

CFR Citation: 7 CFR 278.1

Legal Deadline: None

Abstract: This proposed rule sets forth changes required by provisions of the Food Stamp Program Improvements Act of 1994, PL 103-225, Title II, 108-109 (1994). The purpose of this rule is to implement these statutory changes to the Food Stamp Act of 1977, as amended. It would permit the use and disclosure of information provided by stores to State and Federal law enforcement and investigative agencies for the purposes of administering or enforcing the Food Stamp Act, and establishes penalties against persons who misuse any of the information. (94-022)

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2246**

RIN: 0584–AB87

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274. FOOD STAMP PROGRAM RECIPIENT CLAIMS ESTABLISHMENT AND RECOVERY OF OVERISSUANCES

Priority: Regulatory Plan

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: None

Abstract: This rule would improve the establishment and collection of recipient claims in the Food Stamp Program. The last significant revision to these regulations was in 1983. Subsequent activities, such as technological advances and general debt management regulations, have rendered many portions of the current rule obsolete. In addition, the current rule has been found to place unnecessary burdens on State agencies. State agencies are responsible for establishing and collecting recipient claims. (94-005)

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	10/00/95	
Final Action	03/00/96	
Final Action Effective	06/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2246**

RIN: 0584–AB88

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275. COLLECTING FOOD STAMP RECIPIENT CLAIMS FROM FEDERAL INCOME TAX REFUNDS AND FEDERAL SALARIES

Priority: Regulatory Plan

Legal Authority: 7 USC 2011 to 2032; 31 USC 3720A; 5 USC 5514; PL 103-66

CFR Citation: 7 CFR 271.2; 7 CFR 272.2; 7 CFR 273.18

Legal Deadline: None

Abstract: This rulemaking will implement a collection method for amounts of food stamp benefits issued to households in excess of amounts they were entitled to receive. The rule will specify requirements for State agency operation of the Federal income tax refund and Federal salary offset programs. The primary areas of the rulemaking will be the criteria for debts which may be submitted for the two offset programs, the requirements for due process notification to debtors and debtor appeal rights. (93-015)

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2246**

RIN: 0584–AB89

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276. FOOD STAMP PROGRAM: REVISIONS IN RETAIL FOOD STORE ELIGIBILITY CRITERIA AND IN ELIGIBILITY GUIDANCE AND PROGRAM AUTHORIZATION

Priority: Regulatory Plan

Legal Authority: PL 103-225; 7 USC 2012; 7 USC 2018

CFR Citation: 7 CFR 271; 7 CFR 278

Legal Deadline: Final, Statutory, March 25, 1994.

Abstract: This proposed rule sets forth changes required by provisions of the Food Stamp Program Improvements Act

of 1994, Pub. L. 103-225, Title II, 108 Stat. 108-110 (1994). The purpose of this rule is to implement these statutory changes to the Food Stamp Act of 1977, as amended. It would revise the definition of ''retail food store'' to conform to the statutory changes to require that a firm must meet one of two new criteria to qualify for participation in the Food Stamp Program. One criterion focuses on the variety of staple foods for home preparation and consumption available on a continuous basis, including perishables. The second criterion requires that a firm's staple food sales exceed 50 percent of its total gross sales. This rule also addresses the requirement in Public Law 103-225 for new procedures for providing periodic notification of eligibility and for reauthorizing participating firms. (95-003)

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2246**

RIN: 0584–AB90

277. ● MONTHLY REPORTING ON INDIAN RESERVATIONS PROVISION OF FOOD STAMP PROGRAM IMPROVEMENTS ACT OF 1994

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-225

CFR Citation: 7 CFR 273.21

Legal Deadline: Final, Statutory, March 25, 1994.

Abstract: Establishes special monthly reporting requirements for households living on Indian reservations. (94-013)

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	
Final Action	01/00/96	
Final Action Effective	02/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB98

278. ● WAIVER AUTHORITY UNDER THE STATE PROCESSING PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 7 USC 612(c); 7 USC 1431(b); 7 USC 1431(e); 7 USC 1446(a-1); 7 USC 1859; 15 USC 713(c); 22 USC 1922; 42 USC 1751; 42 USC 1755; 42 USC 1758; 42 USC 1760; 42 USC 1762(a); 42 USC 3030(a); 42 USC 5179 to 5180; ...

CFR Citation: 7 CFR 250

Legal Deadline: None

Abstract: This proposed rule amends the Food Distribution Program regulations by giving the Food and Consumer Service authority to waive provisions contained in the Food Distribution Program regulations at 7 CFR part 250. This authority would be used to conduct, in one or more areas of the United States, demonstration projects designed to test program changes to determine whether the changes would improve the State processing of donated foods. (94-023)

Timetable:

Action	Date	FR Cite
NPRM	04/13/95	60 FR 18781
NPRM Comment Period End	05/15/95	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB99

279. ● AMENDMENT TO PROMOTE HEALTHY MEALS FOR HEALTHY CHILDREN IN SCHOOLS

Priority: Other Significant

Legal Authority: PL 103-488

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 235; 7 CFR 245

Legal Deadline: None

Abstract: The rule proposes to (1) allow USDA to enter into an agreement with a State agency to use section 4 and 11 funds to purchase additional commodities; (2) allow USDA to withhold State Administrative Expense (SAE) funds when State agencies are seriously deficient in program administration and to withhold SAE funds from State agencies unwilling to participate in studies; (3) make most Head Start children automatically eligible for free meals; (4) allow schools serving all meals free for 3 years under the counting and claiming alternatives to procedures for an additional 2 years; (5) permit schools serving all meals free for 4 years to receive the same assistance received during the last year that applications were taken and allow some schools to extend for additional 4 years, without taking new free and reduced price applications; (6) simplify free and reduced applications; (7) remove the authority for child care centers in the Commonwealth of Puerto Rico to participate in the lunch and breakfast program. (95-002)

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	
Final Action	03/00/96	
Final Action Effective	05/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AC01

DEPARTMENT OF AGRICULTURE (USDA)
Food and Consumer Service (FCS)

Final Rule Stage

280. FOOD STAMP PROGRAM: STUDENT ELIGIBILITY

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2032; PL 101-624; PL 101-392; PL 102-325

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273

Legal Deadline:
Final, Statutory, October 1, 1991, for effective date ofprovisions of PL 101-624.

Abstract: This action will finalize provisions of Public Law 101-624 governing student eligibility for the Food Stamp Program. (86-027)

Timetable:

Action	Date	FR Cite
NPRM	11/01/93	58 FR 58463
NPRM Comment Period End	01/03/94	
Final Action	12/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Additional Information: The provisions of the statutes become effective on the dates of the legal deadlines for the NPRMs whether regulations have been published or not.

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AA90

281. MISCELLANEOUS FARM BILL PROVISIONS RELATING TO THE AUTHORIZATION OF RETAIL FIRMS AND WHOLESALE FOOD CONCERNS

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2031; PL 101-624

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 274; 7 CFR 278

Legal Deadline: Final, Statutory, October 1, 1991.
Effective 120 days from publication of implementing rules.

Abstract: This rule would implement three provisions of the 1990 Farm Bill (PL 101-624, 104 stat 3359) which revise the Food Stamp Act of 1977, as amended (7 USC 2011 et seq.). The first provision would amend the definition of ''food'' to include meals sold to the homeless program participants by restaurants approved by State agencies for this purpose. Such restaurants must contract with the State and must be authorized by the Food and Consumer Service to provide meals at concessional prices to homeless participants. The second provision would allow a periodic reauthorization of retail food stores and wholesale food concerns to participate in the Food Stamp Program. The third provision revises criteria for and limits the participation in the program of co-located wholesaler/retailer firms. (91-003)

Timetable:

Action	Date	FR Cite
NPRM	10/23/91	56 FR 54799
NPRM Comment Period End	11/22/91	
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB02

282. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): FOOD COST CONTAINMENT REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: Final, Statutory, March 10, 1991.

Abstract: This regulation implements the mandates of PL 101-147, enacted November 10, 1989, relative to food cost containment in WIC. In order to achieve further savings in the cost of WIC Program foods, principally the cost of infant formula, this rule implements two major legislative provisions. First, it restates and extends into future years the provisions of PL 100-460, which mandated that in order to receive its grant allocation a State agency must examine the feasibility of cost containment systems by 8/30/89 and implement a cost containment system where feasible. Second, the rule requires all WIC State agencies using a retail food delivery system, except certain Indian State agencies, to employ one of two infant formula rebate procurement methods. These two methods are the competitive method (single-supplier contract) and the comparative method, where the State agency fairly compares the cost savings of any alternative form of infant formula cost containment it may wish to implement. The rebate system generating the greatest savings of those compared must then be implemented. This rule establishes specific factors to be considered in the analysis of the systems after completing the cost comparison under comparative method. If the State agency can justify to FCS that the cost containment method resulting in the greatest total savings would cause demonstrable harm to the efficient and effective operation of the WIC Program, a waiver will be granted. Timelines are established in the rule for compliance based on the present rebate contract situation of experiencing unavoidable delays related to the procurement process that prevent the State agency from meeting the implementing timeframes established in the rule. (90-503)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/15/90	55 FR 9709
Final Action	12/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local, Tribal

Analysis: Regulatory Flexibility Analysis

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB11

USDA—FCS **Final Rule Stage**

283. DETERMINATION OF ELIGIBILITY FOR FREE MEALS BY SUMMER FOOD SERVICE PROGRAM SPONSORS AND FREE AND REDUCED PRICE MEALS BY CHILD AND ADULT CARE FOOD PROGRAM INSTITUTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1758; PL 101-147

CFR Citation: 7 CFR 225; 7 CFR 226

Legal Deadline: Final, Statutory, July 1, 1990.

Abstract: Implements certain provisions of PL 101-147, including a requirement that applicants for free or reduced price meals need only provide the Social Security Number of the household member who signs the application and a requirement that the Program sponsor rather than the applicant total the income information provided. (90-510)

Timetable:

Action	Date	FR Cite
Interim Final Rule	07/00/95	
Final Action	01/00/96	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB17

284. BENEFIT DELIVERY RULE

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 2011 to 2032; PL 101-624; PL 100-435; PL 102-237; PL 103-11; PL 103-225

CFR Citation: 7 CFR 272; 7 CFR 274

Legal Deadline: Final, Statutory, February 1, 1992. Other, Statutory, March 15, 1994.
See Abstract.

Abstract: This rule makes final two provisions from PL 101-624 which were implemented on February 1, 1992: aggregate (combined) allotment of benefits to households applying after the 15th of the month, and mail issuance in rural areas where households may experience transportation difficulties obtaining benefits. This rule implements staggered issuance as an option on Indian reservations in accordance with PL 103-11. This rule makes technical changes to current regulatory provisions considered appropriate to clarify and improve issuance. (91-009)

Timetable:

Action	Date	FR Cite
ANPRM	05/20/91	56 FR 23027
ANPRM Comment Period End	06/19/91	
Final Action	06/00/95	
Final Action Effective	06/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local, Tribal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB32

285. PERMANENT AGREEMENTS/DIRECT CERTIFICATION IN NATIONAL SCHOOL LUNCH, SCHOOL BREAKFAST, AND SPECIAL MILK PROGRAMS

Priority: Other Significant

Legal Authority: PL 101-147

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 245

Legal Deadline: Final, Statutory, July 1, 1990.

Abstract: The Child Nutrition and WIC Reauthorization Act of 1989 made the agreement between the school and the State agency to operate the school nutrition programs a permanent document to be amended as necessary. This law also authorized schools to certify children as eligible for free meals using information obtained directly from food stamp/AFDC offices attesting that these children are receiving food stamps or AFDC benefits. This rule implements these statutory provisions. (89-520)

Timetable:

Action	Date	FR Cite
NPRM	05/28/91	56 FR 24033
NPRM Comment Period End	07/29/91	
Final Action	09/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB35

286. FOOD STAMP PROGRAM: RESOURCE PROVISION FROM THE MICKEY LELAND MEMORIAL DOMESTIC HUNGER RELIEF ACT OF 1990

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2032; PL 101-624; PL 102-237

CFR Citation: 7 CFR 273.8

Legal Deadline: Final, Statutory, October 1, 1991.

Abstract: The NPRM was published on August 13, 1991. After full consideration of comments, the Department has decided that a new proposed rulemaking is warranted to take into consideration comments received and recent legislative changes to the provision as a result of PL 102-237.

The new proposed rule will exempt from consideration as a resource, resources that a household is unable to sell for any significant return because the household's interest is relatively slight or because the costs of selling would be relatively great. Significant return is defined as an amount greater than half the applicable resource limit for the household, in accordance with 7 CFR 273.8, after any expenses of the sale are deducted. The new proposed rule was published October 20, 1994. (91-020)

Timetable:

Action	Date	FR Cite
NPRM	10/20/94	59 FR 5928
NPRM Comment Period End	01/18/95	
Final Action	07/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room

308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB40

287. WIC FARMERS' MARKET NUTRITION PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1786(m)

CFR Citation: 7 CFR 248

Legal Deadline: None

Abstract: This rulemaking would propose implementing regulations for the establishment of the WIC Farmers' Market Nutrition Program (FMNP) as mandated by PL 102-314. The FMNP is designed to provide fresh nutritious unprepared foods (such as fruits and vegetables) to WIC participants. The foods would be provided by farmers' markets and would also serve to expand the awareness and use of farmers' markets and to increase sales at such markets. The proposed rule would establish criteria for allocating grants to State agencies and for their operation of the FMNP (93-002)

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/11/94	59 FR 11508
Final Action	06/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: Businesses

Government Levels Affected: State, Local, Tribal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB43

288. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): INFANT FORMULA PROCUREMENT ACT OF 1992

Priority: Other Significant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: Final, Statutory, April 24, 1993.
PL 102-512 requires that the mandates of these provisions be implemented within 180 days of enactment.

Abstract: This regulation is to amend the Child Nutrition Act of 1966 to encourage multi-State bidding for infant formula rebate contracts for the Special Supplemental Food Program for Women, Infants and Children (WIC), and for other purposes. The major objective of this action is to provide guidelines for the U.S Department of Agriculture, Food and Nutrition Service national office to: (1) solicit bids on behalf of interested State agencies for a cost-containment contract to be entered into by infant formula manufacturers and the WIC State agencies; and (2) disqualify and/or impose civil penalties of up to $100 million per year for infant formula manufacturers that price-fix or engage in related anti-competitive activities.

Under the law, USDA must develop procedures to solicit bids for a cost containment contract to be entered into by infant formula manufacturers and interested WIC State agencies who elect to have USDA perform their bid solicitation and selection process. If two or more States are interested, USDA will solicit bids and select the winning bidder for a cost containment contract. USDA will, in consultation with interested State agencies, divide State agencies into one or more groups and solicit bids for group contracts. This regulation will encourage States to engage in multi-State bidding which is expected to generate an even greater savings to the WIC Program, and will ultimately enable the program to significantly increase participation.

Need for Action: To set forth guidelines within 180 days of enactment, for solicitation of infant formula rebate contracts for two or more States or groups in an interim final rule. (92-013)(cont)

Timetable:

Action	Date	FR Cite
Final Action	12/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: None

Government Levels Affected: State, Federal

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Additional Information: ABSTRACT CONT: Under the law, USDA must develop procedures to solicit bids for a cost containment contract to be entered into by infant formula manufacturers and interested WIC State agencies who elect to have USDA perform their bid solicitation and selection process. If two or more States are interested, USDA will solicit bids and select the winning bidder for a cost containment contract. USDA will, in consultation with interested State agencies, divide State agencies into one or more groups and solicit bids for group contracts. This regulation will encourage States to engage in multi-State bidding which is expected to generate an even greater savings to the WIC program, and will ultimately enable the program to significantly increase participation.

Need for Action: To set forth guidelines within 180 days of enactment, for solicitation of infant formula rebate contracts for two or more States or groups in an interim final rule.

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB52

289. SPECIAL SUPPLEMENTAL FOOD PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): HOMELESSNESS/MIGRANCY AS NUTRITIONAL RISK CONDITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This regulation incorporates the amendment made to the Child Nutrition Act of 1966 in section 17(b)(8)(d) of PL 102-342 which establishes homelessness and migrancy as predisposing nutritional risk conditions for the Special Supplemental Food Program for Women, Infants and Children (WIC). The major objective of this action is to provide guidelines to State agencies on service to women, infants, and children certified due to homelessness or migrancy. (93-001)

Timetable:

Action	Date	FR Cite
Final Action	04/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

USDA—FCS **Final Rule Stage**

Government Levels Affected: State, Local, Tribal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB53

290. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS—OKLAHOMA WAIVER AUTHORITY

Priority: Substantive, Nonsignificant

Legal Authority: PL 97-98, Sec 1338; PL 95-113

CFR Citation: 7 CFR 254

Legal Deadline: None

Abstract: This interim rule will extend the Department's authority to grant waivers to serve urban places in excess of 10,000 people. This authority expired on September 30, 1985. (94-002)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/95	
Final Action	09/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB56

291. FOOD STAMP PROGRAM: CHILD SUPPORT DEDUCTION

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2032; PL 103-66

CFR Citation: 7 CFR 273

Legal Deadline: Other, Statutory, September 1, 1994.
Sections 13911 and 13915 of PL 103-66--effective date.

Abstract: This rule is being proposed to implement section 13921 of the 1993 Mickey Leland Childhood Hunger Relief Act which establishes a deduction for child support paid to a non-household member. (95-001)

Timetable:

Action	Date	FR Cite
NPRM	12/08/94	59 FR 63265
NPRM Comment Period End	02/06/95	
Final Action	08/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB58

292. FOOD STAMP PROGRAM: EXCESS SHELTER EXPENSE LIMIT AND STANDARD UTILITY ALLOWANCES

Priority: Economically Significant

Legal Authority: 7 USC 2011 to 2032; PL 103-66

CFR Citation: 7 CFR 273

Legal Deadline:
Final, Statutory, July 1, 1994, for first increase in excessshelter expense limit.
Other, Statutory, October 1, 1995, for second increase in excessshelter expense limit.
Other, Statutory, January 1, 1997, for removal of shelterexpense limit.

Abstract: This action proposes several changes in Food Stamp Program rules relating to the development and use of standard utility allowances. The changes are proposed to facilitate use of standard amounts rather than actual utility expenses in determining the benefits of food stamp households.

This rule also proposes to implement section 13912 of the Mickey Leland Childhood Hunger Relief Act which would increase and then eliminate the current limit on excess shelter expenses that may be deducted from household income. (93-006)

Timetable:

Action	Date	FR Cite
NPRM	11/22/94	59 FR 60087
NPRM Comment Period End	01/23/95	
Final Action	08/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB59

293. FOOD STAMP PROGRAM: SIMPLIFICATION OF PROGRAM RULES

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 273

Legal Deadline: None

Abstract: This action proposes several changes in Food Stamp Program rules relating to Social Security numbers, combined allotments, residency, excluded resources, contract income, self-employment expenses, certification periods, the notice of adverse action, recertification, and suspension under retrospective budgeting. The changes are being proposed as means to simplify regulatory requirements and to increase consistency with requirements of the Aid to Families with Dependent Children (AFDC) program. (93-006)

Timetable:

Action	Date	FR Cite
NPRM	01/11/95	60 FR 2703
NPRM Comment Period End	03/12/95	
Final Action	09/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB60

294. NATIONAL SCHOOL LUNCH PROGRAM, STATE ADMIN. EXPENSE FUNDS AND DETERMINING ELIG. FOR FREE AND REDUCED PRICE MEALS AND FREE MILK IN SCHOOLS: TECH. CORRECTIONS TO COORDINATED REVIEW EFFORT RULE

Priority: Other Significant

Legal Authority: PL 101-147

USDA—FCS **Final Rule Stage**

CFR Citation: 7 CFR 210; 7 CFR 235; 7 CFR 245

Legal Deadline: None

Abstract: This final rule corrects a number of provisions contained in the regulations governing the National School Lunch Program which implemented the unified monitoring system of the Child Nutrition and WIC Reauthorization Act of 1989. These changes are technical in nature and do not make substantive changes to the Program. (92-009)

Timetable:

Action	Date	FR Cite
Final Action	08/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB63

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295. FOOD STAMP PROGRAM: PAYMENT OF CERTAIN ADMINISTRATIVE COSTS OF STATE AGENCIES

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2032; PL 103-66, sec 13961

CFR Citation: 7 CFR 277

Legal Deadline: Other, Statutory, April 1, 1994.
The Act requires funding rate reduction effective 04/01/94.

Abstract: State agencies are reimbursed by FCS at standard or enhanced Federal reimbursement level for all allowable costs incurred in the State's operation of the Food Stamp Program. This proposed rule would reduce the Federal reimbursement rate for State agencies for fraud control, system development, and immigration status verification to the standard 50 percent rate. It would also limit the time period during which State agencies may file a claim for retroactive funding, and allows the cost of certifying aid to families with dependent children to be charged to the Food Stamp Program for purposes of Federal reimbursement. (93-010)

Timetable:

Action	Date	FR Cite
NPRM	11/22/94	59 FR 60079
NPRM Comment Period End	01/23/95	
Final Action	07/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB66

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296. FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS: DEFINITION OF INDIAN TRIBAL HOUSEHOLD

Priority: Other Significant

Legal Authority: PL 88-525; PL 97-98, sec 1338; PL 95-113

CFR Citation: 7 CFR 253; 7 CFR 254

Legal Deadline: None

Abstract: This final rule will amend part 253 to permit households containing a Native American living in ''near areas'' to participate in the Food Distribution Program on Indian Reservations (FDPIR) regardless of the Native American's tribal affiliation or age. It will also amend part 254 to permit households containing a Native American to participate in FDPIR in Oklahoma regardless of the Native American's age. (82-217)

Timetable:

Action	Date	FR Cite
NPRM	10/20/87	52 FR 39158
Interim Final Rule	01/11/94	59 FR 01447
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB67

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297. CHILD NUTRITION PROGRAMS: NUTRITION OBJECTIVES FOR SCHOOL MEALS

Priority: Regulatory Plan

Legal Authority: 42 USC 1758

CFR Citation: 7 CFR 210; 7 CFR 220

Legal Deadline: None

Abstract: There is scientific consensus that diets high in fat and sodium lead to chronic diseases such as cancer, heart disease and stroke. Additionally, chronic disease often begins in childhood. The Dietary Guidelines for Americans, which is the Federal policy on what makes a healthful diet, recommends limiting daily intake of fat, saturated fat and sodium. However, the School Nutrition Dietary Assessment report shows that most school meals are not in compliance with the Dietary Guidelines. This proposal would revise the regulations governing the National School Lunch Program and School Breakfast Program to update references on meal requirements to incorporate the most recent nutrition information as contained in the Dietary Guidelines. This rule would also remove various paperwork burdens and would modify review requirements to ensure oversight of the proposed nutrition standards. (94-003)

Timetable:

Action	Date	FR Cite
NPRM	06/10/94	59 FR 30218
NPRM Comment Period End	09/08/94	59 FR 30218
Final Action	05/00/95	
Final Action Effective	06/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB73

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298. FSP: TARGETING FOR INCOME AND ELIGIBILITY VERIFICATION

Priority: Substantive, Nonsignificant

Legal Authority: PL 99-509, sec 9101

CFR Citation: 7 CFR 272

Legal Deadline: None

USDA—FCS **Final Rule Stage**

Abstract: This action places into final form the interim rule published February 2, 1988, which amended Food Stamp Program regulations. The interim rule implemented the Omnibus Budget Reconciliation Act (OBRA) of 1986, which amended the Social Security Act. As a result, the interim rule prohibited State agencies from being required to use all information obtained through their Income and Eligibility Verification Systems (IEVS) to determine the eligibility of all recipients. State agencies are allowed to identify (target) which information items they follow up on to determine the accuracy of the household's benefits. The interim rule also specifies the elements which State agencies must include in their Plan of Operation concerning targeting action on IEVS information and sets timeliness standards for such action. (86-024)

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/02/88	51 FR 07178
Final Action	10/00/96	
Final Action Effective	12/00/96	

Small Entities Affected: None

Government Levels Affected: State, Local, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB74

299. FOOD STAMP PROGRAM: CERTIFICATION PROVISIONS OF THE MICKEY LELAND CHILDHOOD HUNGER RELIEF ACT

Priority: Economically Significant

Legal Authority: PL 103-66 Mickey Leland Childhood Hunger Relief Act

CFR Citation: 7 CFR 271.2; 7 CFR 273.1; 7 CFR 273.2; 7 CFR 273.7; 7 CFR 273.8; 7 CFR 273.9; 7 CFR 273.10; 7 CFR 273.12; 7 CFR 273.21

Legal Deadline: Final, Statutory, September 1, 1994.
All provisions must be implemented on 09/01/94.

Abstract: The proposed rule will (1) exclude certain general assistance vendor payments from income; (2) increase the amount of the dependent care deduction; (3) require State agencies to establish a statewide limit for dependent care reimbursements paid to participants in the Food Stamp Employment & Training Program; (4) increase the fair market value on vehicles for determining a household's resource limit; (5) exclude the value of vehicles from resources that are used by the household to transport fuel or water; (6) simplify the ''household'' definition; (7) establish eligibility for children who live with their food-stamp-eligible parents in a drug or alcohol rehabilitation center; (8) provide an income exclusion for earnings of elementary and secondary school students under 22; and (9) require proration of benefits following a break of more than 30 days in certification. (93-017)

Timetable:

Action	Date	FR Cite
NPRM	08/30/94	59 FR 44866
NPRM Comment Period End	10/31/94	59 FR 44866
Final Action	07/00/95	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB76

300. FOOD STAMP PROGRAM: UTILITY REIMBURSEMENT EXCLUSION

Priority: Economically Significant

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: None

Abstract: This action excludes certain utility reimbursements made by the Department of Housing and Urban Development (HUD) and Farmers Home Administration (FmHA) from income consideration in determining Food Stamp Program eligibility and benefits. (94-012)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/16/94	59 FR 30864
Final Action Effective	08/01/94	
Final Action	05/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB79

301. NATIONAL SCHOOL LUNCH, SPECIAL MILK, SCHOOL BREAKFAST, CHILD AND ADULT CARE FOOD AND SUMMER FOOD SERVICE PROGRAMS: PURCHASE OF FOOD PRODUCTS PRODUCED IN THE U.S

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-237

CFR Citation: 7 CFR 210; 7 CFR 215; 7 CFR 220; 7 CFR 225; 7 CFR 226

Legal Deadline: None

Abstract: USDA has always encouraged the domestic consumption of nutritious agricultural products through the food assistance programs. However, PL 100-237, enacted January 8, 1988, requires recipient agencies participating in the Child Nutrition and Commodity Distribution Programs to purchase, whenever possible, only food products that are produced in the U.S. The statute allows exceptions to meet unusual or ethnic food preferences and further exempted Alaska, Hawaii, Guam, American Samoa, Puerto Rico, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands. The statute allows for additional exemptions by the Secretary ''for such other circumstances as the Secretary considers appropriate.'' FNS published an interim rule pertaining to Part 250, Food Donations, to implement this and other requirements on July 21, 1988. A final regulation was published July 22, 1993. This rule is only amending rules for food donations, not each of the affected programs. FNS intends to issue final rules to include statutory ''Buy American'' provisions in the regulations for the School Lunch, Milk, Breakfast, Child and Adult Care, and Summer Food Service Programs. (93-020)

Timetable:

Action	Date	FR Cite
Final Action	09/00/95	
Final Action Effective	10/00/95	

USDA—FCS **Final Rule Stage**

Small Entities Affected: None

Government Levels Affected: State, Local

Procurement: This is a procurement-related action for which there is a statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Sheri Ackerman, Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB82

302. TREATMENT OF EDUCATIONAL AND TRAINING ASSISTANCE

Priority: Other Significant

Legal Authority: PL 101-392; PL 101-624; PL 102-237; PL 102-325

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline:
Final, Statutory, August 1, 1991, PL 101-624.
Final, Statutory, August 1, 1991, PL 101-392.
Final, Statutory, February 1, 1992, PL 102-237.
Final, Statutory, October 1, 1992, PL 102-325 - Tribal LoanProgram.
Final, Statutory, August 1, 1993, PL 102-325 - Title IX Exclusion.

Abstract: This action finalizes provisions of P.L. 101-624 governing the treatment of educational assistance as excluded income or resources. It finalizes provisions of P.L. 102-325 which prohibits Federal educational assistance provided under Title IV or Part E of Title XIII of the Higher Education Act from being considered as income and resources for food stamp purposes. It finalizes provisions of P.L. 101-392 which prohibits counting certain educational assistance funded by the Perkins Act as income or resources when determining the eligibility and benefits of student households. It finalizes provisions of P.L. 102-237 which provide that educational monies are excluded from income when they are awarded to a person enrolled at a recognized institution of post-secondary education, at a school for the handicapped, in a vocational education program, or in a program that provides for completion of a secondary school diploma or obtaining the equivalent. Also, such monies are excluded from income to the extent that they do not exceed the amount used for or made available as an allowance determined by the school, institution, program, or other grantor, for tuition, mandatory fees (including the rental or purchase of any equipment, materials, and supplies related to the pursuit of the course of study involved), books, supplies, transportation, and other miscellaneous personal expenses (other than living expenses), of the student incidental to attending such school, institution, or program and to the extent the loans include any origination fees and insurance premiums. The provisions of the statutes become effective on the dates of the legal deadlines whether regulations have been published or not. (94-016)

Timetable:

Action	Date	FR Cite
NPRM	11/01/93	58 FR 58463
NPRM Comment Period End	01/03/94	
Final Action	07/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2246**

RIN: 0584–AB84

303. FOOD STAMP PROGRAM: DISQUALIFICATION PENALTIES FOR INTENTIONAL PROGRAM VIOLATIONS

Priority: Other Significant

Legal Authority: 7 USC 2011 to 2032; PL 103-66

CFR Citation: 7 CFR 272; 7 CFR 273

Legal Deadline: Other, Statutory, September 1, 1994.
PL 103-66, sec 13942 effective date.

Abstract: This rule would implement section 13942 of PL 103-66. This provision of the law is aimed at deterring recipient abuse in the Food Stamp Program by increasing the disqualification penalties for intentional Program violations involving individuals trading or receiving coupons or other benefit instruments for firearms, ammunition, explosives or controlled substances. This rule would also implement discretionary changes concerning advance notices of disqualification hearings and the timing of disqualification periods. The bases for these revisions are requests from State agencies and the need for clarification based on a recommendation from the Department's Office of General Counsel. (93-022)

Timetable:

Action	Date	FR Cite
NPRM	08/29/94	59 FR 44343
NPRM Comment Period End	10/28/94	
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB91

304. ● FOOD STAMP PROGRAM AUTOMATED DATA PROCESSING EQUIPMENT AND SERVICES; REDUCTION IN REPORTING REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 2011 to 2032

CFR Citation: 7 CFR 277

Legal Deadline: None

Abstract: This action increases the thresholds above which prior written Federal approval of State automated data processing (ADP) equipment and services acquisitions is required for Federal financial participation. These changes will reduce the reporting burden on States. The revised thresholds require prior approval from the U.S. Department of Agriculture Food and Consumer Service (FCS) for: (1) advance planning documents (APDs) for ADP equipment and services acquisitions of $5 million or more in total Federal and State costs; (2) justifications for noncompetitive ADP acquisitions from nongovernment sources of more than $1 million but no more than $5 million in total Federal and State costs; (3) requests for proposals and contracts of more than $5 million in total Federal and State

USDA—FCS **Final Rule Stage**

costs for competitive procurements and more than $1 million for noncompetitive acquisitions from nongovernmental sources, unless specifically exempted by FCS; (4) contract amendments for cost increases exceeding $1 million or time extensions of more than 120 days; (5) annual APD updates for projects with total acquisition costs of more than $5 million; and (6) as-needed APD updates for cost increases of $1 million or more (the percentage of cost benchmark is removed). Finally, State requests will be deemed to have provisionally met the prior approval requirement if FCS does not approve, disapprove, or request information about the request within 60 days of the agency's letter to the State acknowledging its receipt. (94-020)

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/00/95	

Small Entities Affected: None

Government Levels Affected: State

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB92

305. ● NUTRITION OBJECTIVES FOR SCHOOL MEALS—FOOD-BASED ALTERNATIVES

Priority: Other Significant

Legal Authority: PL 103-448, sec 106; PL 103-448, sec 112

CFR Citation: 7 CFR 210; 7 CFR 220

Legal Deadline: Final, Statutory, June 1995.

Abstract: The Healthy Meals for Healthy Americans Act of 1994, Public Law 103-448, November 2, 1994, requires that a variety of meal planning approaches be available for the National School Lunch and School Breakfast Programs, including ''food-based menu systems.'' The food-based menu systems concept is intended to supplement the nutrient-based menu planning provisions previously proposed by the Department of Agriculture on June 10, 1994 (59 FR 30218). In addition, the Act requires that school meals comply with the Dietary Guidelines for Americans, as the Department also proposed earlier. To ensure compliance with the requirements of the Dietary Guidelines, this proposal expands the monitoring procedures included in the June 10, 1994, proposal to provide a system appropriate for monitoring meals served by school food authorities that choose the food-based menu systems approach. (94-024)

Timetable:

Action	Date	FR Cite
Final Action	05/00/95	
Final Action Effective	06/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, Agency Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AB94

306. ● SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN (WIC): IMPLEMENTATION OF NONDISCRETIONARY WIC PROVISIONS OF PUB. L. 103-448

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1786

CFR Citation: 7 CFR 246

Legal Deadline: None

Abstract: This final rule implements the WIC-related reauthorization provisions mandated in Pub. L. 103-448, the Healthy Meals for Healthy Americans Act of 1994. All of the WIC-related provisions may be deemed nondiscretionary. These provisions include: counting the unborn child of an otherwise income-ineligible pregnant woman, allowing State agencies to deem income-eligible pregnant women presumptively eligible for a period not to exceed 60 days, an increase in the national breastfeeding promotion and support expenditure, and a requirement that Medicaid managed care providers be included in the programs to which WIC must make referrals. (95-004)

Timetable:

Action	Date	FR Cite
Final Action	06/00/95	
Final Action Effective	06/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local, Tribal

Agency Contact: Sheri Ackerman, Regulatory Officer, Department of Agriculture, Food and Consumer Service, 3101 Park Center Drive, Room 308, Alexandria, VA 22302, **703 305-2760**

RIN: 0584–AC02

DEPARTMENT OF AGRICULTURE (USDA)
Food and Consumer Service (FCS)

Completed/Longterm Actions

307. SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS

CFR Citation: 7 CFR 271; 7 CFR 272; 7 CFR 273; 7 CFR 275; 7 CFR 277

Completed:

Reason	Date	FR Cite
Withdrawn pending results of regulatory review.	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584–AA73

308. FOOD STAMP PROGRAM: DISCRETIONARY RETAILER WHOLESALER CHANGES

CFR Citation: 7 CFR 271; 7 CFR 276; 7 CFR 278; 7 CFR 279

Completed:

Reason	Date	FR Cite
Withdrawn due to change of direction for this action	04/12/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584–AB03

309. CHILD AND ADULT CARE FOOD PROGRAM: CHILD NUTRITION AND WIC REAUTHORIZATION ACT AMENDMENTS

CFR Citation: 7 CFR 226

Completed:

Reason	Date	FR Cite
Withdrawn - Change in priorities: To be separated into 2 future rules.	01/10/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584–AB16

310. TECHNICAL AMENDMENTS TO THE STATE PROCESSING PROGRAM AND THE NATIONAL COMMODITY PROCESSING PROGRAM

CFR Citation: 7 CFR 250; 7 CFR 252

Completed:

Reason	Date	FR Cite
Final Action	12/07/94	59 FR 62973
Final Action Effective	01/06/95	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Federal

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584–AB30

311. STATE ADMINISTRATIVE EXPENSE FUNDS: NATIONAL SCHOOL LUNCH PROGRAM, SPECIAL MILK PROGRAM, SCHOOL BREAKFAST PROGRAM, CHILD AND ADULT CARE FOOD PROGRAMS, FOOD DISTRIBUTION PROGRAM

CFR Citation: 7 CFR 235

Completed:

Reason	Date	FR Cite
Final Action	03/24/95	60 FR 15457
Final Action Effective	04/24/95	

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584–AB31

312. CHILD AND ADULT CARE FOOD PROGRAM: PAPERWORK REDUCTION REGULATIONS

CFR Citation: 7 CFR 226

Completed:

Reason	Date	FR Cite
Withdrawn - Change in priorities: To be combined in a future rule.	01/10/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584–AB33

313. DISTRIBUTION OF EMPLOYMENT AND TRAINING PERFORMANCE-BASED FUNDS

CFR Citation: 7 CFR 273.7

Completed:

Reason	Date	FR Cite
Final Action	01/05/95	60 FR 1707
Final Action Effective	10/01/93	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584–AB47

314. EMERGENCY FOOD ASSISTANCE PROGRAM—ADMINISTRATIVE COSTS

CFR Citation: 7 CFR 251

Completed:

Reason	Date	FR Cite
Withdrawn due to change in regulatory priorities.	01/10/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, 702 305-2760

RIN: 0584–AB54

315. ALTERNATE FOODS FOR MEALS: ENRICHED MACARONI PRODUCTS WITH FORTIFIED PROTEIN

CFR Citation: 7 CFR 210, app A

Completed:

Reason	Date	FR Cite
Final Action	10/07/94	59 FR 51083
Final Action Effective	10/07/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584–AB68

316. CONSIDERATION OF AN ALTERNATE PROTEIN SOURCE, WHEY PROTEIN CONCENTRATE, AS A MEAT ALTERNATE FOR USE IN THE CHILD NUTRITION PROGRAMS

CFR Citation: 7 CFR 210, app A; 7 CFR 225, app A

Completed:

Reason	Date	FR Cite
Withdrawn due to time constraints--not a priority.	01/10/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584–AB69

317. FOOD STAMP PROGRAM MEDICAL EXPENSE DEDUCTION

CFR Citation: 7 CFR 273

Completed:

Reason	Date	FR Cite
Final Action	04/07/95	60 FR 17628
Final Action Effective	05/08/95	

Small Entities Affected: None

USDA—FCS **Completed/Longterm Actions**

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584–AB78

318. ASSET ACCUMULATION DEMONSTRATION PROJECTS

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	12/09/94	59 FR 63755
Final Action Effective	12/09/94	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, 703 305-2760

RIN: 0584–AB80

319. FOOD STAMP PROGRAM: MAXIMUM ALLOTMENTS FOR THE 48 STATES AND DC, AND INCOME ELIGIBILITY STANDARDS & DEDUCTIONS FOR THE 48 STATES, DC, ALASKA, HAWAII, GUAM, AND THE VIRGIN ISLANDS

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	01/11/95	60 FR 2731
Final Action Effective	10/01/94	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, 703 305-2246

RIN: 0584–AB85

320. FOOD STAMP PROGRAM: MAXIMUM ALLOTMENTS FOR ALASKA, HAWAII, GUAM, AND THE VIRGIN ISLANDS

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	01/11/95	60 FR 2730
Final Action Effective	10/01/94	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Sheri Ackerman, 703 305-2246

RIN: 0584–AB86

BILLING CODE 3410-30-F

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Proposed Rule Stage

321. FOOD ADDITIVES AND GRAS SUBSTANCES USED AS INGREDIENTS IN MEAT FOOD AND POULTRY PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to simplify the procedures by which FSIS approves food additives and Generally Recognized as Safe substances to be used as ingredients in meat food products and poultry products. The proposed rule will be developed in cooperation with the Food and Drug Administration to make the Federal regulation of food additives and other substances that may be used as ingredients in meat food and poultry products more efficient and uniform.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Judith A. Segal, Director, Policy, Evaluation and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 720-7773**

RIN: 0583–AB02

322. SUBSTITUTE PRODUCTS IDENTIFIED BY STANDARDIZED TERMS AND NUTRIENT CONTENT CLAIMS

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 319; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations to establish a standard of identity and composition for meat and poultry products that qualify to use nutrient content claims for a reduction in fat content associated with a standardized product name, e.g., ''fat-free bologna.'' This action stems from the nutrition labeling rulemaking which allows modified versions of certain standardized products, using novel fat-replacing ingredients, i.e., water and binders.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 254-2565**

RIN: 0583–AB51

323. PATHOGEN REDUCTION; HAZARD ANALYSIS AND CRITICAL CONTROL POINTS (HACCP) SYSTEMS

Priority: Economically Significant

Legal Authority: 21 USC 451 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 308; 9 CFR 310; 9 CFR 318; 9 CFR 320; 9 CFR 325; 9 CFR 326; 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would require all meat and poultry establishments to develop and maintain a Hazard Analysis and Critical Control Point (HACCP) system. The Agency is

also proposing certain pathogen reduction interventions in processing operations, which can subsequently be incorporated into industry HACCP systems. Interim targets for pathogen reduction would be established. Microbiological testing is being proposed as a means to evaluate the effectiveness of processing interventions and other process controls and to determine whether establishments are achieving pathogen reduction targets.

Timetable:

Action	Date	FR Cite
NPRM	02/03/95	60 FR 6774
NPRM Comment Period End	06/05/95	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Paula M. Cohen, Director, Regulations Development, Policy, Evaluation and Planning Staff, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 720-7164**

RIN: 0583–AB69

324. USE OF TRISODIUM PHOSPHATE ON RAW, UNCHILLED POULTRY CARCASSES

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the poultry products inspection regulations to permit the application of trisodium phosphate (TSP) on raw, unchilled poultry carcasses. TSP would be permitted as an antimicrobial agent on raw, unchilled poultry carcasses. Tests conducted by industry and FSIS have shown that the use of TSP reduces microbial populations on raw, unchilled poultry carcasses. This proposed rule is in response to a petition filed by Rhone-Poulenc, Inc., Cranbury, New Jersey.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth Peterson, Slaughter Inspection Standards and Procedures Division, Science and Technology, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 720-3219**

RIN: 0583–AB80

325. NUTRITION LABELING; NEW PRODUCT CATEGORIES AND REFERENCE AMOUNTS

Priority: Other Significant

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This proposed rule would amend the Federal meat and poultry products inspection regulations by adding three new product categories and reference amounts to the new product categories and reference amounts chart. FSIS has received requests through public comments and the labeling application process to add new product categories and reference amounts for ''Beans with meat, plain or in sauce,'' ''Appetizers,'' and ''Major condiments.'' FSIS is also proposing to allow manufacturers of meal-type products packaged in volumes greater than one serving to be labeled as the fractional statement of the promoted serving size (e.g., 1/2 package, 1/4 package).

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 254-2565**

RIN: 0583–AB81

326. ● TRANSPORTING UNDENATURED POULTRY FEET TO OTHER ESTABLISHMENTS FOR PROCESSING

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: FSIS is proposing to amend the poultry products inspection regulations to permit the transportation of undenatured poultry feet from one federally inspected poultry establishment to another establishment for further processing before the feet are exported. Establishments would be permitted to ship undenatured poultry feet to another establishment for export provided that the receiving establishment maintains records that identify the incoming undenatured poultry feet, their source, and their location at all times during processing. The receiving establishment would be required to certify in writing that the poultry feet have not been, nor will be, commingled with other products intended for human consumption within the United States. This action is in response to a petition submitted by DanD Food Marketing, Inc., Springfield, Missouri.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Alice Thaler, Chief, Project Management Branch, Slaughter Inspection Standards and Department of Agriculture, Food Safety and Inspection Service, Procedures Division, Science and Technology, Washington, DC 20250, **202 720-3219**

RIN: 0583–AB84

327. ● USE OF THE TERM ''FRESH'' ON THE LABELING OF RAW POULTRY PRODUCTS

Priority: Other Significant

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the poultry products inspection regulations to prohibit the use of the term ''fresh'' on the labeling of raw poultry product if the internal temperature of the product has ever been below 26 degrees F. The rule will require such poultry product to be labeled with a descriptive term reflecting this fact. This action will ensure that poultry products

USDA—FSIS **Proposed Rule Stage**

distributed to consumers are not labeled in a false or misleading manner.

Timetable:

Action	Date	FR Cite
NPRM	01/17/95	60 FR 3454
NPRM Comment Period End	03/20/95	
NPRM Extension of Comment Period	03/20/95	60 FR 14668
NPRM Comment Period End	05/20/95	
Final Action	07/00/95	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 254-2565**

RIN: 0583–AB86

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage
Food Safety and Inspection Service (FSIS)

328. REQUIREMENTS FOR FOREIGN COUNTRY IMPORT CERTIFICATION AND LIVE ANIMAL IMPORTATION

Priority: Substantive, Nonsignificant

Legal Authority: PL 99-198

CFR Citation: 9 CFR 327; 9 CFR 381

Legal Deadline: None

Abstract: This rule will respond to amendments to the Federal Meat Inspection Act by the Food Security Act of 1985. The amendments require that FSIS periodically certify residue control programs submitted by foreign countries desiring to export meat and poultry products to the United States. The amendments also provide the Secretary with the authority to issue an order prohibiting the importation of livestock for immediate slaughter that have been administered a drug or antibiotic banned for use in the United States.

Timetable:

Action	Date	FR Cite
NPRM	07/26/88	53 FR 27998
NPRM Comment Period End	09/26/88	
Reproposal	03/09/90	55 FR 8956
Reproposal Comment Period End	04/09/90	
Final Action	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lawrence Skinner, Director, Foreign Programs Division, International Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 720-6933**

RIN: 0583–AA47

329. NUTRITION LABELING: HEALTH CLAIMS ON MEAT AND POULTRY PRODUCTS

Priority: Other Significant

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the Federal meat and poultry products inspection regulations to permit the use of health claims that characterize the relationship of a substance to a disease-related or health-related condition on labeling of meat and poultry products. The rule will also establish a labeling application process for such health claims. This action stems from the final nutrition labeling regulations.

Timetable:

Action	Date	FR Cite
NPRM	05/25/94	59 FR 27144
NPRM Comment Period End	07/25/94	
Final Action	06/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 254-2565**

RIN: 0583–AB64

330. TRISODIUM PHOSPHATE AS A POST-CHILL ANTIMICROBIAL TREATMENT FOR RAW POULTRY

Priority: Substantive, Nonsignificant

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the poultry products inspection regulations to permit the use of trisodium phosphate as a post-chill antimicrobial treatment for inspected and passed raw poultry products. FSIS has received a petition from Rhone-Poulenc, Inc., Cranbury, New Jersey, to use this substance as a processing aid in post-chill poultry slaughter operations.

Timetable:

Action	Date	FR Cite
NPRM	01/05/94	59 FR 551
NPRM Comment Period End	03/07/94	
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William O. James, Director, Slaughter Inspection Standards and Procedures Division, Department of Agriculture, Food Safety and Inspection Service, Science and Technology, Washington, DC 20250, **202 720-3219**

RIN: 0583–AB65

331. POULTRY PRODUCTS PRODUCED BY MECHANICAL SEPARATION AND PRODUCTS IN WHICH SUCH POULTRY PRODUCTS ARE USED

Priority: Other Significant

Legal Authority: 21 USC 451 et seq

CFR Citation: 9 CFR 381

Legal Deadline: None

Abstract: This rule will amend the Federal poultry products inspection regulations to prescribe a definition and standard of identity and composition for the finely comminuted poultry

product that results from the mechanical separation and removal of most of the bone from poultry carcasses and parts of carcasses (''Mechanically Separated (Kind) (MS(K))'' including requirements for bone solids content (measured as calcium content) and bone particle size; specify certain limitations for the use of MS(K); establish recordkeeping requirements for bone solids content and bone particle size; and establish labeling requirements for MS(K), and for poultry products and meat food products containing MS(K) as an ingredient.

Timetable:

Action	Date	FR Cite
ANPRM	06/15/93	58 FR 33040
ANPRM Comment Period End	08/16/93	
Second ANPRM	03/03/94	59 FR 10230
ANPRM Extension of Comment Period	05/02/94	59 FR 22554
Second ANPRM Comment Period End	05/02/94	
ANPRM Extension of Comment Period End	06/01/94	
NPRM	12/06/94	59 FR 62629
NPRM Comment Period End	02/06/95	
NPRM Extension of Comment Period	02/06/95	60 FR 6975
NPRM Comment Period End	03/06/95	
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: John W. McCutcheon, Deputy Administrator, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 720-2709**

RIN: 0583–AB68

332. NUTRITION LABELING OF GROUND BEEF AND HAMBURGER

Priority: Other Significant

Legal Authority: 21 USC 601 et seq; 21 USC 451 et seq

CFR Citation: 9 CFR 317; 9 CFR 381

Legal Deadline: None

Abstract: This final rule will amend the Federal meat and poultry inspection regulations to provide increased flexibility in the labeling of ground meat and poultry products. This rule allows consumers to readily differentiate between the varying amounts of fat in these products in order to help them to select lower fat versions of these products and to encourage the continued marketing of lower fat ground products. This action is taken in response to a petition received from Western States Meat Association, Oakland, California.

Timetable:

Action	Date	FR Cite
NPRM	05/24/94	59 FR 26916
NPRM Extension of Comment Period	07/05/94	59 FR 34396
NPRM Comment Period End	07/08/94	
NPRM Extension of Comment Period End	08/22/94	
Final Action	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 254-2565**

RIN: 0583–AB74

333. USE OF SOY PROTEIN CONCENTRATE AND FOOD STARCH—MODIFIED AS BINDERS IN CURED PORK PRODUCTS: DIRECT FINAL RULE

Priority: Routine and Frequent

Legal Authority: 21 USC 601 et seq

CFR Citation: 9 CFR 318

Legal Deadline: None

Abstract: The Food Safety and Inspection Service (FSIS) plans to increase the permitted use level of food starch-modified and approve the use of soy protein concentrate in certain cured pork products. The technical effect of these substances when added to product is to reduce water purge (pumped brine) from the product. Both of these substances are listed in the Food and Drug Administration regulations as generally recognized as safe for use in foods in accordance with good manufacturing practice. The technical data and information supplied by the petitioners (Central Soya, Fort Wayne, IN, and the National Starch and Chemical Company, Bridgewater, NJ), have been received and it has been determined that the use of these substances is functional and suitable for the intended purpose. This rule only makes minor, technical changes to the chart of substances approved for use in meat products.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Edwards, Director, Product Assessment Division, Regulatory Programs, Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 254-2565**

RIN: 0583–AB82

334. ● REDUCTION OF ACCREDITATION FEES FOR FSIS-ACCREDITED LABORATORIES

Priority: Other Significant

Legal Authority: 21 USC 450 et seq; 21 USC 601 et seq

CFR Citation: 9 CFR 318; 9 CFR 381; 9 CFR 391

Legal Deadline: None

Abstract: This rule amends the Federal meat and poultry products inspection regulations by reducing the fee charged participants in the Agency's Accredited Laboratory Program (ALP). Non-Federal analytical laboratories are qualified under the ALP to conduct analyses of official meat and poultry samples. Laboratory accreditation fees that cover the costs of the ALP are mandated by the Food, Agriculture, Conservation, and Trade Act of 1990 (the 1990 Farm Bill), as amended. FSIS has determined that reduced ALP expenditures for fiscal year 1995 will enable FSIS to charge a reduced accreditation fee ($2,500 instead of $3,500) per accreditation.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/27/94	59 FR 66446
Interim Final Rule Comment Period End	01/26/95	
Final Action	04/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dr. Jess Rajan, Chief, Chemistry Division, Quality Systems Branch, Science and Technology,

USDA—FSIS **Final Rule Stage**

Department of Agriculture, Food Safety and Inspection Service, Washington, DC 20250, **202 205-0679**

RIN: 0583–AB87

DEPARTMENT OF AGRICULTURE (USDA)
Food Safety and Inspection Service (FSIS)

Completed/Longterm Actions

335. SODIUM/POTASSIUM LACTATE AS MEANS OF REDUCING CERTAIN PATHOGENIC MICROORGANISMS IN CERTAIN POULTRY PRODUCTS

CFR Citation: 9 CFR 318; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn - No further action anticipated.	02/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Charles Edwards, 202 254-2565**

RIN: 0583–AA83

336. CONTROL OF ADDED SUBSTANCES AND LABELING REQUIREMENTS FOR TURKEY HAM PRODUCTS

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn	02/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Dorothy Stringfellow, 202 690-2087**

RIN: 0583–AA84

337. IMPORTED CANADIAN PRODUCT; PROVISION FOR ''STREAMLINED'' INSPECTION PROCEDURES; EXEMPTION FROM OFFICIAL MARK OF INSPECTION

CFR Citation: 9 CFR 327; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn - No further action necessary.	10/06/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Mark Manis, 202 720-2952**

RIN: 0583–AA99

338. CENTRALIZATION AND AUTOMATION OF EXPORT CERTIFICATION PROCESS

CFR Citation: 9 CFR 322; 9 CFR 381

Completed:

Reason	Date	FR Cite
End Review - No action planned in the next 12 months.	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Robert Fetzner, 202 501-6022**

RIN: 0583–AB04

339. USE OF COMPRESSED AIR, CARBON DIOXIDE GAS, OR NITROGEN GAS TO FACILITATE BONING OF CARCASSES OR PARTS THEREOF

CFR Citation: 9 CFR 310; 9 CFR 318

Completed:

Reason	Date	FR Cite
Withdrawn - No further action anticipated.	02/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Dorothy Stringfellow, 202 690-2087**

RIN: 0583–AB13

340. POLICY FOR DIFFERENTIATING BETWEEN CALVES AND ADULT CATTLE

CFR Citation: 9 CFR 309; 9 CFR 310

Completed:

Reason	Date	FR Cite
Withdrawn - No further action necessary.	01/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Dr. Craig Reed, 202 720-5190**

RIN: 0583–AB18

341. DETERMINING THE AMENABILITY OF BIRDS TO MANDATORY FEDERAL INSPECTION

CFR Citation: 9 CFR 362; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn - No further action necessary.	10/16/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Judith A. Segal, 202 720-7773**

RIN: 0583–AB29

342. NOTIFICATION OF RESIDUE VIOLATORS AND TESTING OF SUBSEQUENT SHIPMENTS OF ANIMALS

CFR Citation: 9 CFR 310; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn - No further action necessary.	01/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **William Leese, 202 720-3311**

RIN: 0583–AB32

343. REQUIREMENTS FOR IMPORTED POULTRY PRODUCTS

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn - No further action necessary.	01/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John C. Prucha, 202 720-3473

RIN: 0583–AB42

344. PRIOR LABEL APPROVAL PROCESS

CFR Citation: 9 CFR 317; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn - No further action anticipated.	02/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cheryl Wade, 202 254-2590

RIN: 0583–AB50

345. PROMINENT LABELING DISCLOSURES ON MEAT AND POULTRY PRODUCTS

CFR Citation: 9 CFR 317; 9 CFR 318; 9 CFR 319; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn - No further action anticipated.	02/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Cheryl Wade, 202 254-2590

RIN: 0583–AB53

346. PROCEDURES FOR APPEALING PRODUCT RETENTIONS

CFR Citation: 9 CFR 318; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn - No further action anticipated	04/01/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Dr. Craig A. Reed, 202 720-5190

RIN: 0583–AB62

347. RECORDKEEPING AND PRODUCTION CODE REQUIREMENTS FOR MEAT AND POULTRY ESTABLISHMENTS

CFR Citation: 9 CFR 320; 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn - No further action necessary.	10/06/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patrick Clerkin, 202 254-2537

RIN: 0583–AB70

348. REFRIGERATION REQUIREMENTS FOR RAW MEAT AND POULTRY PRODUCTS

CFR Citation: 9 CFR 318

Completed:

Reason	Date	FR Cite
Merged with RIN 0583-AB69	10/19/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dorothy Stringfellow, 202 690-2087

RIN: 0583–AB75

349. MEAT PRODUCED BY ADVANCED MEAT/BONE SEPARATION MACHINERY AND MEAT RECOVERY SYSTEMS

CFR Citation: 9 CFR 301; 9 CFR 318; 9 CFR 319

Completed:

Reason	Date	FR Cite
Final Action	12/06/94	59 FR 62551
Final Action Effective	01/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Charles Edwards, 202 254-2565

RIN: 0583–AB76

350. ENHANCED POULTRY INSPECTION

CFR Citation: 9 CFR 381

Completed:

Reason	Date	FR Cite
Withdrawn - No further action anticipated.	02/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Isabel Arrington, 202 720-7905

RIN: 0583–AB79

351. FEE INCREASE FOR INSPECTION SERVICES

CFR Citation: 9 CFR 391

Completed:

Reason	Date	FR Cite
Final Action	10/26/94	59 FR 53726
Final Action Effective	10/30/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William L. West, 202 720-3367

RIN: 0583–AB83

BILLING CODE 3410-DM-F

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Proposed Rule Stage

352. PROPOSED REGULATIONS GOVERNING IMPLEMENTATION OF THE COOPERATOR MARKET DEVELOPMENT PROGRAM OVERSEAS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1704

CFR Citation: 7 CFR 1550

Legal Deadline: None

Abstract: These regulations are promulgated to provide minimum requirements and criteria for parties interested in participating in the Cooperator Market Development Program, as authorized in Section 601 of the Agricultural Act of 1954 (PL 480), and how they may apply and participate.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, **202 720-6713**

RIN: 0551–AA26

353. SECTION 22 IMPORT QUOTAS

Priority: Other Significant

Legal Authority: EO 3019

CFR Citation: 7 CFR 6.20 to 6.34

Legal Deadline: Final, Statutory, January 1, 1995.

Abstract: Provides for quotas for certain dairy and other agricultural products to prevent material interference with the domestic price support program for these commodities. In the case of dairy products, controls are administered through a licensing procedure so that the quotas may be allocated in a fair and equitable manner among importers and users. A fee is charged for each license issued to recover the costs of administering the licensing system. Procedures used to implement section 22 import quotas will need to be revised as the Uruguay Round multilateral trade agreement is implemented.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/94	59 FR 28495
ANPRM Comment Period End	08/01/94	
Interim Final Rule	01/06/95	60 FR 1989
NPRM	04/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, D. C. 20250, **202 720-6713**

RIN: 0551–AA27

354. CCC EXPORT CREDIT GUARANTEE PROGRAM (GSM-102) AND CCC INTERMEDIATE EXPORT CREDIT GUARANTEE PROGRAM (GSM-103)

Priority: Economically Significant

Legal Authority: 15 USC 714(b); 15 USC 714(f); 7 USC 5602; 7 USC 5622; 7 USC 5661; 7 USC 5663; 7 USC 5664; 7 USC 5676

CFR Citation: 7 CFR 1493

Legal Deadline: None

Abstract: Revision of the regulations for the GSM-102 and GSM-103 programs to improve and update the current regulations and incorporate material required by the Agricultural Trade Act of 1978, as amended by section 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/06/91	56 FR 25998
Final Rule	10/19/94	59 FR 52866
Proposed Rule	04/00/95	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, **202 720-6713**

RIN: 0551–AA30

355. REPORTING REQUIREMENTS RELATED TO TOBACCO EXPORTS

Priority: Informational

Legal Authority: 7 USC 509; PL 101-624, sec 1557

CFR Citation: 7 CFR 1525

Legal Deadline: None

Abstract: Exporters/manufacturers of unmanufactured tobacco, cigarettes and cigarette-ready tobacco are required to maintain records and submit reports pertaining to such records on tobacco content related to crop year, grade, type, country of origin, and poundage to the Secretary of Agriculture. Submitted information will be provided to Congress. Annual cost to the Government is established at $100,000.

Timetable:

Action	Date	FR Cite
ANPRM	12/17/93	58 FR 65941
ANPRM Comment Period End	03/17/94	
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Analysis: Regulatory Flexibility Analysis

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Avenue SW., Washington, DC 20250, **202 720-6713**

RIN: 0551–AA32

356. SUGAR IMPORT LICENSING

Priority: Other Significant

Legal Authority: 19 USC 1202

CFR Citation: 7 CFR 1530 subpart A; 7 CFR 1530 subpart B; 7 CFR 1530 subpart C

Legal Deadline: None

Abstract: This advance notice of proposed rulemaking addresses some administrative changes to the sugar import licensing programs. These changes are intended to increase the regulatory efficiency, assist in verifying program compliance and provide for the adherence of the applicable sugar provisions of the North American Free Trade Agreement.

Timetable:

Action	Date	FR Cite
ANPRM	05/04/94	59 FR 23017
ANPRM Comment Period End	07/08/94	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

USDA—FAS **Proposed Rule Stage**

Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250-1000, **202 720-6713**

RIN: 0551–AA39

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Final Rule Stage

357. PROGRAM CRITERIA FOR THE SUNFLOWERSEED OIL ASSISTANCE PROGRAM (SOAP) AND THE COTTONSEED OIL ASSISTANCE PROGRAM (COAP)

Priority: Other Significant

Legal Authority: PL 101-624, sec 1531; 7 USC 5663

CFR Citation: 7 CFR 1570

Legal Deadline: NPRM, Statutory, May 31, 1991.

Abstract: This regulation establishes the criteria to evaluate and approve proposals for country and commodity initiatives under the SOAP and COAP. The establishment of criteria for these programs is mandated under Section 403(a) of the Agricultural Trade Act of 1978, as amended in Section 1531 of the Food, Agriculture, Conservation, and Trade Act of 1990.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/27/91	56 FR 42222
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Compliance Review Staff, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, **202 720-6713**

RIN: 0551–AA31

358. SUNFLOWERSEED OIL ASSISTANCE PROGRAM OPERATIONS (SOAP) AND COTTONSEED OIL ASSISTANCE PROGRAM OPERATIONS (COAP)

Priority: Other Significant

Legal Authority: 7 USC 1464, sec 201(b)(2)(A); PL 101-624, sec 1541 As amends 7 USC 1464, sec 201 (b)(2)

CFR Citation: 7 CFR 1570 subpart B; 7 CFR 1570 subpart C

Legal Deadline: None

Abstract: Title 7, part 1570, subpart B will establish operational regulations for the Sunflowerseed Oil Assistance Program (SOAP). Title 7, part 1570, subpart C will establish operational regulations for the Cottonseed Oil Assistance Program (COAP). These programs have been previously administered by the Foreign Agricultural Service through the issuance of announcements and invitations for offers. The regulations will replace the issued announcements for SOAP and COAP.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Ave SW., Washington, DC 20250, **202 720-6713**

RIN: 0551–AA33

359. DIRECT CREDIT PROGRAMS (GSM-5, GSM-201, GSM-301) REGULATIONS

Priority: Other Significant

Legal Authority: 15 USC 714(c) to 714(f); 07 USC 17070; 07 USC 5602; 07 USC 5621; 07 USC 5661; 07 USC 5662; 07 USC 5676

CFR Citation: 7 CFR 1487; 7 CFR 1488; 7 CFR 1491; 7 CFR 1492

Legal Deadline: None

Abstract: This final rule affects the regulations of the Commodity Credit Corporation (CCC) regarding the use of ''direct credit.'' The CCC is issuing this final rule which deletes the regulations for the noncommercial risk assurance programs (GSM-101) and amends the regulations for financing of sales of agricultural commodities (GSM-5), the CCC intermediate credit export sales program for breeding animals (GSM-201) and the CCC intermediate credit export sales program for foreign market development facilities (GSM-301). The amendments to the GSM-5, GSM-201 and GSM-301 Programs are made to incorporate material required by provisions of the Agricultural Trade Act of 1978, as amended by the Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101-624).

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th Street & Independence Avenue SW., Washington, DC 20250, **202 720-6713**

RIN: 0551–AA34

360. EMERGING DEMOCRACIES AGRICULTURAL FACILITY GUARANTEE PROGRAM

Priority: Other Significant

Legal Authority: 7 USC 5622 (b)

CFR Citation: 7 CFR 17; 7 CFR 1493

Legal Deadline: None

Abstract: The regulations will provide the terms and conditions of obtaining a Commodity Credit Corporation Export Credit Guarantee for agricultural facility establishment or improvement in emerging democracies that will primarily promote the export of U.S. agricultural commodities.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/01/93	58 FR 11786
Interim Final Rule Effective	03/01/93	

USDA—FAS **Final Rule Stage**

Action	Date	FR Cite
Interim Final Rule Comment Period End	06/01/93	

Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: CCC, since the publication of the interim rule, has developed the Facilities Guarantee Program operational requirements. CCC intends to issue these operational requirements as a guideline, as provided by the interim rule. Soon thereafter CCC will publish a proposed rule, with the same content as the guidelines with the intention of using this proposal as the framework for a final rule after a pilot test of the guidelines.

Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th & Independence Ave SW., Washington, DC 20250, **202 720-6713**

RIN: 0551–AA35

361. REGULATIONS GOVERNING THE FINANCING OF COMMERCIAL SALES OF AGRICULTURAL COMMODITIES (P.L. 480 TITLE I PROGRAM)

Priority: Other Significant

Legal Authority: 7 USC 1701 to 1705; 7 USC 1736 (a); 7 USC 1736 (c); 7 USC 5676; EO 12220

CFR Citation: 7 CFR 17

Legal Deadline: None

Abstract: The proposed rule would clarify the interim rule published Feb. 1, 1991 in response to the 1990 Food, Agriculture, Conservation, and Trade Act; it would change the basis for demurrage/despatch computations and the distribution of despatch; and it would limit brokerage payments to country agents and expand U.S. Government access to records. These actions would reduce the possibility of conflicts of interest, expedite loading of commodities, increase competition for ocean transportation and reduce ocean freight expenditures under the PL 480 Title I program.

Timetable:

Action	Date	FR Cite
NPRM	11/12/92	57 FR 53607
NPRM Comment Period End	01/13/93	
Final Action	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, 14th & Independence Ave SW., Washington, DC 20250, **202 720-6713**

RIN: 0551–AA36

362. FOREIGN DONATION OF AGRICULTURAL COMMODITIES

Priority: Informational

Legal Authority: 7 USC 1431(b); 7 USC 1736(o)

CFR Citation: 7 CFR 1499

Legal Deadline: None

Abstract: This proposed rule would establish regulations governing the foreign donation of agricultural commodities by the Commodity Credit Corporation pursuant to Section 416 (b) of the Agricultural Act of 1949, or the Food for Progress Act of 1985.

Timetable:

Action	Date	FR Cite
NPRM	02/14/94	59 FR 6916
NPRM Comment Period End	04/15/94	
Final Action	00/00/00	

Small Entities Affected: Organizations

Government Levels Affected: Federal

Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington DC 20250-1000, **202 720-6713**

RIN: 0551–AA38

363. • EXPORT BONUS PROGRAMS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 5602; 7 USC 5651; 7 USC 5661 to 5662; 7 USC 5676; 15 USC 714(c)

CFR Citation: 7 CFR 1494

Legal Deadline: None

Abstract: The proposed amendment of the rule deletes the experience requirement for any interested person not currently qualified to participate in the EEP and/or DEIP. All new participants will receive bonus payments after demonstrating the entry of the eligible commodity into the eligible country. Once the new participant demonstrates entry, for any subsequent agreements payments of bonuses will be made on the submission of export documents.

Timetable:

Action	Date	FR Cite
NPRM	01/18/95	60 FR 3564
NPRM Comment Period End	03/20/95	
Final Action	05/00/95	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Barry Abromovage, Regulatory Coordinator, Department of Agriculture, Foreign Agricultural Service, Room 4957 South Building, Washington, DC 20250, **202 720-6713**

RIN: 0551–AA40

DEPARTMENT OF AGRICULTURE (USDA)
Foreign Agricultural Service (FAS)

Completed/Longterm Actions

364. REGULATIONS GOVERNING IMPLEMENTATION OF THE MARKET PROMOTION PROGRAM (MPP) OVERSEAS

CFR Citation: 7 CFR 1736; 7 CFR 1485

Completed:

Reason	Date	FR Cite
Final Action	02/01/95	60 FR 6352

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Barry D. Abromovage, 202 720-6713

RIN: 0551–AA24

BILLING CODE 3410-10-F

DEPARTMENT OF AGRICULTURE (USDA)
Forest Service (FS)

Proposed Rule Stage

365. HYDROPOWER APPLICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 551; 43 USC 1761

CFR Citation: 36 CFR 251.54; 36 CFR 251.57

Legal Deadline: None

Abstract: A revision of Agency procedures is needed to reduce confusion regarding the role of the Forest Service in permitting hydropower uses on National Forest System lands. The goal of the directives will be to establish procedures, compatible with the procedures of the Federal Energy Regulatory Commission (FERC) for obtaining various approvals and involvement of the Forest Service in a timely manner.

In addition, the directives will establish a fee system for hydropower uses as required by Title V, Section 501 of the Federal Land Policy and Management Act of 1976. A Notice of Proposed Policy was published 6/8/84 and comments were received. The proposed policy will take those comments into account.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA47

366. NATIONAL FOREST PROHIBITIONS; LAW ENFORCEMENT SUPPORT ACTIVITIES

Priority: Other Significant

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 683; 7 USC 1011(f); 16 USC 1246(e); 16 USC 1133(c) to 1133(d)(1); 16 USC 559(a)

CFR Citation: 36 CFR 261; 36 CFR 262

Legal Deadline: None

Abstract: Regulations at 36 CFR 261, subpart A, set out the acts prohibited on National Forest System (NFS) lands. These prohibitions derive from either statutes governing National Forest programs or other regulations. The regulations at Subpart B authorize Regional Foresters, Forest Supervisors, or Station Directors to close National Forest System lands under their jurisdiction to certain uses or to restrict some uses of NFS lands. These closures are issued by order. The regulations at 36 CFR Part 262 set out law enforcement support activities on a service-wide basis.

Comments on the first proposed rule are currently in the process of review and analysis, following the public review and comment period which expired May 18, 1994. Because of the high level of public interest in this rulemaking the agency has decided to issue a second proposed rule for comment.

Timetable:

Action	Date	FR Cite
Begin Review	10/01/87	
End Review	08/01/88	
NPRM	02/16/94	59 FR 7880
NPRM Comment Period End	05/18/94	
Second NPRM	10/00/95	
Second NPRM Comment Period End	01/00/96	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: RIN 0596-AA65 was combined with RIN 0596-AA75

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA75

367. REVISE SMALL TRACTS ACT REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 521(c) to 521(i)

CFR Citation: 36 CFR 254, subpart C

Legal Deadline: None

Abstract: Implementation of the Agency's Small Tracts regulations has revealed an inadvertent inconsistency between the regulations at 36 CFR 254.35(f) and 254.41(a) and the legislative history of the Small Tracts Act of January 12, 1983. The regulations imply that the disposal of mineral fractions by sale can only be made in response to an application from an abutting landowner, thus discouraging the conveyance by sale to the public. The Act clearly authorizes sale of mineral fractions to the public through public sale, as well as individual applications, provided that certain conditions are met. The revisions will clarify the application of the Act to ensure that both individual applications and public sale are permissible means of disposing of qualifying tracts.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	09/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA79

368. ISOLATED CABIN POLICY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 477 to 482; 16 USC 551

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: Agency policy is to terminate isolated cabin authorizations on National Forest System land that were constructed without advance authorization and subsequently authorized by special-use permit. These cabins are used for part- or full-time occupancy. These cabins differ from recreation residences which were established in tracts specific for this purpose and built with Agency approval and supervision. Isolated cabins originated in several ways, including encroachment and mining claims. They restrict management of the surrounding National Forest land and deprive the public from the use and enjoyment of the land actually occupied and the surrounding area. The action proposed is to seek input from the public as to whether the present

policy should be continued, or whether it should be revised so as to examine each isolated occupancy and determine whether, in the interest of fairness and equity, the cabin should be converted to a recreation residence. This proposal to revise current policy was originally included in proposed policy on recreation residences (RIN No. 0596-AB06).

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	12/00/95	
Final Action	01/00/96	
Final Action Effective	02/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA85

369. SOLID WASTE DISPOSAL POLICY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 497; 43 USC 931(c)

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: A proposal for solid waste disposal is being developed to reflect changes which have occurred as a result of the Resource and Conservation Recovery Act, the Comprehensive Environmental Response, Compensation, and Liability Act, and an increased knowledge of solid waste disposal. The proposal would prohibit the authorization of new sites and provide for the phase-out of existing sites. During the phase out period authorizations would be amended to provide resource protection. Adoption of this policy would reduce administrative costs associated with administration of solid waste disposal sites, and protect the resources of the National Forest System lands. The proposal would impact 110 sites currently authorized.

Timetable:

Action	Date	FR Cite
ANPRM	06/26/90	55 FR 25990
ANPRM Withdrawn	07/10/90	55 FR 28258
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Interim Final Rule	00/00/00	

Small Entities Affected: Businesses, Governmental Jurisdictions

Government Levels Affected: State, Local, Federal

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA92

370. IRREVOCABLE LETTER OF CREDIT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472a; 16 USC 528 to 531; 16 USC 1600 et seq; 12 USC 1 et seq

CFR Citation: None

Legal Deadline: None

Abstract: In a 1987 court decision, a letter of credit issued in lieu of surety bond was found to be unenforceable because the person who signed the letter of credit did not have authority to do so and because the bank had violated State law in regard to limits of liability. To remedy this problem, the Forest Service is proposing to issue a requirement that the bank president certify as to the authority of the person signing the letter of credit and the conformance with State and Federal statutes. An automatic extension of the expiration date would also be required.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA93

371. TIMBER SALE PERFORMANCE AND PAYMENT BOND FORM REVISION

Priority: Other Significant

Legal Authority: 31 USC 9301 to 9309; 31 USC 223 to 225

CFR Citation: None

Legal Deadline: None

Abstract: Following a period of high-priced timber sales bid prior to 1982, the Forest Service experienced a number of contract defaults on these sales. Subsequently, the Forest Service has had difficulty collecting from some sureties on the bonds guaranteeing performance on these sales. As part of a financial security initiative affecting future sales, the Forest Service is proposing to revise the payment and performance bonds to clarify surety's obligation in regard to what is being guaranteed, when payment is due in case of default, what additional charges will be assessed if payment is not made when due and when collection action may be suspended. Other alternatives include eliminating surety bonds as a form of security, reducing surety guarantee to mid-point and periodic payment and retention of current bond forms. Upon adoption the final revised bond forms will be issued for use by Forest Service Contracting and Fiscal Officers for future timber sale contracts. The former title, Surety Bond Form Revision, has been modified to more accurately reflect the content of the proposed rule.

Timetable:

Action	Date	FR Cite
NPRM	01/17/89	54 FR 1742
NPRM Comment Period End	03/20/89	
Second NPRM	06/00/95	
Second NPRM Comment Period End	09/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Final action on this entry was delayed to obtain advice of the Comptroller General. Because of the lengthy delay this action will be published as proposed once more.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA94

USDA—FS

Proposed Rule Stage

372. NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING

Priority: Regulatory Plan

Legal Authority: 16 USC 1600 et seq; 5 USC 301

CFR Citation: 36 CFR 219

Legal Deadline: None

Abstract: This rulemaking will revise the regulations governing forest land and resource management planning to reflect agency experience in preparing initial forest plans as required by the National Forest Management Act. The rule will articulate and clarify the forest planning and decisionmaking process, propose ways to streamline plan amendment and revision, and, in general, adjust and fine tune the rule and its requirements to make the planning process more realistic, meaningful, and efficient.

Timetable:

Action	Date	FR Cite
ANPRM	02/15/91	56 FR 6508
NPRM	04/13/95	60 FR 18886
NPRM Comment Period End	07/12/95	
Final Action	04/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington DC 20090-6090, **703 235-1488**

RIN: 0596–AB20

373. DISPOSAL OF NATIONAL FOREST TIMBER; CANCELLATION OF TIMBER SALE CONTRACTS

Priority: Regulatory Plan

Legal Authority: 16 USC 551

CFR Citation: 36 CFR 223.40; 36 CFR 223.116

Legal Deadline: None

Abstract: Current regulations governing cancellation of National Forest timber sale contracts do not adequately protect the Government's financial interests in the event the Forest Service is forced to cancel contracts due to events beyond its control arising from compliance with environmental statutes. This rulemaking would remove an unworkable compensation-of-damages formula, remove limits applicable to length of contract term, and establish a termination for environmental protection clause in timber sale contracts, a standard in most Federal procurement contracts.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	09/00/95	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 200090-6090, **703 235-1488**

RIN: 0596–AB21

374. CHANGE EMPHASIS AWAY FROM RESIDUAL VALUE APPRAISAL TO TRANSACTION EVIDENCE APPRAISAL AS THE PRIME METHOD OF APPRAISING NATIONAL FOREST TIMBER

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1600

CFR Citation: 36 CFR 223.60

Legal Deadline: None

Abstract: The emphasis will be changed in 36 CFR 223.60 away from the Residual Value Appraisal method of appraising National Forest timber to the Transaction Evidence Appraisal method. The basic procedure will be the Transaction Evidence Appraisal system, except in Region 10 where Residual Value appraising will continue to be used in light of the two long-term contracts that are currently in place. Other uses of the Residual Value and other appraisal systems may be used subject to approval from the Chief of the Forest Service.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB26

375. SPECIES SURPLUS TO DOMESTIC MANUFACTURING NEEDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 620 et seq

CFR Citation: 36 CFR 223.200

Legal Deadline: None

Abstract: This proposed rule would amend 36 CFR 223.200, to list species proposed to be surplus to domestic manufacturing needs. This proposed rule would implement a portion of section 489(b) of the Forest Resources Conservation and Shortage Relief Act of 1990 (16 USC 620 et seq). Section 489(a) of the Act provides that no person who acquires unprocessed timber originating from Federal lands west of the 100th meridian in the contiguous 48 States may export such timber from the United States, or sell, trade, exchange or otherwise convey such timber from the United States, unless such timber has been determined under subsection (b) to be surplus to the needs of timber manufacturing facilities in the United States. Section 489(b) of the Act provides that the prohibition contained in section (a) shall not apply to specific quantities of grades and species of unprocessed timber originating in Federal lands which the Secretary concerned determines to be surplus to domestic manufacturing needs.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: State, Local, Federal

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB27

USDA—FS **Proposed Rule Stage**

376. RETENTION OF DOWNPAYMENT ON TIMBER SALE CONTRACTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472(a); 16 USC 618

CFR Citation: 36 CFR 223.49

Legal Deadline: None

Abstract: The Federal Timber Sale Contract Payment Modification Act directs the Forest Service to require purchasers to make downpayments and periodic payment on timber sales. The objective of these requirements is to discourage speculative bidding on National Forest System timber sales. This rule will identify the requirements to hold downpayments until the timber sale contract is substantially completed.

Timetable:

Action	Date	FR Cite
ANPRM	02/02/94	59 FR 4879
ANPRM Comment Period End	03/04/94	
NPRM	08/00/95	
NPRM Comment Period End	09/00/95	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $10,000; Yearly Recurring Cost: $0

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB28

377. NATIONAL FOREST SYSTEM LAND AND RESOURCE MANAGEMENT PLANNING FOREST SERVICE MANUAL CHAPTER 1920

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1600 et seq

CFR Citation: None

Legal Deadline: None

Abstract: The proposed manual policy would incorporate all direction for land and resource management planning into one Forest Service Manual chapter (FSM 1920). The proposed policy would clarify how the revised land and resource management planning regulations at 36 CFR 219 will be implemented. The proposal will focus on implementation of forest plans: monitoring, evaluation, amendment, and revision of forest plans; and clarifying the relationship between forest planning and project decisionmaking. (See entry for RIN 0596-AB20.)

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	
NPRM Comment Period End	02/00/96	
Final Action	08/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB31

378. USE OF FIXED ANCHORS FOR ROCK CLIMBING IN WILDERNESS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1121; 16 USC 1131 to 1136

CFR Citation: 36 CFR 261.16; 36 CFR 293.9

Legal Deadline: None

Abstract: The sport of rock climbing is often accomplished by using fixed, rather than removable, metal bolts and anchors. These bolts are considered permanent improvements when installed. These improvements may detract from the wilderness experience and are not compatible with management of the wilderness resource. The Forest Service proposes to reduce impacts on the wilderness resource by prohibiting all use of fixed anchors in the wilderness.

Timetable:

Action	Date	FR Cite
NPRM	01/00/96	
NPRM Comment Period End	03/00/96	
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $1,000; Base Year for Dollar Estimates: 1992

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB33

379. COLLECTION OF REIMBURSABLE COSTS FOR PROCESSING SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1764; 30 USC 181

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: The objective of this proposal is to incorporate into regulation the authority contained in the Mineral Leasing Act and the Federal Land Policy and Management Act to reimburse the United States for reasonable administrative costs associated with the issuance and administration of special-use authorizations on National Forest System lands.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	
Interim Final Rule	09/00/95	

Small Entities Affected: Businesses, Organizations

Government Levels Affected: None

Additional Information: Cost reimbursement for processing special-use applications and administration of special-use authorizations was originally included under RIN 0596-AA36. All provisions pertaining to the special-use application and administration process have been merged with RIN 0596-AB35. Thus, this rulemaking addresses only the cost-reimbursement provisions.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB36

380. EXERCISE OF OUTSTANDING MINERAL RIGHTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 478; 16 USC 1613; 30 USC 181; 30 USC 228; 43 USC 1740

CFR Citation: 36 CFR 228, subpart F

Legal Deadline: NPRM, Statutory, December 24, 1992.

Abstract: This subpart will set forth the rules by which the Forest Service will carry out its statutory responsibilities for the management of oil and gas operations involving outstanding mineral rights on National Forest System lands within the Allegheny National Forest. These rules will, as required by the energy bill, PL 102-486, identify that information an owner of outstanding mineral rights must submit to the Forest Service 60 days prior to beginning operations and how the Forest Service will review such information.

The Forest Service did not consider other alternatives because these regulations are mandated by law. Public costs are insignificant but public benefits could be substantial in that Forest Service and industry cooperation should be enhanced.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	10/00/95	
Interim Final Rule	01/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB38

381. SMITH RIVER NATIONAL RECREATION AREA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 460bbb(6); 16 USC 478; 16 USC 551

CFR Citation: 36 CFR 292, subpart G

Legal Deadline: None

Abstract: This subpart will set forth the rules by which the Forest Service will carry out its statutory responsibilities for the management of mineral operations on National Forest System lands within the Smith River National Recreation Area, Six Rivers National Forest. These rules will, as required by the Smith River National Recreation Area Act (PL 102-612), promote and protect recreation opportunities but still allow for mineral operations to take place. The Forest Service did not consider other alternatives because these regulations are mandated by law. Public costs are insignificant, but the public benefits could be substantial in that Forest Service and industry cooperation should be enhanced.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	09/00/95	
Interim Final Rule	03/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB39

382. INDICES TO DETERMINE MARKET-RELATED TERM ADDITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 618(b)

CFR Citation: 36 CFR 233.52

Legal Deadline: None

Abstract: Based on General Accounting Office Testimony Report Number T-RCED-92-58, 04/28/92, the Secretary of Agriculture agreed to reexamine the use of the Bureau of Labor Statistics unadjusted indices to determine whether wood product prices showed a drastic decline. The Secretary of Agriculture indicated the Forest Service would develop and publish for comment a proposed rule to use an alternative method to determine whether wood prices have drastically declined and warrant granting of a Market-Related Contract Term Addition. The proposed rulemaking would use seasonally adjusted producer price indices, adjusted to a constant dollar base, where available, to determine whether a drastic reduction in wood product prices has occurred. The title of this proposed rule has been changed from ''Market-Related Term Additions'' in order to distinguish it from RIN 0596-AB41 which has a similar title.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	08/00/95	
Final Action	01/00/96	
Final Action Effective	01/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB40

383. MARKET-RELATED TERM ADDITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 618(b)

CFR Citation: 36 CFR 223.50; 36 CFR 223.53 (New)

Legal Deadline: None

Abstract: Based on General Accounting Office Testimony Report Number T-RCED-92-58, 04/28/92, the Secretary of Agriculture agreed to reexamine the use of the Bureau of Labor Statistics unadjusted indices to determine whether wood product prices have shown a drastic decline. The Secretary of Agriculture indicated the Forest Service would develop and publish for comment a proposed rule to use an alternative method to determine whether wood prices have drastically declined and warrant granting of a Market-Related Contract Term Addition. The proposed rulemaking will propose using seasonally adjusted producer price indices, adjusted to a constant dollar base, where available, to determine whether a drastic reduction in wood product prices has occurred.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	08/00/95	
Final Action	01/00/96	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: None

USDA—FS **Proposed Rule Stage**

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB41

384. PRIVATE SALE OF GOLDEN EAGLE PASSPORTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 551; 16 USC 472; 16 USC 4601 to 4606(a); 16 USC 1281(d); 16 USC 1246(i); 16 USC 1133(b); 31 USC 9701; PL 103-66

CFR Citation: 36 CFR 291

Legal Deadline: None

Abstract: The Omnibus Reconciliation Act of 1993 authorizes the private sale of Golden Eagle Passports. The Act also directs that such sales will be subject to such terms and conditions as the Secretaries of Agriculture and Interior may jointly prescribe including detailed guidelines for promotional advertising, compliance monitoring, and withholding the cost of sales not to exceed eight percent. The purpose of this regulation is to establish the terms and conditions for the private sale of Golden Eagle Passports.

Timetable:

Action	Date	FR Cite
NPRM	03/00/96	
NPRM Comment Period End	04/00/96	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $10,000; Yearly Recurring Cost: $10,000; Base Year for Dollar Estimates: 1994

Procurement: This is a procurement-related action for which there is a statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB44

385. APPEAL OF DECISIONS RELATING TO OCCUPANCY AND USE OF NATIONAL FOREST SYSTEM LANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472; 16 USC 551

CFR Citation: 36 CFR 251 subpart C

Legal Deadline: None

Abstract: Management decisions made regarding programs with Small Business Administration (FSM 2436, and FSH 2409.18 Ch. 90) have been appealed using 36 CFR 217 in the past. The actual compatibility between the type of decisions being made and this appeal rule has been tenuous because these decisions do not have the potential to affect the environment. 36 CFR 215 is now in effect and is clearly even less of an appropriate fit.

Therefore this proposed rule would amend 36 CFR 251 to provide an appeal process appropriate for the decisions being made with regard to small business programs.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
Begin Review	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB45

386. SALE AND DISPOSAL OF NATIONAL FOREST SYSTEM TIMBER; EXTENSION OF TIMBER SALE CONTRACTS TO PERMIT URGENT REMOVAL OF OTHER TIMBER

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472a

CFR Citation: 36 CFR 223.50; 36 CFR 223.53

Legal Deadline: None

Abstract: This rule and policy change will provide for extension of National Forest System (NFS) timber sale contracts when such extension will permit the prompt removal and utilization of non-NFS owned timber damaged by catastrophic events. The change will define the responsibilities of the parties for requesting and approving such extensions and specify when such extension should be approved. This change will also allow for the use of scarce timber resources and the recovery of economic benefits from timber that might otherwise be lost because of contractual obligations to harvest undamaged timber.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	09/00/95	
Final Action	00/00/00	
Final Action Effective	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB48

387. SKI AREA PERMIT FEE SYSTEM

Priority: Other Significant

Legal Authority: PL 99-522; 16 USC 497b

CFR Citation: 36 CFR 251.57

Legal Deadline: None

Abstract: The Forest Service proposes to change its method for determining special use permit fees charged to ski areas from the current Graduated Rate Fee System to a system based on fair market value. The proposed fee system will be less expensive to administer and will meet the statutory and regulatory requirements that fees be based on fair market value.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	08/00/95	
Interim Final Rule	00/00/00	
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box

USDA—FS **Proposed Rule Stage**

96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB49

388. ● DISPOSAL OF NATIONAL FOREST TIMBER: TIMBER SALE CONTRACT REVISIONS

Priority: Other Significant

Legal Authority: PL 94-588; 16 USC 472a; 16 USC 528; 15 USC 631

CFR Citation: 36 CFR 223, subpart B

Legal Deadline: None

Abstract: This proposed policy would revise the 2400-6 and the 2400-6T timber sale contracts currently used by the Forest Service to sell National Forest System timber. The proposed timber sale contracts included as part of the proposed policy, would reflect recent court decisions and recent natural resource and environmental legislation and would clarify the rights, responsibilities, and obligations of the contracting parties. The proposed policy would address specific ambiguities and weaknesses in the current contract that have generated costly litigation in the past between the Government and the purchaser and would address the concerns regarding timber theft and log accountability.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	07/00/95	
Final Action	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB52

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage
Forest Service (FS)

389. 36 CFR PART 222 SUBPART A: MANAGEMENT OF GRAZING USE WITHIN RANGELAND ECOSYSTEMS

Priority: Regulatory Plan

Legal Authority: 7 USC 1011; 16 USC 472; 16 USC 551; 16 USC 572; 16 USC 580g; 16 USC 580h; 16 USC 5801; 16 USC 1600 et seq; 31 USC 9701; 43 USC 1901 to 1903; 43 USC 1751; 43 USC 1752

CFR Citation: 36 CFR 222, subpart A

Legal Deadline: None

Abstract: This rulemaking seeks to strengthen management of National Forest System rangelands by revising provisions for livestock grazing, improving program efficiency, and clarifying regulatory language. It will address a variety of subjects, including ecosystem management, livestock management prescriptions, grazing permit provisions to promote good stewardship, unauthorized use, grazing permit grant policy, minimum permit size, fees for processing charges, debarment, and national goals and objectives.

Timetable:

Action	Date	FR Cite
NPRM	08/16/88	53 FR 30954
NPRM Comment Period End	10/17/88	53 FR 30954
ANPRM	08/13/93	58 FR 43202
ANPRM Comment Period End	10/20/93	58 FR 43202
NPRM - Second	04/28/94	59 FR 22074
NPRM Comment Period End	07/28/94	
Final Action	09/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA35

390. INDIAN ALLOTMENTS ON NATIONAL FOREST SYSTEM LANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1603; 43 USC 1740; 25 USC 337

CFR Citation: 36 CFR 254, subpart D (New)

Legal Deadline: None

Abstract: This rule sets forth Forest Service procedures and role in the regulation of Indian allotments on National Forest System land. The Indian Allotment Act, as amended, authorizes the Secretary of the Interior to make allotments of National Forest System lands to Indians for homesteading and agricultural and grazing purposes. The Forest Service has relied upon USDI rules and procedures at 43 CFR 2533 to govern its involvement in Indian allotment cases. Litigation and a decision by the Interior Board of Land Appeals indicate the need for the Forest Service to set forth its own regulations.

Timetable:

Action	Date	FR Cite
NPRM	06/22/87	52 FR 23473
NPRM Comment Period End	07/22/87	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA52

391. LAND USES AND PROHIBITIONS; NONCOMMERCIAL GROUP USES

Priority: Regulatory Plan

Legal Authority: 16 USC 472; 16 USC 551; 16 USC 1134; 16 USC 3210; 30 USC 185; 43 USC 1740; 43 USC 1761 to 1771

CFR Citation: 36 CFR 251; 36 CFR 261

Legal Deadline: None

Abstract: A Federal District Court has ruled that existing regulations discriminate against groups who wish to gather on National Forests to exercise their first amendment rights of assembly and free speech. The proposed rule will seek to remove ambiguities regarding these first-amendment rights.

USDA—FS **Final Rule Stage**

The Agency is reviewing the rules of other Federal land managing agencies for possible approaches and is considering establishing separate rules for authorizing short-term, noncommercial uses of National Forests.

There will be no additional costs as a result of the proposed rule change. The benefit will be that the Forest Service will be able to adequately regulate large-group use of the National Forests in a manner that ensures protection of the public health and safety and National Forest resources.

Timetable:

Action	Date	FR Cite
NPRM	05/06/93	58 FR 26940
NPRM Comment Period End	08/04/93	
Final Action	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AA80

392. FEDERAL TIMBER EXPORT AND SUBSTITUTION RESTRICTIONS (COMPREHENSIVE REVISION)

Priority: Regulatory Plan

Legal Authority: 16 USC 620 to 620j

CFR Citation: 36 CFR 223, subpart B; 36 CFR 223, subpart C; 36 CFR 223, subpart D; 36 CFR 223, subpart F; 36 CFR 261, subpart A

Legal Deadline: Final, Statutory, May 20, 1991.

Abstract: These rules are necessary to carry out the restrictions placed on the export of unprocessed timber from Federal lands and the restrictions on the direct and indirect purchasing of Federal logs to be used in substitution for the export of unprocessed timber originating from private lands. The rules are mandated by the Forest Resources Conservation and Shortage Relief Act of August 20, 1990. The Act calls for various rules to be issued. The agency anticipates several rulemakings to achieve implementation of the act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/20/90	55 FR 48572
Interim Final Rule Effective	11/20/90	
Comprehensive		
NPRM 01/29/91 (56 FR 3354)		
NPRM Comment Period End 03/15/91		
Final Action 04/00/95		
Final Action Effective 04/00/95		
Limited Scope		
NPRM 01/29/91 (56 FR 3375)		
NPRM Comment Period End 02/05/91		
Final Action 12/00/95		
Final Action Effective 12/00/95		

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P. O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB22

393. STATE AND PRIVATE FORESTRY ASSISTANCE STEWARDSHIP INCENTIVE PROGRAM

Priority: Other Significant

Legal Authority: 16 USC 2101 et seq

CFR Citation: 36 CFR 230

Legal Deadline: None

Abstract: This final rule would incorporate any changes resulting from public comments on the interim rule published December 4, 1991. The interim rule established the interim procedures for administration of the Stewardship Incentive Program. The Program is intended to encourage private landowners, through cost-share assistance, to manage their forest lands for economic, environmental, and social benefits. Only two alternatives were considered in detail: (1) to implement the Program in accordance with 16 USC 2101, et seq, and (2) not to implement the Program, in which case there would be no accelerated program for multiple resource management on nonindustrial private forest lands. The overall effects of the Program over time will be environmentally beneficial by enhancing wetlands, wildlife habitat, forest health, forest productivity, and recreation. The Program will help meet future demand for commodity and noncommodity forest resources. There are no potential negative impacts anticipated for the Program.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/04/91	56 FR 63581
Interim Final Rule Public Comment Period End	01/21/92	
Final Action	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB32

394. SPECIAL-USE APPLICATIONS AND ADMINISTRATION OF SPECIAL-USE AUTHORIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 43 USC 1764; 31 USC 483(a); 30 USC 181; 16 USC 551

CFR Citation: 36 CFR 251(b)

Legal Deadline: None

Abstract: The Forest Service proposes to amend the regulations governing the use and occupancy of National Forest System lands to minimize application expenses, streamline and make more efficient environmental analysis of special use proposals, provide the ability to use one-time payments for easements as presently used in the marketplace, limit certain liability requirements to amounts determined by a risk assessment, make certain definitions more explicit, and clarify direction on renewal of existing special use regulations. The intended effect is to reduce costs to proponents and the agency, expedite decisionmaking, and administer authorizations in a more ''user friendly'' manner by removing certain requirements deemed unnecessary and/or outdated.

Timetable:

Action	Date	FR Cite
NPRM	08/14/92	57 FR 36618
NPRM Comment Period End	09/28/92	
Final Action	05/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box

96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB35

395. OCCUPANCY AND USE OF DEVELOPED SITES AND AREAS OF CONCENTRATED PUBLIC USE

Priority: Other Significant

Legal Authority: 16 USC 551; 16 USC 472; 16 USC 4601 to 4606(a); 16 USC 1281(d); 16 USC 1246 (i); 16 USC 1133 (b); 31 USC 9701; PL 103-66

CFR Citation: 36 CFR 291

Legal Deadline: None

Abstract: The Omnibus Reconciliation Act of 1993 authorizes admission fees at National Recreation Areas, National Monuments, National Volcanic Monuments, National Scenic Areas, and no more than 21 areas of concentrated public use. Currently 36 CFR 291.9 does not reflect the new authority to charge fees at the 21 areas of concentrated public use. This final rule is a technical amendment to reflect this new authority. The admission fees are expected to return about five million dollars to the Treasury when fully implemented. Costs to collect the fees are estimated at $1.24 million annually. States and counties will receive 25 percent of the fee collections.

Timetable:

Action	Date	FR Cite
Final Action	06/00/95	
Final Action Effective	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $1,000,000; Yearly Recurring Cost: $1,250,000; Base Year for Dollar Estimates: 1994

Sectors Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB43

396. ANIMAL DAMAGE MANAGEMENT

Priority: Other Significant

Legal Authority: 7 USC 426 to 426b; PL 100-202; 16 USC 1536

CFR Citation: 7 CFR 2.51(41); 40 CFR 1508.16; 40 CFR 1508.15

Legal Deadline: None

Abstract: This final policy will replace current Agency procedures for implementing the provisions of the Memorandum of Understanding between the Animal and Plant Health Inspection Service (APHIS)-Animal Damage Control unit and the Forest Service. This policy will clarify the role and responsibility of the Forest Service in coordinating with APHIS on animal damage management and in cooperating with APHIS in discharging the Federal obligations to manage wild vertebrates causing damage on National Forest System lands under the Animal Damage Control Act of 1931. This policy will address which agency has the lead agency responsibility for preparing environmental documentation on animal damage management activities initiated by APHIS on National Forest System Lands.

Timetable:

Action	Date	FR Cite
NPRM	06/13/94	59 FR 30334
NPRM Comment Period End	08/12/94	
Final Action	05/00/95	
Final Action Effective	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB47

397. ● FEE SCHEDULES FOR COMMUNICATION USES ON NATIONAL FOREST SYSTEM LANDS

Priority: Other Significant

Legal Authority: 43 USC 1764

CFR Citation: None

Legal Deadline: None

Abstract: The Forest Service is adopting a final policy and revised fee schedule for determining annual rental charges for communication uses authorized on National Forest System lands in the Western United States in Forest Service Regions 1-6. The fee schedule was developed jointly with the Department of Interior, Bureau of Land Management. This final policy adopts a revised fee schedule for all categories of communications uses on National Forest System lands and replaces existing Regional fee schedules adopted in 1989 and modified in 1992. This final policy completes the agency's efforts to establish annual rental charges that are based on sound business management practices and reflect fair market value, as required by Title V of the Federal Land Policy and Management Act of 1976, the Independent Offices Appropriation Act of 1952, and the Office of Management and Budget Circular A-25.

Timetable:

Action	Date	FR Cite
NPRM	07/13/93	58 FR 37840
NPRM Comment Period End	10/12/93	
Final Action	04/00/95	
Final Action Effective	04/00/95	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB51

398. ● OUTFITTING AND GUIDING PERMITS AND FEES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 551; 31 USC 9701; 31 USC 1111; EO 8248; EO 11541; 16 USC 4601

CFR Citation: 36 CFR 251

Legal Deadline: None

Abstract: The Forest Service is adopting final agency policy for issuing and administering permits and assessing fees for outfitting and guiding activities on National Forest System lands. This final policy addresses comments on the interim policy published for notice and comment in 1990 (55 FR 14445) and concerns expressed in GAO reviews. This policy clarifies requirements and provides greater consistency in permit administration. Approximately 2,800 outfitting and guide permits are in effect each year.

Timetable:

Action	Date	FR Cite
NPRM	04/15/90	55 FR 14445

USDA—FS **Final Rule Stage**

Action	Date	FR Cite
NPRM Comment Period End	05/15/90	
Final Action	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, Regulatory Officer, Department of Agriculture, Forest Service, P.O. Box 96090, Washington, DC 20090-6090, **703 235-1488**

RIN: 0596–AB53

DEPARTMENT OF AGRICULTURE (USDA) — Completed/Longterm Actions
Forest Service (FS)

399. PROHIBITION ON MECHANICAL TRANSPORT AND OTHER ACTIVITIES IN WILDERNESS

CFR Citation: 36 CFR 293.6(a); 36 CFR 261

Completed:

Reason	Date	FR Cite
Withdrawn - No action planned within the next 12 months.	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, 703 235-1488

RIN: 0596–AA39

400. PRE-AWARD INFORMATION REQUIREMENTS

CFR Citation: 36 CFR 223.101

Completed:

Reason	Date	FR Cite
Withdrawn - No action planned in the next 12 months.	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, 703 235-1488

RIN: 0596–AB03

401. 36 CFR 222 RANGE MANAGEMENT, SUBPART C GRAZING FEES

CFR Citation: 36 CFR 222.50; 36 CFR 222.51; 36 CFR 222.52

Completed:

Reason	Date	FR Cite
Withdrawn	02/03/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, 703 235-1488

RIN: 0596–AB42

402. USE OF BAIT IN HUNTING

CFR Citation: 36 CFR 251.50; 36 CFR 261.11; 36 CFR 261.58(v); 36 CFR 261.58(cc)

Completed:

Reason	Date	FR Cite
Final Action	03/20/95	60 FR 14720
Final Action Effective	03/20/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, 703 235-1488

RIN: 0596–AB46

403. 36 CFR 222 RANGE MANAGEMENT; SUBPART C; 222.51 GRAZING FEES IN THE WEST; (J) QUALIFICATION CRITERIA

CFR Citation: 36 CFR 222

Completed:

Reason	Date	FR Cite
Withdrawn	02/03/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marian P. Connolly, 703 235-1488

RIN: 0596–AB50

BILLING CODE 3410-11-F

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage
Office of Chief Financial Officer (OCFO)

404. AUDITS OF STATE, LOCAL, AND INDIAN TRIBAL GOVERNMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 31 USC 7505

CFR Citation: 7 CFR 3015; 7 CFR 3016; 7 CFR 3050

Legal Deadline: None

Abstract: Consolidates and revises USDA's policy for audits of State, local and Indian Tribal Governments.

Timetable: Next Action Undetermined

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State, Local, Tribal

Agency Contact: Allen Johnson, Acting Director, Department of Agriculture, Office of Chief Financial Officer, Rm 4094 South Building, 14th & Independence Ave SW., Washington DC 20250, **202 720-8345**

RIN: 0505–AA09

BILLING CODE 3410-KS-F

DEPARTMENT OF AGRICULTURE (USDA)
Office of the General Counsel (OGC)

Completed/Longterm Actions

405. ● RULES OF PRACTICE

Legal Authority: 18 USC 207j; 5 USC 301; 7 USC 291 to 292; 7 USC 499; 7 USC 1621 et seq; 7 USC 1622; 7 USC 1624; 7 USC 2321; 7 USC 2326; 7 USC 2352; 7 USC 2353; 7 USC 228(a)

CFR Citation: 7 CFR 1.130 to 1.151; 7 CFR 1.160 to 1.175; 7 CFR 47.1 to 47.25; 7 CFR 47.46; 7 CFR 47.1; 7 CFR 47.2(a) to 47.2(h); 7 CFR 47.47 to 47.68; 9 CFR 202.101 to 202.123

Legal Deadline: None

Abstract: This action amends the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes, the Rule of Practice Governing Cease and Desist Proceedings Under Section 2 of the Capper-Volstead Act, the Rules of Practice Under the Perishable Agricultural Commodities Act, and the Rules of Practice Applicable to Reparation Proceedings Under the Packers and Stockyards Act. This action provides that conferences shall be conducted by telephone or correspondence, hearings shall be conducted by audio-visual telecommunication, and depositions shall be conducted either in the manner agreed to by the parties or by telephone, unless the person conducting the proceeding determines that the conference, hearing, or deposition may be conducted by some other means. This action also provides for the use of recordings of hearings and depositions and the exchange of written narrative statements of the direct testimony prior to hearings to be conducted by telephone.

Timetable:

Action	Date	FR Cite
NPRM	02/25/94	59 FR 9114
NPRM Comment Period End	04/26/94	59 FR 9114
NPRM Comment Period Extension	06/22/94	59 FR 32138
NPRM Comment Period End	07/22/94	
Final Action	02/14/95	60 FR 8446

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mary Hobbie, Assistant General Counsel, Trade Practices Division, Department of Agriculture, Office of the General Counsel, Room 2446 South Agriculture Building, Washington, DC 20250, **202 720-5293**

RIN: 0510–AA00

BILLING CODE 3410-KS-F

DEPARTMENT OF AGRICULTURE (USDA)
Office of the Secretary (AgSEC)

Proposed Rule Stage

406. SUPPLEMENTAL STANDARDS OF ETHICAL CONDUCT FOR EMPLOYEES OF THE DEPARTMENT OF AGRICULTURE

Priority: Other Significant

Legal Authority: PL 101-194 Ethics Reform Act; EO 12674 Ethical Conduct for Government Officers and Employees

CFR Citation: 05 CFR 2635

Legal Deadline: None

Abstract: The regulations will supplement Governmentwide ethical conduct regulations issued by the Office of Government Ethics (OGE) in August 1992. The OGE must approve USDA's supplementation.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Gary M. Whitaker, Acting Director, Employee Relations Division, Department of Agriculture, Office of the Secretary, AG Box 9616, Washington, DC 20250-9616, **202 720-3327**

RIN: 0503–AA05

407. GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS AND OTHER NON-PROFIT ORGANIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 31 USC 1111

CFR Citation: 7 CFR 3019

Legal Deadline: None

Abstract: This regulation establishes the administrative requirements for Federal grants and agreements to institutions of higher education, hospitals and non-profit organizations.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	08/00/95	

Small Entities Affected: Organizations

Government Levels Affected: None

Agency Contact: Gerald Miske, Supervisory Program Analyst, Department of Agriculture, Office of the Secretary, Room 3031 South Building, 14th and Independence Ave. SW., Washington, DC 20250, **202 720-1553**

RIN: 0503–AA10

DEPARTMENT OF AGRICULTURE (USDA)
Office of the Secretary (AgSEC)

Completed/Longterm Actions

408. FOOD STAMP PROGRAM: FORFEITURE AND DENIAL OF PROPERTY RIGHTS

CFR Citation: 7 CFR 271.5

Completed:

Reason	Date	FR Cite
Final Action	10/11/94	59 FR 51353
Final Action Effective	11/10/94	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Tom Martin, 202 720-4401

RIN: 0503–AA07

USDA—AgSEC **Completed/Longterm Actions**

409. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

CFR Citation: 7 CFR 3016

Completed:

Reason	Date	FR Cite
Final Action	04/19/95	60 FR 19638
Final Action Effective	05/19/95	60 FR 19638

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Gerald Miske, 202 720-1553

RIN: 0503–AA08

410. DESIGNATION OF RURAL EMPOWERMENT ZONES AND ENTERPRISE COMMUNITIES

CFR Citation: 7 CFR 25

Completed:

Reason	Date	FR Cite
Final Action	02/03/95	60 FR 6945
Final Action Effective	03/08/95	60 FR 6945

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Federal

Agency Contact: Beverly Gillot, 202 690-2516

RIN: 0503–AA09

BILLING CODE 3410-90-F

DEPARTMENT OF AGRICULTURE (USDA) — Proposed Rule Stage

Rural Business and Cooperative Development Service (RBCDS)

411. ALCOHOL FUELS CREDIT IMPLEMENTING REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980 subpart A; 7 CFR 1980 subpart E

Legal Deadline: None

Abstract: This action is to implement a new program provided for in PL 102-341. The program will provide guaranteed lines of credit, where an emergency has been declared, for the purchase of grain for the production of alcohol fuel at cooperative facilities as necessary to meet deliveries under contract. The legislation provides for a program level of $30,000,000 to remain available until expended but not beyond Fiscal Year 2009. Plans are to implement the program through a revision of the existing regulations for the Business and Industry (B&I) Guaranteed Loan program, using the forms and procedures of the B&I program to the extent that they are appropriate.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $0; Yearly Recurring Cost: $0

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0570–AA01

412. LOCAL TECHNICAL ASSISTANCE AND PLANNING GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 7 USC 1926

CFR Citation: 7 CFR 4284; 7 CFR 1951

Legal Deadline: None

Abstract: The Rural Utilities Service proposes this action to add a new regulation implementing a grant program to fund local technical assistance and planning activities in rural areas for the purpose of improving economic conditions in the areas. Grants will be available to public bodies and nonprofit organizations. This action is necessary to comply with P.L. 101-624. Grants may be used for technical assistance and training for small businesses, identifying and analyzing business opportunities in rural areas, establishing business support centers, conducting local or multi-county economic development planning, coordination of economic development activities, and leadership development training of local government officials.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0570–AA05

413. COMMUNITY FACILITY LOANS: RECREATION AND TOURISM

Priority: Other Significant

Legal Authority: 7 USC 1932 note; 12 USC 301; 7 USC 1989; 42 USC 1480; 7 USC 301; 16 USC 1005

CFR Citation: 7 CFR 1980; 7 CFR 1942; 7 CFR 1948

Legal Deadline: None

Abstract: The existing regulations for Community Facility Loan Program, Business and Industry Loan Program and Intermediary Relending Program all prohibit loans for recreational facilities. Recognizing that recreation and tourism can be an important tool for economic development in some rural areas, Rural Utilities Service is proposing to remove the prohibition on loans for such facilities from all three programs. This will allow the three programs to be potential sources of financing for rural recreational facilities when other program requirements are met.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	
NPRM Comment Period End	00/00/00	

Small Entities Affected: None

Government Levels Affected: Local

USDA—RBCDS **Proposed Rule Stage**

Additional Information: This entry was reported as RIN 0575-AB78 prior to the reorganization of USDA.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Business and Cooperative Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0570–AA14

414. CIVIL RIGHTS POLICIES APPLICABLE TO REA BORROWERS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1790

Legal Deadline: None

Abstract: This action provides REA borrowers with access to the requirements of Title VI, Section 504, and the Age Discrimination Act, which apply directly to the operation of their programs and activities. REA Bulletin 20-19:320-19, entitled Nondiscrimination Among Beneficiaries of REA Programs will be rescinded upon publication of the final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0572-AA75 prior to the reorganization of USDA.

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Business and Cooperative Development Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0570–AA17

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage

Rural Business and Cooperative Development Service (RBCDS)

415. RURAL TECHNOLOGY DEVELOPMENT GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1932; PL 101-624

CFR Citation: 7 CFR 4284; 7 CFR 1940; 7 CFR 1951; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: Other, Statutory, May 28, 1991.
The Extension Service had $1 million for the program in its FY '93 budget and has funds for FY '94.

Abstract: This action will add a new regulation implementing a grant program to fund the establishment and operation of centers for rural technology or cooperative development. Grants will be available to public bodies and nonprofit organizations. This action is necessary to comply with PL 101-624. An aim of this program is to stimulate nonfederal participation in economic development activities and allow grant funds to reach a broad range of rural economic development efforts.

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/12/94	59 FR 41836
Final Action	05/30/95	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Tribal, Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0570–AA02

416. RURAL BUSINESS ENTERPRISE GRANTS AND TELEVISION DEMONSTRATION GRANTS

Priority: Other Significant

Legal Authority: PL 102-552; 7 USC 1927; 7 USC 1939 (c)

CFR Citation: 7 CFR 1942 subpart G; 7 CFR 4284 subpart B

Legal Deadline: None

Abstract: The provision of technical assistance and training to rural communities for the purpose of improving passenger transportation services or facilities; to revise the definition for small and emerging private business enterprise to agree with the program size standards established by the Small Business Administration; to clarify certain administrative regulatory guidelines in order to effect improved program administration; and also authorizes grants for educational purposes and distance learning networks.

Timetable:

Action	Date	FR Cite
RBEG Interim Final Rule Provide educational/job training instruction.	05/23/94	59 FR 26585
NPRM	08/09/94	59 FR 40478
NPRM Comment Period End	09/08/94	
Final Action	06/30/95	

Small Entities Affected: Businesses, Governmental Jurisdictions, Organizations

Government Levels Affected: State, Local, Tribal, Federal

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Business and Cooperative Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0570–AA08

417. RURAL BUSINESS LOAN STREAMLINING

Priority: Other Significant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980; 7 CFR 4279

Legal Deadline: None

Abstract: New regulations for the program known as the Business and Industry guaranteed loan program will be more user friendly for lenders, borrowers, and Agency staff. The

regulations will be shorter, better organized, and more simple and clear. Many documentation requirements will be eliminated or consolidated into more convenient formats. Analysis and processing responsibilities will be shifted from the National Office to field offices and from the Agency to lenders. Eligible users of the program will be expanded. This will allow for improved service to the public through faster processing and funding of applications. It will provide for an expanded program with increased impact on rural employment without a corresponding expansion in Agency staff.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/05/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Business and Cooperative Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0570–AA09

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418. 1980-E BUSINESS AND INDUSTRIAL LOAN PROGRAM—AUDIT REQUIREMENTS

Priority: Other Significant

Legal Authority: 7 USC 1989; 42 USC 1480; 5 USC 301

CFR Citation: 7 CFR 1980 subpart E

Legal Deadline: None

Abstract: This action will reduce the burden on business and industry guaranteed loan program borrowers by revising the requirements for financial statements and allowing our borrowers to provide unaudited financial statements instead of audits.

Timetable:

Action	Date	FR Cite
NPRM	03/28/94	59 FR 14371
NPRM Comment Period End	05/27/94	59 FR 14371
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0575-AB37 prior to the reorganization of USDA.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Business and Cooperative Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0570–AA11

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419. RURAL BUSINESS ENTERPRISE GRANTS AND TV DEMONSTRATION GRANTS; TECHNICAL ASSISTANCE AND TRAINING GRANTS; NONPROFIT NATIONAL CORPORATIONS LOAN AND GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-624, sec 2375 (e)

CFR Citation: 7 CFR 1942 subpart G; 7 CFR 1942 subpart J; 7 CFR 1980 subpart G

Legal Deadline: None

Abstract: Amend subject regulations to prohibit duplication of technical assistance grant funding provided by Forest Service (FS).

Timetable:

Action	Date	FR Cite
NPRM	03/16/94	59 FR 12200
NPRM Comment Period End	04/15/94	
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0575-AB53 prior to the reorganization of USDA.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Business and Cooperative Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0570–AA12

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420. BUSINESS AND INDUSTRIAL INTEREST BUYDOWN

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 7 USC 301; PL 103-50

CFR Citation: 7 CFR 1980

Legal Deadline: None

Abstract: This action will implement a provision of Public Law 103-50, which authorizes an interest rate buydown for certain business and industry loans guaranteed through FY 1994 in areas affected by Hurricanes Andrew and Iniki and Typhoon Omar. Lenders must limit the interest rate charged to prime plus 100 basis points. The Government will pay one percentage point of interest on the loan to the lender, thereby reducing the effective rate paid by the borrower. This action is intended to assist with economic recovery in the disaster areas.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/02/94	59 FR 28465
Final Action	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Additional Information: This entry was reported as RIN 0575-AB69 prior to the reorganization of USDA.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Business and Cooperative Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0570–AA13

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421. INTERMEDIARY RELENDING PROGRAM REWRITE

Priority: Other Significant

Legal Authority: 7 USC 1932 note; 5 USC 301

CFR Citation: 7 CFR 1948

Legal Deadline: None

Abstract: This regulatory package is an initiative to enhance the program through revisions based on experience with operation of the program. The primary changes under consideration include the following: (1) Provide clarifications as to which requirements apply only to Rural Utilities Service (RUS) Intermediary Relending Program (IRP) loan funds and which apply to everything in the IRP revolving funds, (2) Authorize State Offices to accept and process applications, (3) Clarify conditions under which an intermediary that does not have lending experience may qualify, (4) Provide that proposed intermediaries that are delinquent on a Federal debt are not eligible, (5) Authorize loans for refinancing and prohibit loans for housing, (6) Provide general guidelines

USDA—RBCDS **Final Rule Stage**

for interest rates and terms of loan to ultimate recipients, (7) Provide that intermediaries may receive a series of subsequent loans of up to $1 million each and raise the ceiling on loans to an ultimate recipient to $250,000, (8) Provision for a reserve for debts of 15 percent of the intermediary's portfolio, (9) Allow intermediaries to draw up to 25 percent of their loan at loan closing, (10) Revise application requirements to eliminate some items, provide more detail (cont)

Timetable:

Action	Date	FR Cite
Interim Final Rule to raise loan limit from 2 million to 4 million	05/12/94	59 FR 24635
NPRM	01/18/95	60 FR 3566
NPRM Comment Period End	03/20/95	60 FR 3566
Final Action	08/22/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Additional Information: This entry was reported as RIN 0575-AB83 prior to the reorganization of USDA.

ABSTRACT CONT: and provide for streamlined subsequent loan applications. (11) Adjust the priority point scoring system. (12) Provide guidelines for RUS concurrence in proposed loans to ultimate recipients.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Business and Cooperative Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0570–AA15

422. BUSINESS AND INDUSTRIAL LOAN PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 7 USC 301

CFR Citation: 7 CFR 1980 subpart E

Legal Deadline: None

Abstract: The Rural Utilities Service proposes to amend its Business and Industry loan servicing regulations. The action is necessary to clarity the procedure for categorizing and classifying loans according to payment frequency criteria. The intended affect is to clarify procedures for classifying and categorizing loan payment history.

Timetable:

Action	Date	FR Cite
NPRM	06/24/94	59 FR 32660
NPRM Comment Period End	08/23/94	59 FR 32660
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: State

Additional Information: This entry was reported as RIN 0575-AB84 prior to the reorganization of USDA.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Business and Cooperative Development Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0570–AA16

423. RURAL ECONOMIC DEVELOPMENT LOAN AND GRANT PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1703 B

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) is proposing to add a new provision to the selection of projects to be funded under the existing program. The new provision will enhance the potential for funding for applications from areas that : (1) were recently designated by the President as a natural disaster area; (2) have experienced severe economic dislocation due to the loss, removal, or closing of a major source of employment; (3) have experienced long-term and severe economic deterioration, demonstrated by severe unemployment or a high percentage of population out-migration; and (4) have been designated as a Rural Empowerment Zone or Rural Enterprise Community.

Timetable:

Action	Date	FR Cite
NPRM	07/28/94	59 FR 38377
NPRM Comment Period End	08/29/94	
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Additional Information: This entry was reported as RIN 0572-AB04 prior to the reorganization of USDA.

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Business and Cooperative Development Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0570–AA18

DEPARTMENT OF AGRICULTURE (USDA) — Completed/Longterm Actions

Rural Business and Cooperative Development Service (RBCDS)

424. FEDERAL-STATE RESEARCH ON COOPERATIVES PROGRAM

CFR Citation: 7 CFR 4285

Completed:

Reason	Date	FR Cite
Final Action	07/28/94	59 FR 38342

Small Entities Affected: None

Government Levels Affected: State

Agency Contact: Chris Goettelmann, 202 720-9744

RIN: 0570–AA10

BILLING CODE 3410-07-F

DEPARTMENT OF AGRICULTURE (USDA)
Rural Utilities Service (RUS)

Proposed Rule Stage

425. LOAN SECURITY DOCUMENTS—TELEPHONE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1744, subpart D

Legal Deadline: None

Abstract: This new rule provides information on the loan security documents borrowers are required to execute and includes as appendixes REA's standard forms of loan contract, note, and mortgage.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA30

426. WHOLESALE CONTRACTS FOR THE PURCHASE AND SALE OF ELECTRIC POWER AND ENERGY

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; PL 99-591

CFR Citation: 7 CFR 1717.300 to 1717.349

Legal Deadline: None

Abstract: This regulation revises REA policies and procedures relating to wholesale power contracts.

Timetable:

Action	Date	FR Cite
NPRM	09/21/90	55 FR 38930
NPRM Comment Period End	11/20/90	
NPRM	08/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	
NPRM Comment Period End	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA41

427. REVISION OF TELECOMMUNICATION POLICIES AND PROCEDURES FOR APPROVAL OF STANDARDS, SPECIFICATIONS, CONTRACT FORMS, AND DRAWINGS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: This regulation will update, consolidate, and clarify REA policies and procedures relating to approvals of REA standards, specifications, equipment contract forms, manual selections, and drawings, and REA acceptances of materials and equipment for use on REA-financed telephone facilities.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA45

428. ELECTRIC SYSTEM PLANNING AND DESIGN—POLICIES AND PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1724

Legal Deadline: None

Abstract: This rule will codify and update Agency policies and procedures for the planning and design of electrical systems of REA borrowers.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA48

429. MARGIN STABILIZATION PLANS AND REVENUE AND EXPENSE DEFERRALS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1767, subpart E

Legal Deadline: None

Abstract: This rule will set forth procedures that borrowers must follow to obtain approval of margin stabilization plans and revenue and expense deferrals. The rule will implement provisions of Statement of Financial Accounting Standards No. 71, Accounting for the Effects of Certain Types of Regulation.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: An Advance Notice of Proposed Rulemaking on this subject was published November 7, 1988, at 53 FR 44887 as 7 CFR part 1718. As part of RUS's project to simplify and clarify Agency regulations, it has been redesignated as shown above.

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA50

USDA—RUS **Proposed Rule Stage**

430. SPECIFICATION FOR FIBER OPTIC SPLICE CLOSURES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to issue a specification for fiber optic splice closures which would describe the mechanical and electrical requirements that ensure safe, reliable, and cost effective closures for REA telephone borrowers. Specific references to appropriate industry standards would be incorporated. Detailed product evaluation procedures will be covered where industry specifications are not available.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA62

431. REA SPECIFICATION FOR MECHANICAL FIBER OPTIC SPLICES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA proposes to issue a specification for mechanical fiber optic splices which describes the mechanical and electrical requirements that insure safe, reliable, and cost effective splices for use by REA telephone borrowers. Specific references to industry standards will be incorporated. Product evaluation procedures will be specified where industry specifications are not available.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA64

432. RESCISSION OF REA BULLETINS 345-13, 345-29, 345-75, AND 345-178 —TELEPHONE PROGRAM REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA withdraws and rescinds four specifications for telephone materials and equipment which are obsolete due to innovations in technology.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	54 FR 46071
NPRM Comment Period End	01/02/90	
Second NPRM	04/00/95	
Second NPRM Comment Period End	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA66

433. ELECTRIC STANDARDS AND SPECIFICATIONS FOR MATERIALS AND CONSTRUCTION

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1728

Legal Deadline: None

Abstract: This regulation provides REA borrowers and the public with specifications for material and equipment as a complement to the list of construction standards and specifications incorporated by reference.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA67

434. POST-LOAN POLICIES AND PROCEDURES COMMON TO INSURED AND GUARANTEED ELECTRIC LOANS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1717, subparts A to F; 7 CFR 1717, subparts J to K

Legal Deadline: None

Abstract: This regulation will codify most basic post-loan policies and procedures common to insured and guaranteed electric loans.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA71

USDA—RUS **Proposed Rule Stage**

435. REA BUY AMERICAN REQUIREMENT

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1792, subpart B

Legal Deadline: None

Abstract: This proposed rule would provide borrowers, material and equipment manufacturers, and the public with proposed rules for compliance with a Buy American requirement in connection with the expenditure of loan, grant, or guaranteed funds. This action will codify the requirements of the Buy American Act and Executive Order 10582. REA Bulletin 43-9:344-3 ''Buy American'' will be rescinded upon publication of the final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA73

436. ELECTRIC SYSTEMS OPERATIONS AND MAINTENANCE

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1730

Legal Deadline: None

Abstract: The Rural Electrification Administration proposes to codify and clarify REA policy concerning operation and maintenance of borrower electric systems. In addition, it is proposed to add REA policies relating to the review and evaluation of borrower systems and facilities financed with loans from REA. These policies are presently contained in REA Bulletin 161-5 which will be rescinded upon publication of the final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA74

437. LOAN DOCUMENTS—BANK PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 941 et seq

CFR Citation: 7 CFR 1620

Legal Deadline: None

Abstract: REA proposes to add a new part 1620 which provides information on loan documents which telephone borrowers are required to execute. New part 1620 will also include Rural Telephone Bank standard forms of loan contract, note, and mortgage. Bulletin 402-1, Mortgage Restrictions on Dividends and Other Distributions -- Telephone Borrowers, will be rescinded upon publication of the final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA76

438. DEPRECIATION RATES AND PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1767, subpart C

Legal Deadline: None

Abstract: The Rural Electrification Administration proposes to add a new subpart to 7 CFR 1767 that codifies current policy on depreciation rates and procedures. Revisions are being proposed to the existing policy that will require continuing records to be maintained on a vintage year basis, and that set forth requirements for utilizing depreciation rates that vary from those that are prescribed in this subpart. Current REA policy is set forth in Bulletin 183-1, which will be rescinded upon publication of the final rule.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AA80

439. SPECIFICATION FOR POLE LINE HARDWARE

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1728

Legal Deadline: None

Abstract: The Rural Electrification Administration proposes specifications for hardware used on electric utility poles. The organization performing the secretariat function for pole line hardware has withdrawn and ceased to operate, and all existing standards will expire in five years.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South

Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA83

440. REA FIDELITY AND INSURANCE REQUIREMENTS FOR ELECTRIC AND TELEPHONE BORROWERS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1788

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) is considering revising its regulations concerning the fidelity and insurance requirements for electric and telephone borrowers.

Timetable:

Action	Date	FR Cite
ANPRM	04/28/93	58 FR 25786
ANPRM Comment Period End	06/28/93	
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA86

441. TITLE EVIDENCE POLICIES AND PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; 7 USC 1921 et seq

CFR Citation: 7 CFR 1710; 7 CFR 1735

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) is considering a revision to its title policy to change REA policies and procedures regarding the submittal of title evidences in connection with real property and right-of-way acquisitions by its borrowers.

Timetable:

Action	Date	FR Cite
ANPRM	04/23/93	58 FR 21661
ANPRM Comment Period End	05/24/93	
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AA90

442. PRESERVATION OF RECORDS ACCOUNTING REQUIREMENTS FOR REA ELECTRIC BORROWERS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1767, subpart D

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) proposes to amend its regulation by adding a new subpart on Preservation of Records. Current REA policy on this subject is set forth in REA Bulletin 180-2, Manual for Preservation of Borrower's Records. In addition to codifying these policies and procedures, revisions are being proposed to the existing policy that will establish the proper record media forms for record retention. Once the final is effective, REA Bulletin 180-2 will be rescinded.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA92

443. USE OF GENERAL FUNDS INVESTMENTS, LOAN GUARANTEES, AND RETIREMENT OF CAPITAL CREDITS BY ELECTRIC BORROWERS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1717, subpart O

Legal Deadline: None

Abstract: This rule will set forth procedures for REA approval of a borrower's use of its own funds that are not the proceeds of REA loans for additions to electric plan. REA loans are secured by a first mortgage on the borrower's total electric system. REA approvals are intended to ensure that the proposed capital additions will not adversely affect the borrower's ability to provide service consistent with the RE Act and to repay its REA loans.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: REA is splitting the old RIN due to the fact that the four subparts of the old RIN were split into separate actions which are progressing at different rates in the regulatory process.

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AB01

444. REA APPROVAL OF SALE OF CAPITAL ASSETS BY ELECTRIC BORROWERS

Priority: Other Significant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1717, subpart P

Legal Deadline: None

Abstract: This rule will set forth REA policies and procedures for the sale of capital assets by electric borrowers. REA loans are secured by a first mortgage on the borrower's electric system. REA approval of sales of capital assets are intended to ensure that the sale of the assets will not adversely affect the borrower's ability to provide service consistent with the RE Act, and to repay its REA loans. These policies were last revised in 1972.

USDA—RUS **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: REA is splitting the old RIN due to the fact that the four subparts of the old RIN are now separate regulatory actions which are moving at different rates in the regulatory process.

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AB02

445. LOAN DEFERMENTS FOR ENERGY RESOURCES CONSERVATION - ELECTRIC PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1717, subpart L

Legal Deadline: None

Abstract: This regulation will codify and update the current Rural Electrification Administration (REA) policy implemented through an REA Bulletin which will be rescinded when this rule is published final. This action is necessary to permit a principal payment extension of monthly billed accounts for the purpose of Energy Resources Conservation (ERC) loans. The current ERC loan program implemented in 1980 allows for the extension of only quarterly principal payments. All REA loans approved on or after September 1, 1982, require monthly repayments while those loans approved prior to that date required quarterly repayments. This new regulation will codify the current ERC loan program and will amend it to include monthly billed accounts. Most REA loans have a repayment period of 3.5 years.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AB03

446. POWER REQUIREMENT STUDIES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 to 950(b); PL 99-591

CFR Citation: 7 CFR 1710 E

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) is proposing to update its Power Requirements currently contained in Subpart E of 7 CFR part 1710, Pre-loan Policies and Procedures for Insured and Guaranteed Electric Loans. The updates to subpart E are needed to reflect the addition to 7 CFR 1710 of Subpart H, Loans for Demand Side Management, Energy Conservation Programs, and On-Grid and Off-Grid Renewable Energy Systems. Subpart H was required by the Rural Electrification Loan Restructuring Act of 1993. Other changes to subpart E are intended to clarify the existing language without changing its overall intent.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AB05

447. CREDIT SUPPORT OF POWER SUPPLY BORROWERS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 to 950(b); PL 99-591

CFR Citation: 7 CFR 1710

Legal Deadline: None

Abstract: The Rural Electrification Administration is proposing to develop a regulation concerning credit support requirements for its borrowers. Such credit support will be required where adequate strength is not present at the borrower to support the risk associated with a proposed loan guarantee.

Timetable:

Action	Date	FR Cite
ANPRM	06/02/94	59 FR 28495
ANPRM Comment Period End	07/18/94	
ANPRM Comment Period Reopened	07/20/94	59 FR 36998
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AB09

448. COMMUNITY FACILITY LOANS - CONSTRUCT OR IMPROVE SOLID WASTE FACILITIES

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-129

CFR Citation: 7 CFR 1942 subpart A

Legal Deadline: Final, Statutory, May 31, 1994.
Prohibition regarding electric service contained in P.L. 103-129 must be implemented within six months of 11/01/93.

Abstract: The revised regulations will implement a change in the security requirements for loans secured primarily by revenue to construct or improve solid waste facilities. There will be no significant costs associated with this action. The benefits will be in the form of loan and grant funds available to rural communities through the programs.

Timetable:

Action	Date	FR Cite
NPRM	08/19/94	59 FR 42783
NPRM Comment Period End	04/00/95	

USDA—RUS **Proposed Rule Stage**

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Additional Information: This entry was reported as RIN 0575-AB82 prior to the reorganization of USDA.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Utilities Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0572–AB12

449. LIQUIDATION OF LOANS AND ACQUISITION, MANAGEMENT AND DISPOSAL OF SECURITY PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1989; 42 USC 1480; 16 USC 1005; 5 USC 301

CFR Citation: 7 CFR 1696; 7 CFR 1697; 7 CFR 1951 subpart E; 7 CFR 1955 subpart A; 7 CFR 1955 subpart B; 7 CFR 1955 subpart C; 7 CFR 2.23; 7 CFR 2.70

Legal Deadline: None

Abstract: Rural Housing and Community Development Service (RHCDS) regulations are amended to remove references to the programs administered by the Rural Utilities Service (RUS). This action will provide RUS regulatory guidance for the liquidation of loans that are in noncompliance with loan agreements. As a result of such action, security property may be taken into inventory. The regulation outlines the policies and procedures for the management and disposition of property acquired by the agency. This change will also clarify the processing of overpayments, underpayments and refunds, subordinations, and release from liability.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Additional Information: This entry was reported as RIN 0570-AA03 prior to the reorganization of USDA.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0572–AB13

450. SOLID WASTE MANAGEMENT GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-624, sec 2325

CFR Citation: 7 CFR 1692; 7 CFR 1942 subpart J

Legal Deadline: None

Abstract: Rural Utilities Service (RUS) implemented this authority by adding it to the existing Technical Assistance grant program for water and waste disposal facilities. In order to prevent confusion and to further refine the requirements of the program, RUS is proposing to publish a separate regulation for two programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0572–AB14

451. TECHNICAL ASSISTANCE AND TRAINING GRANTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 99-198, sec 1304

CFR Citation: 7 CFR 1691; 7 CFR 1942 subpart J

Legal Deadline: None

Abstract: Under current regulations, the Rural Utilities Service (RUS) administers two separate technical assistance grant programs that have similar requirements. In order to avoid confusion for the public because of differences in eligibility and purposes of the two programs, RUS proposes to rewrite the existing regulation to separate the two programs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	

Small Entities Affected: Governmental Jurisdictions, Organizations

Government Levels Affected: Local

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Housing and Community Development Service, 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0572–AB15

DEPARTMENT OF AGRICULTURE (USDA) — Final Rule Stage

Rural Utilities Service (RUS)

452. LOAN ACCOUNT COMPUTATIONS, POLICIES, AND PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1785; 7 CFR 1786, subpart A

Legal Deadline: None

Abstract: REA proposes to codify, consolidate, and update the policies and procedures currently contained in REA Bulletin 20-9:320-12.

Timetable:

Action	Date	FR Cite
NPRM	04/07/93	58 FR 18043
NPRM Comment Period End	05/07/93	
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

USDA—RUS **Final Rule Stage**

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA65

453. REA PERFORMANCE SPECIFICATION FOR LINE CONCENTRATORS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1755

Legal Deadline: None

Abstract: REA is proposing to revise the specification to reflect the latest technical advancements in line concentrator performance. REA is also proposing to rescind Bulletin 345-185 (REA Form 397g) from section 1755.97, Incorporation By Reference of Telephone Standards. REA proposes to codify the revised Bulletin as 7 CFR 1755.397.

Timetable:

Action	Date	FR Cite
NPRM	04/25/94	59 FR 19661
NPRM Comment Period End	05/25/94	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Avenue SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA72

454. LONG-RANGE FINANCIAL FORECASTS OF ELECTRIC BORROWERS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 to 950(b); PL 99-591

CFR Citation: 7 CFR 1710, subpart G

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) proposes to amend its pre-loan regulations for electric loans to clarify and revise the requirement that borrowers submit to REA a long-range financial forecast as part of an application for a loan, loan guarantee, lien accommodation. This proposed rule is intended to strengthen credit practices and to assist borrowers in preparing, and REA staff in reviewing loan applications.

Timetable:

Action	Date	FR Cite
NPRM	08/20/93	58 FR 44288
NPRM Comment Period End	09/20/93	58 FR 44288
Final Action	09/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250, **202 720-9550**

RIN: 0572–AA89

455. EXEMPTIONS OF REA CONTROLS OVER BORROWER OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; PL 103-201

CFR Citation: 7 CFR 1710.7; 7 CFR 1717

Legal Deadline: Final, Statutory, May 18, 1994.
Public Law 103-129 (107 Stat 2342) was passed ''To clarify the regulatory oversight exercised by the REA with respect to certain electric borrowers'' and required interim rules within 180 days.

Abstract: The Rural Electrification Administration is amending its regulations governing policies and requirements with respect to controls and approvals over borrower operations and the granting of lien accommodations and subordinations. These changes are required by Public Law 103-201, passed on December 17, 1993, and apply to electric borrowers whose net worth exceeds 110 percent of the outstanding balance of loans made or guaranteed by REA.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/28/94	59 FR 3982
Interim Final Rule Effective	01/28/94	
Interim Final Rule Comment Period End	04/28/94	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AA96

456. PRE-LOAN POLICIES AND PROCEDURES FOR ELECTRIC LOANS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; PL 103-129

CFR Citation: 7 CFR 1710; 7 CFR 1714

Legal Deadline: Final, Statutory, December 16, 1993.
Public Law 103-129 (107 Stat 1356), ''Rural Electrification Loan Restructuring Act of 1993'', was passed on November 1, 1993, and required REA to issue interim final rules on it within 45 days.

Abstract: REA is amending its pre-loan regulations for electric borrowers by restructuring the REA electric loan program, as required by Public Law 103-129. The areas affected are loan purposes, the definition of ''rural area,'' applicable interest rates, loan terms and conditions, and REA oversight of borrowers, among others.

Timetable:

Action	Date	FR Cite
Interim Final Rule	12/20/93	58 FR 66260
Interim Final Rule Effective	12/20/93	
Interim Final Rule Comment Period End	03/21/94	

Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Aven.SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AA98

USDA—RUS **Final Rule Stage**

457. LOANS FOR DEMAND-SIDE MANAGEMENT, ENERGY CONSERVATION PROGRAMS, AND ON-GRID AND OFF-GRID RENEWABLE ENERGY SYSTEMS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; PL 103-129

CFR Citation: 7 CFR 1710

Legal Deadline: Final, Statutory, January 1, 1994.
Public Law 103-129 (107 Stat 1356), ''Rural Electrification Loans Restructuring Act of 1993,'' was signed on November 1, 1993, and required REA to issue interim final rules on it by Jan. 1, 1994.

Abstract: REA is amending its pre-loan regulations for electric loans to incorporate changes to electric loan policies as required by Public Law 103-129. This action permits REA to make loans for demand-side management, energy conservation programs, and on- and off-grid renewable energy systems.

Timetable:

Action	Date	FR Cite
Interim Final Rule	01/04/94	59 FR 494
Interim Final Rule Effective	01/04/94	
Interim Final Rule Comment Period End	05/04/94	
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AA99

458. REFINANCING AND PREPAYMENT OF FFB LOANS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq; PL 103-66

CFR Citation: 7 CFR 1786, subpart G

Legal Deadline: Final, Statutory, September 24, 1993.
Public Law 103-66 required REA to issue a rule by September 24, 1993, to implement Subtitle B - Rural Electrification of the Omnibus Reconciliation Act of 1993.

Abstract: The Rural Electrification Administration (REA) is adding a new regulation to implement Subtitle B - Rural Electrification of the Omnibus Reconciliation Act of 1993. This new rule will provide guidelines to REA-guaranteed Federal Financing Bank (FFB) borrowers who wish to refinance or prepay outstanding indebtedness in FFB loans, and at the borrower's option, add the prepayment premium to the principal of the refinanced loan advance after paying a fee of 2.5 percent of the premium.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/30/93	58 FR 51007
Interim Final Rule Effective	09/30/93	
Interim Final Rule Comment Period End	12/29/93	
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AB00

459. LOAN SECURITY DOCUMENTS FOR ELECTRIC LOANS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1718

Legal Deadline: None

Abstract: The Rural Electrification Administration is proposing to update and revise its standard forms of the mortgage and loan contract used with electric borrowers. The provisions of these loan security documents will be clarified and brought into conformance with changes to electric loan terms and conditions required by the Rural Electrification Loan Restructuring Act of 1993, the amendments to 7 CFR Parts 1710 and 1714 which implemented those statutory changes, as well as other regulations issued by REA over the past several years. The revision will also provide better customer service to REA electric borrowers and supplemental lenders by bringing REA documents more in conformance with loan security documents used in the private sector. Continuing to use the current outdated forms of the mortgage and loan contract would impose unacceptable burdens on REA, its borrowers, and on supplemental lenders with respect to responding expeditiously and cost-effectively to recent changes in law and REA regulations and the ongoing changes in the economic and financial environment in which REA borrowers compete.

Timetable:

Action	Date	FR Cite
NPRM	09/29/94	59 FR 49594
Final Action	05/00/95	
Final Action Effective	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building, Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AB06

460. ACCOUNTING REQUIREMENTS FOR REA TELEPHONE BORROWERS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 901 et seq

CFR Citation: 7 CFR 1770 C

Legal Deadline: None

Abstract: The Rural Electrification Administration (REA) is proposing to add a new subpart that codifies REA's current policy on the accounting for postretirement benefits, Rural Telephone Bank stock, cushion of credit investments, Rural Economic Development loans, and satellite or cable television services.

Timetable:

Action	Date	FR Cite
NPRM	09/14/94	59 FR 47097
NPRM Comment Period End	11/14/94	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, Deputy Director, Program Support Staff, Department of Agriculture, Rural Utilities Service, 14th & Independence Ave. SW., Room 2234 South Building,

USDA—RUS **Final Rule Stage**

Washington, DC 20250-1500, **202 720-9550**

RIN: 0572–AB10

461. ● COMMUNITY FACILITY LOANS - TIMBER-DEPENDENT COMMUNITIES

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-427

CFR Citation: 7 CFR 1942 subpart A

Legal Deadline: None

Abstract: The revised regulations will implement Pub. L. 103-427, that ensures timber-dependent communities in the Pacific Northwest, adversely affected by the ''Forest Plan for a Sustainable Economy and a Sustainable Environment,'' dated July 1993, qualify for certain rural development loans and grants. Pub. L. 103-427 temporarily expands population eligibility for certain development loans and grants for a limited number of rural communities in the Pacific Northwest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	00/00/00	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: Local

Additional Information: This will be a joint rule promulgated by the Rural Utilities Service and the Rural Housing and Community Development Service.

Agency Contact: Chris Goettelmann, Chief, Regulations Analysis and Control Branch, Department of Agriculture, Rural Utilities Service, Room 6348 South Building, Washington, DC 20250, **202 720-9744**

RIN: 0572–AB11

DEPARTMENT OF AGRICULTURE (USDA) **Completed/Longterm Actions**
Rural Utilities Service (RUS)

462. ELECTRIC SYSTEM CONSTRUCTION POLICIES AND PROCEDURES—ELECTRIC MATERIALS AND CONSTRUCTION

CFR Citation: 7 CFR 1726, subparts A to F; 7 CFR 1726, subparts J to K

Completed:

Reason	Date	FR Cite
Final Action	02/23/95	60 FR 10152
Final Action Effective	03/27/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, 202 720-9550

RIN: 0572–AA47

463. PRE-LOAN POLICIES AND PROCEDURES FOR INSURED ELECTRIC LOANS

CFR Citation: 7 CFR 1710; 7 CFR 1714; 7 CFR 1785

Completed:

Reason	Date	FR Cite
Final Action	01/19/95	60 FR 3726
Final Action Effective	02/21/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, 202 720-9550

RIN: 0572–AA69

464. ELECTRIC SYSTEM CONSTRUCTION POLICIES AND PROCEDURES

CFR Citation: 7 CFR 1726, subpart H

Completed:

Reason	Date	FR Cite
Final Action	02/23/95	60 FR 10152
Final Action Effective	03/27/95	

Small Entities Affected: None

Government Levels Affected: Undetermined

Agency Contact: F. Lamont Heppe, 202 720-9550

RIN: 0572–AA84

465. STATE TELECOMMUNICATIONS MODERNIZATION PLAN

CFR Citation: 7 CFR 1751 B

Completed:

Reason	Date	FR Cite
Final Action	02/13/95	60 FR 8171
Final Action Effective	03/15/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: F. Lamont Heppe, 202 720-9550

RIN: 0572–AB07

BILLING CODE 3410-15-F

DEPARTMENT OF AGRICULTURE (USDA) **Final Rule Stage**
National Resources Conservation Service (NRCS)

466. ● WETLANDS RESERVE PROGRAM INTERIM RULE

Priority: Other Significant

Legal Authority: 16 USC 3837 et seq; 16 USC 590(a) et seq

CFR Citation: 7 CFR 620

Legal Deadline: None

Abstract: Pursuant to the Department of Agriculture Reorganization Act, PL 103-354, NRCS assumed responsibility for administering the Wetlands Reserve Program, formerly administered by the Consolidated Farm Service Agency. The interim rule would establish the process by which the Wetlands Reserve Program will be administered by NRCS and makes other modifications to the program to become consistent with NRCS policies and procedures.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Misso, Wetlands Reserve Program Manager, Department of Agriculture, National Resources Conservation Service, P.O. Box 2890, Cotton Annex, Mezz. 1, Washington, DC 20250, **202 690-0848**

RIN: 0578–AA15

DEPARTMENT OF AGRICULTURE (USDA)
National Resources Conservation Service (NRCS)

Completed/Longterm Actions

467. SOIL SURVEYS

CFR Citation: 7 CFR 611

Completed:

Reason	Date	FR Cite
Withdrawn - No action expected in the next 12 months.	03/31/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Michael F. King, 202 447-4811

RIN: 0578–AA00

468. FARMLAND PROTECTION POLICY ACT

CFR Citation: 7 CFR 658

Completed:

Reason	Date	FR Cite
Final Action	06/17/94	59 FR 31110
Final Action Effective	06/17/94	59 FR 31110

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Clarence Austin, 202 447-4811

RIN: 0578–AA14

BILLING CODE 3410-16-F

DEPARTMENT OF AGRICULTURE (USDA)
Office of Operations (OO)

Proposed Rule Stage

469. AGRICULTURE ACQUISITION REGULATION

Priority: Informational

Legal Authority: 5 USC 301; 40 USC 486(c)

CFR Citation: 48 CFR 401 to 453 (Revision)

Legal Deadline: None

Abstract: The Agriculture Acquisition Regulation is the Department of Agriculture's agency acquisition regulation, issued to implement or supplement the Federal Acquisition Regulation. The Agriculture Acquisition Regulation is being revised to incorporate changes required by the Federal Acquisition Streamlining Act of 1994, Executive Orders, The Federal Acquisition Regulation, and recent Office of Federal Procurement Policy Letters. The revised regulation will also incorporate changes suggested by the National Performance Review, by the Department of Agriculture's Procurement Review Task Force, and by the Department of Agriculture's Modernization of the Administrative Process Project.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Sectors Affected: Multiple

Procurement: This is a procurement-related action for which there is no statutory requirement. The agency has not yet determined whether there is a paperwork burden associated with this action.

Agency Contact: Joseph Daragan, Procurement Analyst, Department of Agriculture, Office of Operations, Rm 1550 South Building, Washington, DC 20250, **202 720-5729**

RIN: 0599–AA00

DEPARTMENT OF AGRICULTURE (USDA)
Office of Operations (OO)

Completed/Longterm Actions

470. NEW RESTRICTIONS ON LOBBYING

CFR Citation: 7 CFR 3018

Completed:

Reason	Date	FR Cite
Withdrawn - No action anticipated within the next 12 months.	04/01/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Joseph J. Daragan, 202 720-5729

RIN: 0599–AA01

[FR Doc. 95-5743 Filed 05-05-95; 8:45 am]

BILLING CODE 3410-13-F

Monday
May 8, 1995

Part IV

Department of Commerce

Semiannual Regulatory Agenda

DEPARTMENT OF COMMERCE (DOC)

DEPARTMENT OF COMMERCE

Office of the Secretary

13 CFR Ch. III

15 CFR Subtitle A; Subtitle B, Chs. I, II, III, VII, VIII, IX, XI, XII

19 CFR Ch. III

37 CFR Chs. I, IV, and V

48 CFR Ch. 13

50 CFR Chs. II, III, IV, and VI

Semiannual Agenda of Regulations

AGENCY: Office of the Secretary, Commerce.

ACTION: April 1995 regulatory agenda.

SUMMARY: In compliance with Executive Order (E.O.) 12866 entitled ''Regulatory Planning and Review'' and the Regulatory Flexibility Act (Pub. L. 96-354), the Department of Commerce, in April and October of each year, publishes in the **Federal Register** an agenda of regulations under development or review over the next 12 months. Rulemaking actions are grouped according to prerulemaking, proposed rules, final rules, and rulemaking actions completed since the October 1994 agenda. The purpose of the agenda is to provide information to the public on regulations currently under review, being proposed, or issued by the Department. The agenda is intended to facilitate comments and views by interested members of the public.

The Department's April 1995 regulatory agenda includes regulatory activities that are expected to be conducted during the period April 1, 1995, through March 31, 1996.

FOR FURTHER INFORMATION CONTACT:

Specific: For additional information about specific regulatory actions listed in the agenda, contact the individual identified as the contact person.

General: Comments or inquiries of a general nature about the agenda should be directed to Michael A. Levitt, Assistant General Counsel for Legislation and Regulation, U.S. Department of Commerce, Washington, DC 20230; telephone: 202-482-0846.

SUPPLEMENTARY INFORMATION: E.O. 12866 requires agencies to publish an agenda of those regulations that are under consideration pursuant to this order. By memorandum of December 21, 1994, the Office of Management and Budget (OMB) issued guidelines and procedures for the preparation and publication of the April 1995 Unified Agenda of Federal Regulations. The Regulatory Flexibility Act, 5 U.S.C. 602(a), requires agencies to publish, in April and October of each year, a regulatory flexibility agenda which contains a brief description of the subject area of any rule which is likely to have a significant economic impact on a substantial number of small entities.

Explanation of Information Contained in the Agenda

Within the Department, the Office of the Secretary and various operating units may issue regulations. Operating units, such as the Economic Development Administration, the Bureau of Export Administration, the International Trade Administration, the National Institute of Standards and Technology (NIST), the National Oceanic and Atmospheric Administration (NOAA), and the Patent and Trademark Office, issue the greatest share of the Department's regulations.

A large number of regulatory actions reported in the agenda deal with fishery management programs of NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS programs, a section on ''Explanation of Information Contained in NMFS Regulatory Entries'' is provided below.

Explanation of Information Contained in NMFS Regulatory Entries

The Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq*.) (Act) governs the management of fisheries within the Exclusive Economic Zone (EEZ). The EEZ refers to those waters from the outer edge of the State boundaries, generally 3 nautical miles, to a distance of 200 nautical miles. Fishery Management Plans (FMPs) are to be prepared for fisheries which require conservation and management measures. Regulations implementing these FMPs regulate domestic fishing and foreign fishing where permitted. Foreign fishing can be conducted in a fishery for which there is no FMP only if a preliminary fishery management plan has been issued to govern that foreign fishing. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs or amendments to FMPs for fisheries within their respective areas. In the development of such plans or amendments and their implementing regulations, the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs and amendments makes it difficult for NMFS to determine the significance and timing of some regulatory actions under consideration by the Councils at the time the semiannual regulatory agenda is published.

The DOC April 1995 regulatory agenda follows.

Dated: March 1, 1995.

Ginger Lew,

General Counsel.

Office of the Secretary—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
471	Contract Clauses and Solicitation Provisions for the Commerce Automated Solicitation System	0690-AA08
472	Standards of Ethical Conduct—Department of Commerce Supplemental Regulations	0690-AA23

DOC

Office of the Secretary—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
473	Source Evaluation Procedures and Miscellaneous Revisions to the Commerce Acquisition Regulation	0690-AA13
474	Modify Requirement in the Commerce Acquisition Regulation To Publish Presolicitation Notices in the Commerce Business Daily for DOC Procurements Which Will Be Performed in Foreign Countries	0690-AA18
475	Modify the Commerce Acquisition Regulation To Use a Deviation Version of a Federal Acquisition Regulation Clause on the Buy American Trade Agreement Acts	0690-AA19
476	Commerce Acquisition Regulation, Changes to the Commerce Ship Construction, Alteration, and Repair Clauses	0690-AA21
477	Testimony by Employees in the Production of Documents in Legal Proceedings	0690-AA22

Bureau of Economic Analysis—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
478	Short Form for Reporting Small Foreign Affiliates in the BE-11, Annual Survey of U.S. Direct Investment Abroad	0691-AA25
479	Annual Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons	0691-AA26

Bureau of Economic Analysis—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
480	Benchmark Survey of U.S. Direct Investment Abroad—1994	0691-AA22
481	Change in Exemption Level for BE-577, Direct Transactions of U.S. Reporter With Foreign Affiliate	0691-AA23
482	Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons	0691-AA24

Bureau of the Census—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
483	Revision of Foreign Trade Statistics Regulations	0607-AA10
484	Change in the Definition of ''General Use'' Software From Technical Data to Commodity	0607-AA16

Economic Development Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
485	Review of Regulations for Economic Development Administration—Department of Commerce	0610-AA47

Economic Development Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
486	General Requirements for Financial Assistance—Design, Construction of Buildings To Accommodate the Physically Handicapped	0610-AA05
487	General Requirements for Financial Assistance: Employment of Expediters or Administrative Employees; Compensation of Persons Engaged by or on Behalf of Applicants	0610-AA18
488	Protection of EDA's Interest in Facilities Acquired, Built, or Improved With EDA Grant Funds	0610-AA35
489	Public Works—Industrial Parks and Sites	0610-AA40
490	General Requirements for Financial Assistance—Electric and Gas Facilities	0610-AA43

DOC

Economic Development Administration—Completed/Longterm Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
491	Overall Economic Development Program—Progress Report	0610-AA44
492	Special Economic Development and Adjustment Assistance Grants	0610-AA48
493	Public Works and Development Facilities Program—Specific Types of Projects—Skill Training Center Facilities	0610-AA51
494	Designation of Areas; Public Works and Development Facilities Program	0610-AA54

General Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
495	Nonprocurement Debarment and Suspension	0605-AA02
496	Uniform Administrative Requirement for Grants and Agreements With Institutions of Higher Education, Hospitals and Other Nonprofits and Commercial Organizations	0605-AA09

General Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
497	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	0605-AA04
498	New Restrictions on Lobbying	0605-AA06

International Trade Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
499	Procedures for Imposing Sanctions for Violation of an Antidumping or Countervailing Duty Protective Order	0625-AA43

International Trade Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
500	Antidumping Duties; Countervailing Duties	0625-AA45

International Trade Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
501	Antidumping Duties; Countervailing Duties	0625-AA32
502	Short Supply Procedures for ITA	0625-AA34
503	Antidumping and Countervailing Duties; Exclusions	0625-AA44

Bureau of Export Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
504	Administration of State Log Exports Ban	0694-AB25

DOC

Bureau of Export Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
505	Defense Priorities and Allocations System (DPAS)	0694-AA02
506	Simplification of the Export Administration Regulations	0694-AA67
507	Implementation of Chemical Weapons Convention	0694-AB06

Bureau of Export Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
508	Revision of Foreign Boycott Provisions of Export Administration Regulations	0694-AA11
509	Transfer of Dual-Use Items From U.S. Munitions List to the Commerce Control List	0694-AA52
510	Exports to Iran; Revision of Foreign Policy Controls	0694-AA62
511	Equipment Related to the Production of Chemical Weapons and Warfare Agents, Microorganisms and Toxins; Revisions to Australia Group Members	0694-AA69
512	Revisions to the Export Administration Regulations; Removal of Controls on Certain On-Highway Vehicles to Iran and Syria; Corrections and Clarifications	0694-AA72
513	Implementation of the Cuba Democracy Act	0694-AA77
514	Effect of Imported Articles on the National Security	0694-AB01
515	Exports of Sample Shipments in Mixtures Containing Precursors and Intermediate Chemicals; Revisions to Australia Group Members	0694-AB05
516	International Import Certificates, General License G-Temp Australia and PRC IC/DV Revisions	0694-AB07
517	Foreign Policy Controls: Crime Control, Implements of Torture, and Arms Embargo Against Rwanda	0694-AB08
518	Transfer of Certain Remote Sensing Satellites From the U.S. Munitions List to the CCL	0694-AB09
519	Clarification of Enhanced Proliferation Control Initiative (EPCI) ''Catch-All'' Provision and Validated License Requirements	0694-AB10
520	Federal Republic of Yugoslavia and UNITA in Angola	0694-AB11
521	Revision to the EAR; Supplement No. 2 to Part 778	0694-AB12
522	Revision to the EAR; Removal of Poland From General License GNSG and Addition of Argentina and New Zealand to GNSG	0694-AB14
523	Revisions to the EAR: Establishment of a Standard Saving Clause	0694-AB15
524	Countries Eligible to Receive Supercomputers Under Special Licensing Procedures	0694-AB16
525	Revisions and Clarifications to Permissive Reexport and General License GLX	0694-AB17
526	Establishment of a New General License G-BETA for Exports of Beta Test Software	0694-AB18
527	Revisions to Licensing Policy for North Korea	0694-AB19
528	Revision to Regulations Pertaining to Exports of Samples and Mixtures Containing Precursor and Intermediate Chemicals	0694-AB20
529	Export to Terrorist-Supporting Countries; Parts, Components, and Materials Incorporated Abroad Into Foreign-Made Products	0694-AB22
530	Editorial Clarification and Corrections to the Export Administration Regulations; Removal of ECCN 1C65	0694-AB23
531	Proliferation Entity List	0694-AB24

Bureau of Export Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
532	Exports of Certain California Crude Oil	0694-AA70
533	Revisions to the Export Administration Regulations: Exports of Sample Shipments and Mixtures Containing Chemical Weapons Precursors	0694-AA78
534	Revisions to Controls on Missile Technology Items in Cooperation With the Missile Technology Control Regime	0694-AA84
535	Revisions to Controls on Items of Nuclear Proliferation Concern in Cooperation With the Nuclear Suppliers Group	0694-AA85
536	Additional Unmandated Restrictions on Reexports to Libya	0694-AA87
537	Revisions to the Export Administration Regulations: Revisions to Supplement No. 4 to Part 778, and Certain Editorial Corrections and Clarifications	0694-AA89
538	Offsets in Military Exports	0694-AA91
539	Revisions to the EAR To Implement the United Nations Embargo on Arms and Related Material to Rwanda	0694-AA98

DOC

Bureau of Export Administration—Completed/Longterm Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
540	Exports to Taiwan: Expansion of Import Certificate/Delivery Verification (IC/DV) Procedure, Shorter Processing Time Frames and General License GCG	0694-AB00
541	Implementation of Presidential Decision To Restrict Gift Licenses to Cuba	0694-AB02
542	Transfer of the International Space Station From the U.S. Munitions List to the Commerce Control List	0694-AB03
543	Revisions to the Export Administration Regulations; Status Information on Export License Applications	0694-AB04

National Institute of Standards & Technology—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
544	Fastener Quality	0693-AA90

National Institute of Standards & Technology—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
545	FIPS 189, Portable Operating System Interface (POSIX): Part 2: Shell and Utilities	0693-AA70
546	FIPS for POSIX System Administration	0693-AA71
547	FIPS for IRDS Export/Import File Format	0693-AA76
548	FIPS 188, Standard Security Label for Information Transfer	0693-AA99
549	FIPS 194, ODA Raster DAP	0693-AB12
550	Revision of FIPS 177, Initial Graphics Exchange Specification (IGES)	0693-AB13
551	FIPS 187, Administration Standard for the Telecommunications Infrastructure of Federal Buildings	0693-AB14
552	FIPS 172-1, VHSIC Hardware Description Language (VHDL)	0693-AB22
553	FIPS for Building Grounding and Bonding Requirements for Telecommunications	0693-AB23
554	Proposed Revision of FIPS 146-1, Government Open Systems Interconnection Profile (GOSIP)	0693-AB24
555	FIPS 119-2, Ada Programming Language	0693-AB25
556	Revision of FIPS 125-1, MUMPS (Massachusetts General Hospital Utility Multi-Programming System)	0693-AB26
557	FIPS 193, SQL Environments	0693-AB28
558	FIPS 192, Application Profile for the Government Information Locator Service (GILS)	0693-AB29
559	FIPS 152-1, Programmer's Hierarchical Interactive Graphics System (PHIGS)	0693-AB30
560	FIPS 21-4, COBOL	0693-AB32
561	Revision of FIPS 180-2, Secure Hash Standard	0693-AB33
562	FIPS for Cryptographic Service Calls	0693-AB34
563	Proposed Revision of FIPS 179, Government Network Management Profile (GNMP)	0693-AB35
564	Manufacturing Extension Partnership; Environmental Projects	0693-AB36
565	Financial Assistance for Research and Development, U.S.-Israeli Science and Technology Grant Program	0693-AB37

National Oceanic and Atmospheric Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
566	Regulatory Amendment on Interactive Communications in the Groundfish Fisheries of the GOA and BSAI	0648-AE78
567	New Dealer Reporting Form for Large Pelagics	0648-AG76
568	Limiting Entry to the Golden Crab Fishery Off the Southern Atlantic States	0648-AH86
569	Use in Enforcement Proceedings of Information Collected by Voluntary Fishery Data Collectors	0648-AE40
570	Take of Marine Mammals by the U.S. Navy Incidental to Military Activities in the South Atlantic of the United States	0648-AG55
571	Restricting or Prohibiting Attracting Sharks in the Monterey Bay National Marine Sanctuary	0648-AH92
572	Regional Marine Research Program	0648-AF20
573	National Undersea Research Program Funding Regulations	0648-AH90

DOC

National Oceanic and Atmospheric Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
574	Scientific Research—Domestic and Foreign Fishing	0648-AC61
575	Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands	0648-AD91
576	Secretarial Amendment to the FMP for Atlantic Swordfish	0648-AE09
577	Fishery Management Plan for Corals and Reef-Associated Plants and Invertebrates for Puerto Rico and the U.S. Virgin Islands	0648-AE47
578	Fishery Management Plan for Atlantic Herring	0648-AE50
579	Amendment 21B to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands	0648-AE97
580	Amendment 5 to the Fishery Management Plan for Atlantic Mackerel, Squid, and Butterfish	0648-AF01
581	Amendment 4 to the Fishery Management Plan for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic	0648-AF37
582	Amendment 9 to the FMP for Atlantic Surf Clams and Ocean Quahogs	0648-AF41
583	Regulatory Amendment—Changes to Directed Fishing Regulations for Groundfish Off of Alaska	0648-AF53
584	Regulatory Amendment Regarding Mesh Size in Trawls and Rock Sole Vessel Incentive Program Standards in Alaska Groundfish Fisheries	0648-AF57
585	Regulatory Amendment for Red Grouper in the Gulf of Mexico	0648-AF78
586	Fishery Management Plan for the Scallop Fishery of Alaska	0648-AF81
587	Fishery Management Plan for Atlantic Tunas	0648-AF86
588	Fishery Management Plan for Tilefish	0648-AF87
589	Amendment 1 to the Fishery Management Plan for Atlantic Billfish	0648-AF88
590	Amendment 8 to the Pacific Coast Groundfish FMP To Implement Individual Quotas for the Fixed-Gear Sablefish Fishery (or Regulatory Amendment for Nontrawl Trip Limits)	0648-AF90
591	Regulatory Adjustments to 1994-1995 Atlantic Tuna Fisheries	0648-AG14
592	Amendment 8 to the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic	0648-AG25
593	Amendment 1 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic	0648-AG26
594	Amendment 8 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic	0648-AG27
595	Amendments 8, 11, and 12 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico	0648-AG29
596	Regulatory Amendment To Consider Use of Open Access and Limited Entry Gear on the Same Trip for the Pacific Coast Groundfish Fishery	0648-AG30
597	Regulatory Amendment Designating ''Routine'' Trip Limits in the Pacific Coast Groundfish Fishery	0648-AG31
598	Regulatory Amendment to Require Accurate Weight Measurements for Alaska Groundfish Harvests	0648-AG32
599	Amendment 33 to the FMP for the Groundfish Fishery of the BSAI and Amendment 37 to the FMP for Groundfish of the GOA	0648-AG41
600	General Provisions for Domestic Fisheries—Standard Definitions/ Guidelines for Council Operations/Administration: Oath, Voting, Compensation, Insurance, Unused Leave	0648-AG46
601	Regulatory Amendment To Change Recordkeeping and Reporting Requirements in Alaska Groundfish Fisheries	0648-AG54
602	Regulatory Amendment To Impose Restrictions on Fishing Black Rockfish off Oregon	0648-AG81
603	Regulatory Amendment To Modify the Sablefish NonTrawl Regular Season in the Pacific Coast Groundfish Fishery	0648-AG82
604	Regulatory Amendment for Managing Pelagic Fisheries by U.S. Vessels Beyond EEZ Throughout Pacific	0648-AG85
605	Amendment 1 to the Fishery Management Plan for Atlantic Coast Red Drum	0648-AG86
606	Amendment 3 to the Fishery Management Plan for the Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands	0648-AG87
607	Amendment 1 to the Fishery Management Plan for Corals and Reef-Associated Plants and Invertebrates for Puerto Rico and the U.S. Virgin Islands	0648-AG88
608	Regulatory Amendments Under the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP)	0648-AG89
609	Generic Fishery Management Plan Amendment for the Definition of Traps in the Gulf of Mexico	0648-AG90
610	Regulatory Amendment for Grid Sorting	0648-AG93
611	Regulatory Amendment for the Gulf Of Alaska Seamount Fisheries	0648-AG94
612	Regulatory Amendment To Clarify Criteria and Format for Community Development Plan Amendments	0648-AG96
613	Regulatory Amendment Allowing Early Individual Fishing Quota Fishing in the Aleutian Islands Area	0648-AG97
614	Amendment 32 to the FMP for the Groundfish Fishery of the BSAI and Amendment 36 to the FMP for the Groundfish of the GOA	0648-AG99
615	Fishery Management Plan Amendments To Supersede Inshore/Offshore Allocation Program for the Bering Sea and Aleutian Island Pollock and the Gulf of Alaska Pollock and Pacific Cod	0648-AH00
616	Amendment 34 to the FMP for the Groundfish Fishery of the BSAI	0648-AH02
617	Amendment 26 to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands and Amendment 29 to the FMP for the Groundfish Fishery of the Gulf of Alaska	0648-AH03
618	Fishery Management Plan for Scup North of Cape Hatteras	0648-AH05

DOC

National Oceanic and Atmospheric Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
619	Fishery Management Plan for Black Sea Bass North of Cape Hatteras	0648-AH06
620	Regulatory Amendment for Multiple ''A'' Pacific Groundfish Limited Entry Permits Per Vessel	0648-AH07
621	Atlantic Shark Fishery Quota Adjustment	0648-AH09
622	Regulatory Amendment To Facilitate Monitoring and Enforcement in the Pacific Coast Groundfish Fishery	0648-AH21
623	FMP Amendment to the Groundfish Fishery of the Bering Sea and Aleutian Islands To Implement a Trawl Closure To Protect Bristol Bay Red King Crab	0648-AH28
624	Definition of ''Safe Boarding Ladder'' for Fisheries Regulations	0648-AH39
625	Regulatory Amendment To Change the Standard Product Recovery Rate for Pollock Deep-Skin Fillets in the Alaska Groundfish Fisheries	0648-AH40
626	Amendment 6 to the Fishery Management Plan for American Lobster	0648-AH41
627	Enforcement of Permit Requirements and Other Provisions Governing the Northwestern Hawaiian Islands Bottomfish Fishery	0648-AH48
628	Amendment 9 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AH52
629	Notice of changes in the Management Regimes for Atlantic and Gulf Groups of King and Spanish Mackerel	0648-AH53
630	Striped Bass Regulations for the Exclusive Economic Zone (EEZ)	0648-AH57
631	Weakfish Regulation for the Exclusive Economic Zone (EEZ)	0648-AH58
632	Regulatory Amendment to the Individual Fishing Quota Program for Groundfish off Alaska	0648-AH61
633	Rev. Amend. 23 to the FMP for Groundfish Fishery of BSAI, Rev. Amend. 28 to the FMP for Groundfish of the GOA, & Rev. Amend. 4 to FMP for Commercial King/Tanner Crab Fisheries	0648-AH62
634	Amendment 1 to the Fishery Management Plan for Atlantic Bluefish	0648-AH63
635	FMP Amendments for the Groundfish Fishery of the BSAI, Groundfish of the Gulf of Alaska, and for the Commercial King and Tanner Crab Fisheries of the BSAI	0648-AH65
636	FMP Amendments to the Groundfish Fishery of the BSAI and to the Groundfish of the GOA to Delete Osmerid Species From the ''Other Species'' Category	0648-AH67
637	FMP Amendment to the Groundfish Fishery of the GOA to Revise GOA Pacific Ocean Perch Rebuilding Plan	0648-AH68
638	FMP Amendment to the Groundfish Fishery of the Bering Sea and Aleutian Islands To Implement a Seasonal Trawl Closure To Protect Chum Salmon	0648-AH69
639	Amendment 7 to the Fishery Management Plan for the Northeast Multispecies Fisheries	0648-AH70
640	Amendment 3 to the Fishery Management Plan for Corals and Coral Reefs of the Gulf of Mexico	0648-AH71
641	Amendment 8 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP)	0648-AH72
642	Amendment 3 to the Fishery Management Plan for Corals and Coral Reefs of the Southern Atlantic States	0648-AH74
643	Atlantic Swordfish Fishery Quota Adjustment	0648-AH75
644	Regulatory Adjustments to the FMP for Sharks of the Atlantic Ocean	0648-AH77
645	Plan Amendment to FMP for Sharks of the Atlantic Ocean That Would Limit Entry	0648-AH78
646	Framework Adjustment to the Atlantic Sea Scallop FMP	0648-AH82
647	Regulatory Amendment Regarding Exercise of Rights of Northwest Treaty Indian Tribes to Harvest Groundfish	0648-AH84
648	U.S. General Standards for Grades of Finfish Products	0648-AD53
649	Certificate of Legal Origin for Anadromous Fish Products	0648-AD93
650	General Provisions for Domestic Fisheries	0648-AE39
651	Prescription of Fishways Under Section 18 of the Federal Power Act	0648-AG53
652	Regulations Governing Processed Fishery Products	0648-AH18
653	Revised Regulations Governing Permits for the Taking, Importing and Exporting of Protected Species for Scientific Research and Public Display	0648-AD11
654	Procedure for Setting Quotas on Removal of Atlantic Bottlenose Dolphins From the Waters of the Gulf of Mexico and Florida's East Coast	0648-AD39
655	Sea Turtle Monitoring and Conservation Measures for Nonshrimp Fisheries	0648-AE54
656	Proposed Rule To Require Certain Fish From Mexico To Retain Heads and Tails Intact in Order To Protect the Endangered Totoaba	0648-AF32
657	Taking of Marine Mammals Incidental to Fisheries-Related Research	0648-AF50
658	Screening of Water Diversions To Protect Sacramento River Winter-Run Chinook Salmon	0648-AF80
659	Foreign Nations' Marine Mammal Program Amendments	0648-AG05
660	Designation of Critical Habitat for the Gulf of Maine Population of Harbor Porpoise	0648-AG06
661	Direct Take of Threatened Salmon by Native Americans	0648-AG15
662	Taking and Importing of Marine Mammals: Tuna Purse Seine Vessel Observer Expenses	0648-AG35
663	Taking and Importing of Marine Mammals; Taking of Marine Mammals Under the ATA Permit After February 28, 1994	0648-AG36
664	General Provisions; Endangered Fish or Wildlife; Threatened Fish and Wildlife; Sea Turtle Conservation Measures	0648-AG38
665	Designated Critical Habitat; Pacific Steelhead	0648-AG49
666	Designated Critical Habitat; Atlantic Salmon	0648-AG50

DOC

National Oceanic and Atmospheric Administration—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
667	Designated Critical Habitat; Pacific Coho Salmon	0648-AG56
668	Designated Critical Habitat; Umpqua River Sea-Run Cutthroat Trout	0648-AG58
669	Proposed Rule To Authorize the Incidental Taking of Marine Mammals During Commercial Fishing Operations as Directed by Public Law 103-238	0648-AG78
670	Proposed Rule To Authorize Lethal Takings of Marine Mammals by State Authorities	0648-AG79
671	Proposed Rule To Amend Marine Mammal Regulations to Authorize Incidental Takings of Marine Mammals by Harassment as Authorized by Public Law 103-238	0648-AG80
672	Proposed Designation of Critical Habitat for Puget Sound Salmon Stocks	0648-AH11
673	Proposed Rule To Establish Guidelines for Nonlethally Deterring Marine Mammals From Endangering Personal Safety or Damaging Public or Private Property	0648-AH19
674	Proposed Rule Governing Marine Mammal Transport Notification and Inventory	0648-AH26
675	Interim Final Rule With Request for Comments Establishing Leatherback Turtle Conservation Zone	0648-AH30
676	Proposed Rule Governing the Issuance of Permits for Marine Mammal Photography	0648-AH31
677	Protection Zones for Northern Right Whales; Response to Petition	0648-AH47
678	Proposed Rule To Govern the Transportation of Native Handicrafts	0648-AH83
679	Shrimp Vessel Registration Requirement	0648-AH87
680	Critical Habitat Designation for Green Sea Turtles in Cuelbra, Puerto Rico	0648-AH88
681	Identification of Special Sea Turtle Conservation Areas and Appropriate Conservation Measures	0648-AH89
682	Proposed Regulations for the Fagatele Bay National Marine Sanctuary	0648-AA74
683	Proposed Regulations for the Channel Islands National Marine Sanctuary	0648-AC03
684	Proposed Regulations for the Gulf of the Farallones National Marine Sanctuary	0648-AC05
685	The Monitor National Marine Sanctuary	0648-AC78
686	Proposed Regulations for the Northwest Straits National Marine Sanctuary	0648-AC91
687	Proposed Regulations for the Norfolk Canyon National Marine Sanctuary	0648-AC92
688	Thunder Bay National Marine Sanctuary	0648-AE41
689	Gray's Reef National Marine Sanctuary	0648-AE42
690	National Marine Sanctuary Program, Site Evaluation List	0648-AF23
691	Hawaiian Islands Humpback Whale National Marine Sanctuary	0648-AH91
692	Licensing of Private Remote-Sensing Space Systems	0648-AC64
693	National Weather Service Modernization Criteria	0648-AF72

National Oceanic and Atmospheric Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
694	Regulatory Amendment To Implement Permit, Reporting, and Recordkeeping and Observer Requirements for Processing Vessels Over 125 Feet and Their Catcher Vessels; Pacific Coast Groundfish	0648-AE01
695	Financial Disclosure of Fishery Management Council Nominees, Members, and Executive Directors	0648-AG16
696	Regulatory Amendment to the Individual Fishing Quota Program for Groundfish off Alaska	0648-AG45
697	Regulatory Amendment for Bering Sea And Aleutian Islands Area Halibut Non-Trawl Prohibited Species Catch Management and Jig Gear Exemption	0648-AG95
698	Framework Adjustment 2 to the American Lobster Fishery Management Plan	0648-AH36
699	Combined Framework Adjustment—Adjustment 7 to the Northeast Multispecies FMP, Adjustment 3 to the Atlantic Sea Scallop FMP, and Adjustment 1 to the American Lobster FMP	0648-AH37
700	Interim Final Rule To Make Certain Changes in the Limited Access Appeals Procedure	0648-AH38
701	Regulatory Amendment to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic Pertaining to Hogfish, Cubera Snapper, and Gray Triggerfish	0648-AH44
702	Final Rule and Approval of Catch Sharing Plan	0648-AH64
703	Framework #9 to the Fishery Management Plan for the Northeast Multispecies Fishery	0648-AH66
704	Management Measures for Commercial Recreational, and Treaty Indian, Salmon Fisheries Off the Coasts of Washington, Oregon, and California	0648-AH79
705	1995 Initial Quota for Western Pacific Crustacean Fisheries	0648-AH85
706	Processed Fishery Products, Processed Products Thereof & Certain Other Processed Food Products: U.S. Standards for Grades of Frozen Fish Blocks & Products Made Therefrom, Etc	0648-AA46
707	U.S. General Standards for Grades of Shrimp	0648-AA47
708	Fishermen's Protective Act	0648-AC73
709	U.S. Standards for Grades of Frozen Fish Portions	0648-AD92

DOC

National Oceanic and Atmospheric Administration—Final Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
710	U.S. Standards for Grades of Whole or Dressed Fish	0648-AE69
711	U.S. Standards for Grades of North American Freshwater Catfish and Products Made Therefrom	0648-AE70
712	U.S. Standards for Grades of Fish Fillets	0648-AE71
713	Fishing Vessel Capital Construction Fund Procedures—Eligibility for Safety Improvements	0648-AF22
714	Fishing Vessel Obligation Guarantee Program	0648-AF48
715	Civil Procedure Regulations	0648-AF96
716	Amendment to Procedure Governing the Readjustment and Increase in Hourly Rates of Fees	0648-AH24
717	Performance Standards for Tuna Vessel Operators	0648-AD03
718	Regulations Governing the Take of Dolphins Incidental to Removing Oil and Gas Platforms in the Gulf of Mexico	0648-AD25
719	Taking and Importing of Marine Mammals; Dolphin Mortality Limits During Purse Seine Sets on Marine Mammals in the Eastern Tropical Pacific	0648-AF07
720	Taking and Importing of Marine Mammals; ''Dolphin-Safe'' Tuna Labeling	0648-AF08
721	Designated Critical Habitat; Johnson's Seagrass	0648-AF79
722	Sea Turtle Conservation Measures; Section 10 Incidental Take Permits; Final Rule	0648-AG37
723	Flotation Devices in Bottom-Opening, Single-Grid Turtle Excluder Devices in the Southeastern United States	0648-AG71
724	Proposed List of Fisheries as Authorized by Public Law 103-238	0648-AG77
725	Taking and Importing of Marine Mammals: Proposed Rule Prohibiting U.S. Citizens From Encircling Marine Mammals During Tuna Fishing Operations	0648-AH04
726	General Authorization for Scientific Research Involving Level B Harassment	0648-AH20
727	Revision of Federal Consistency Regulations Under the Coastal Zone Management Act	0648-AD83
728	Natural Resource Damage Assessment and Restoration Regulations	0648-AE13
729	NOAA Climate and Global Change Program—Proposal Submission Guidelines	0648-AG51

National Oceanic and Atmospheric Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
730	Secretarial Fishery Management Plan for Sharks of the Atlantic Ocean	0648-AD12
731	Regulatory Amendment—U.S. Nationals Fishing in Russian Fisheries	0648-AD29
732	Amendment 7 to the Fishery Management Plan for the Snapper-Grouper Fishery of the South Atlantic	0648-AE52
733	Amendment 31 to the FMP for Groundfish of the GOA and Amendment 35 to the FMP for Groundfish of the BSAI	0648-AE79
734	Amendment 21A to the FMP for the Groundfish Fishery of the Bering Sea and Aleutian Islands To Prohibit Bottom Trawling Adjacent to the Pribilof Islands	0648-AF02
735	Regulatory Amendment Implementing Groundfish Gear Changes in the Pacific Coast Groundfish Fishery	0648-AF38
736	Amendment To Enhance Data on Bycatch and Establish a Pilot Program for Donation of Atlantic Swordfish	0648-AF42
737	Regulatory Amendment To Modify Permit Application Requirements for All Fishery Management Plans in the Western Pacific Region	0648-AF62
738	Regulatory Amendment To Implement Measures in the North Pacific Anadromous Stocks Act of 1992	0648-AF69
739	Regulatory Amendment To Require Bluefin Tuna Statistical Documents	0648-AF74
740	Regulatory Amendment To Establish a Vessel Monitoring System Within the Pelagic Fisheries of the Western Pacific Region	0648-AF77
741	Amendment 8 to the Fishery Management Plan for Crustacean Fisheries of the Western Pacific Region	0648-AF82
742	Amendment 7 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico	0648-AF83
743	Amendment 2 to the FMP for Coral and Coral Reefs of the Gulf of Mexico and South Atlantic	0648-AF85
744	Regulatory Amendment to Impose Trip Limits on Commercial Catches of Atlantic Sharks	0648-AG02
745	Regulatory Amendment Defining Harvesting Capacity Unit and Management System Under the Western Pacific Pelagics FMP	0648-AG04
746	Amendment 5 to the Fishery Management Plan for the Stone Crab Fishery of the Gulf of Mexico	0648-AG23
747	Regulatory Amendment To Establish the Bering Sea And Aleutian Islands ''A'' Season Framework	0648-AG92
748	Regulatory Amendment Codifying the Community Development Quota Compensation Formula	0648-AG98
749	1995 Catch Sharing Plan and Conservation Measures for Pacific Halibut	0648-AH01
750	Final Notice of Changes in the Management Regimes for Atlantic Migratory King and Spanish Mackerel and Gulf Group of King Mackerel	0648-AH17
751	Regulatory Amendment for the Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic	0648-AH27
752	Regulatory Amendment Under the FMP for the Reef Fish Resources of the Gulf of Mexico	0648-AH33
753	Framework Adjustment 2 to the Atlantic Sea Scallop Fishery Management Plan	0648-AH35
754	Final Specifications and Management Measures for 1995 Pacific Coast Groundfish Fishery	0648-AH50

DOC

National Oceanic and Atmospheric Administration—Completed/Longterm Actions (Continued)

Sequence Number	Title	Regulation Identifier Number
755	Regulation to Provide Disaster Relief to West Coast Salmon Fisheries	0648-AG75
756	Endangered Fish and Wildlife; Approaching Humpback Whales in Hawaiian Waters	0648-AB79
757	Taking and Importing of Marine Mammals: Prohibition on Setting on Any Northeastern Offshore Spotted Dolphin	0648-AG33
758	Definition of ''Intermediary Nation''	0648-AG42
759	Designated Critical Habitat; Deer Creek Summer Steelhead	0648-AG44
760	Designated Critical Habitat; Pacific Coho Salmon	0648-AG57
761	Proposed Designation of Critical Habitat for the Mid-Columbia River Summer Chinook Salmon	0648-AH10
762	Prohibition on Intentional Lethal Take of Marine Mammals in Commercial Fishing Operations	0648-AH43
763	Proposed Regulations for the Key Largo National Marine Sanctuary	0648-AA33
764	Proposed Regulations for the Looe Key National Marine Sanctuary	0648-AB64
765	Final Regulations for the Stellwagen Bank National Marine Sanctuary	0648-AC94
766	Proposed Regulations for the Florida Keys National Marine Sanctuary	0648-AD85
767	Technical Conforming Changes to Existing NOAA Regulations To Implement 1990 Reauthorization of the Coastal Zone Management Act	0648-AE11

National Telecommunications and Information Administration—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
768	The Telecommunications and Information Infrastructure Grant Program	0660-AA04

National Telecommunications and Information Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
769	Transfer of Spectrum From the Federal Government to the FCC	0660-AA05

National Telecommunications and Information Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
770	Requiring Proof of Compliance with FCC Licensing Requirements	0660-AA08

Patent and Trademark Office—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
771	Patent Application Electronic Submission Rules	0651-AA50
772	Inter Partes Reexamination	0651-AA79

Patent and Trademark Office—Proposed Rule Stage

Sequence Number	Title	Regulation Identifier Number
773	Trademark Procedures	0651-AA46
774	Changes to Mailing Procedures	0651-AA70
775	Changes in Requirements for Addressing Trademark Applications and Trademark-Related Papers	0651-AA73
776	Revision of Patent and Trademark Fees	0651-AA74

DOC

Patent and Trademark Office—Proposed Rule Stage (Continued)

Sequence Number	Title	Regulation Identifier Number
777	Early Publication of Patent Applications	0651-AA75
778	Simplification of the Requirements Concerning the Filing and Processing of Trademark Applications, Intent To Use Documents, and Petitions	0651-AA78

Patent and Trademark Office—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
779	Patent Term Extension Application Requirements	0651-AA52
780	Cross Appeals in PTO Disciplinary Proceedings	0651-AA65
781	Establishing Prior Invention To Overcome Cited Patent	0651-AA67
782	Patent Appeals and Interference Rules	0651-AA71
783	Revision of Patent Cooperation Treaty Provisions	0651-AA72
784	Changes To Implement 20-Year Patent Term and Provisional Applications	0651-AA76

Patent and Trademark Office—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
785	Changes in Computer Program Listings Filed in Patent Applications	0651-AA58
786	Procedures for Amending Patent Applications	0651-AA62
787	Changes in Patent and Trademark Assignment Practice	0651-AA64
788	Utility Examination Guidelines	0651-AA77

Technology Administration—Prerule Stage

Sequence Number	Title	Regulation Identifier Number
789	Promotion of Private Sector Industrial Technology Partnerships	0692-AA13

Technology Administration—Final Rule Stage

Sequence Number	Title	Regulation Identifier Number
790	Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements	0692-AA14

Technology Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
791	Licensing of Government-Owned Inventions	0692-AA04
792	Administration of a Uniform Patent Policy With Respect to Domestic Rights in Inventions Made by Government Employees	0692-AA05

DOC

United States Travel and Tourism Administration—Completed/Longterm Actions

Sequence Number	Title	Regulation Identifier Number
793	Guidelines and Procedures To Provide Financial Assistance to Cooperative Tourism Marketing Programs for International Tourism Trade Development	0644-AA02

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Proposed Rule Stage

471. CONTRACT CLAUSES AND SOLICITATION PROVISIONS FOR THE COMMERCE AUTOMATED SOLICITATION SYSTEM

Priority: Substantive, Nonsignificant

Legal Authority: 41 USC 251 et seq; PL 98-369; PL 98-577

CFR Citation: 48 CFR 1301 to 1353

Legal Deadline: None

Abstract: The Department of Commerce is currently reviewing standardized contract clauses and solicitation provisions for inclusion in a planned departmentwide automated solicitation system. A proposed amendment to the Commerce Acquisition Regulation (CAR) would illustrate and incorporate these standardized clauses and provisions. This should ultimately be less burdensome to Department contractors and potential contractors, since the clauses and provisions would be used uniformly throughout the Department.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Shirl Kinney, Director for Acquisition Management, Department of Commerce, Office of the Secretary, 14th and Constitution Avenue NW., Washington, DC 20230, **202 482-2773**

RIN: 0690–AA08

472. STANDARDS OF ETHICAL CONDUCT—DEPARTMENT OF COMMERCE SUPPLEMENTAL REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 5 USC 7301; 5 USC 7353; 5 USC app (Ethics in Government Act); 26 USC 7214(b); EO 12674, 54 FR 15159, 3 CFR, 1989 Comp, p 215 as modified; EO 12831, 55 FR 42547, 3 CFR, 1990 Comp, p 306; 5 CFR 2635.105

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Department of Commerce with the concurrence of the Office of Government Ethics (OGE) proposes to issue supplemental standards of ethical conduct for the officers and employees of the Department. The proposed rule will supplement the Standards of Ethical Conduct for Employees of the Executive Branch issued by the Office of Government Ethics. 5 CFR Part 2635.

The proposed rule is a necessary supplement to the standards issued by OGE because it addresses ethical issues unique to the Department. The proposed rule establishes regulations which: (1) define ''Agency Designee'' for purposes of the Standards of Conduct; (2) designate agency components for purposes of the gift and outside employment rules; (3) limit employees from acquiring or retaining conflicting financial interests; (4) provide rules for seeking advice concerning determinations of appearances of impropriety; and (5) establish rules for prior approval regarding outside employment and activities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen Kucik, Attorney Advisor, Department of Commerce, Office of the Secretary, 14th Street & Constitution Avenue NW., Rm. 5882, Washington, DC 20230, **202 219-9132**

RIN: 0690–AA23

DEPARTMENT OF COMMERCE (DOC)
Office of the Secretary (OS)

Completed/Longterm Actions

473. SOURCE EVALUATION PROCEDURES AND MISCELLANEOUS REVISIONS TO THE COMMERCE ACQUISITION REGULATION

CFR Citation: 48 CFR 1301 to 1353

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Shirl Kinney, 202 482-2773

RIN: 0690–AA13

DOC—OS **Completed/Longterm Actions**

474. MODIFY REQUIREMENT IN THE COMMERCE ACQUISITION REGULATION TO PUBLISH PRESOLICITATION NOTICES IN THE COMMERCE BUSINESS DAILY FOR DOC PROCUREMENTS WHICH WILL BE PERFORMED IN FOREIGN COUNTRIES

CFR Citation: 48 CFR 1305

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Shirl Kinney, 202 482-2773

RIN: 0690–AA18

475. MODIFY THE COMMERCE ACQUISITION REGULATION TO USE A DEVIATION VERSION OF A FEDERAL ACQUISITION REGULATION CLAUSE ON THE BUY AMERICAN TRADE AGREEMENT ACTS

CFR Citation: 48 CFR 1325; 48 CFR 1352

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is no paperwork burden associated with this action.

Agency Contact: Shirl Kinney, 202 482-2773

RIN: 0690–AA19

476. COMMERCE ACQUISITION REGULATION, CHANGES TO THE COMMERCE SHIP CONSTRUCTION, ALTERATION, AND REPAIR CLAUSES

CFR Citation: 48 CFR 1317; 48 CFR 1352

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Procurement: This is a procurement-related action for which there is no statutory requirement. There is a paperwork burden associated with this action.

Agency Contact: Shirl Kinney, 202 482-2773

RIN: 0690–AA21

477. TESTIMONY BY EMPLOYEES IN THE PRODUCTION OF DOCUMENTS IN LEGAL PROCEEDINGS

CFR Citation: 15 CFR 15a

Completed:

Reason	Date	FR Cite
Final Action	02/17/95	60 FR 9291
Final Action Effective	03/20/95	60 FR 9291

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: M. Timothy Conner, 202 482-1067

RIN: 0690–AA22

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Proposed Rule Stage

478. SHORT FORM FOR REPORTING SMALL FOREIGN AFFILIATES IN THE BE-11, ANNUAL SURVEY OF U.S. DIRECT INVESTMENT ABROAD

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act

CFR Citation: 15 CFR 806.14

Legal Deadline: None

Abstract: This action will amend existing 15 CFR 806.14 to create Form BE-11B(SF), or Short Form, for reporting small, majority-owned foreign affiliates in the BE-11, Annual Survey of U.S. Direct Investment Abroad. Small affiliates are those with assets, sales, or net income above the $15 million reporting threshold for the BE-11 survey, but with no one of the three items exceeding $50 million. The existing Form BE-11B will be relabeled Form BE-11B(LF), or Long Form, and will be used for reporting majority-owned foreign affiliates with assets, sales, or net income exceeding $50 million. The Short Form is being introduced to bring the annual survey into conformity with exemption levels and reporting requirements proposed for reporting in the 1994 BE-10, Benchmark Survey of U.S. Direct Investment Abroad. BEA will also raise the threshold for reporting in the BE-11 survey from $15 million to $20 million.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	
Final Action	01/00/96	
Final Action Effective	02/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, (BE-50), Washington, DC 20230, **202 606-9800**

RIN: 0691–AA25

479. ● ANNUAL SURVEY OF FINANCIAL SERVICES TRANSACTIONS BETWEEN U.S. FINANCIAL SERVICES PROVIDERS AND UNAFFILIATED FOREIGN PERSONS

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 3101 to 3108 Int'l Investment & Trade in Svcs Survey Act; 15 USC 4908 Omnibus Trade and Competitiveness Act of 1988

CFR Citation: 15 CFR 801

Legal Deadline: None

Abstract: This action will create a new rule pertaining to a new survey of

DOC—BEA **Proposed Rule Stage**

cross-border financial services transactions by U.S. financial services providers or intermediaries with unaffiliated foreign persons. The survey will cover transactions of U.S. commercial and investment banks, underwriters, brokers and dealers, credit card companies, mutual and pension funds, and other financial services providers or intermediaries. The annual survey will update and extend estimates made from data collected on the 1994 BE-80 Benchmark Survey of Financial Services Transactions Between U.S. Financial Services Providers and Unaffiliated Foreign Persons.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	10/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Betty L. Barker, Chief, International Investment Division, Department of Commerce, Bureau of Economic Analysis, (BE-50), Washington, DC 20230, **202 606-9800**

RIN: 0691–AA26

DEPARTMENT OF COMMERCE (DOC)
Bureau of Economic Analysis (BEA)

Completed/Longterm Actions

480. BENCHMARK SURVEY OF U.S. DIRECT INVESTMENT ABROAD—1994

CFR Citation: 15 CFR 806

Completed:

Reason	Date	FR Cite
Final Action	12/06/94	59 FR 62566
Final Action Effective	01/05/95	59 FR 62566

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, 202 606-9800

RIN: 0691–AA22

481. CHANGE IN EXEMPTION LEVEL FOR BE-577, DIRECT TRANSACTIONS OF U.S. REPORTER WITH FOREIGN AFFILIATE

CFR Citation: 15 CFR 806.14

Completed:

Reason	Date	FR Cite
Final Action	02/27/95	60 FR 10489
Final Action Effective	03/29/95	60 FR 10489

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Betty L. Barker, 202 606-9800

RIN: 0691–AA23

482. BENCHMARK SURVEY OF FINANCIAL SERVICES TRANSACTIONS BETWEEN U.S. FINANCIAL SERVICES PROVIDERS AND UNAFFILIATED FOREIGN PERSONS

CFR Citation: 15 CFR 801

Completed:

Reason	Date	FR Cite
Final Action	10/27/94	59 FR 53934
Final Action Effective	11/28/94	59 FR 53934

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: Betty L. Barker, 202 606-9800

RIN: 0691–AA24

DEPARTMENT OF COMMERCE (DOC)
Bureau of the Census (CENSUS)

Completed/Longterm Actions

483. REVISION OF FOREIGN TRADE STATISTICS REGULATIONS

CFR Citation: 15 CFR 30.1 to 30.92

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Blyweiss, 301 457-2238

RIN: 0607–AA10

484. CHANGE IN THE DEFINITION OF ''GENERAL USE'' SOFTWARE FROM TECHNICAL DATA TO COMMODITY

CFR Citation: 15 CFR 30.1

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Harold L. Blyweiss, 301 457-2238

RIN: 0607–AA16

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Final Rule Stage

485. REVIEW OF REGULATIONS FOR ECONOMIC DEVELOPMENT ADMINISTRATION—DEPARTMENT OF COMMERCE

Priority: Other Significant

Legal Authority: 42 USC 3211; DOC Organization Order 10-4, as amended

CFR Citation: 13 CFR 301 to 318

Legal Deadline: None

Abstract: EDA is in the process of completely revising its rules including removals, edits, and rewrites, where appropriate. This will be done in stages with the first interim final rule amending 13 CFR chapter III to remove unnecessary, redundant, or obsolete rules.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/95	
Final Action	06/00/95	
Final Action Effective	06/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: State, Local, Tribal

Sectors Affected: Multiple

Agency Contact: Awilda R. Marquez, Chief Counsel, Department of Commerce, Economic Development Administration, Herbert C. Hoover Bldg., 14th Street & Constitution Avenue NW., Room 7001, Washington, DC 20230, **202 482-4687**

RIN: 0610–AA47

DEPARTMENT OF COMMERCE (DOC)
Economic Development Administration (EDA)

Completed/Longterm Actions

486. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE—DESIGN, CONSTRUCTION OF BUILDINGS TO ACCOMMODATE THE PHYSICALLY HANDICAPPED

CFR Citation: 13 CFR 309.14

Completed:

Reason	Date	FR Cite
Merged With RIN 0610-AA47 - Incorporated in EDA's overall reform for 13 CFR ch III.	01/06/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Awilda R. Marquez, 202 482-4687

RIN: 0610–AA05

487. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE: EMPLOYMENT OF EXPEDITERS OR ADMINISTRATIVE EMPLOYEES; COMPENSATION OF PERSONS ENGAGED BY OR ON BEHALF OF APPLICANTS

CFR Citation: 13 CFR 309

Completed:

Reason	Date	FR Cite
Merged with RIN 0610-AA47 - Incorporated in EDA's overall reform for 13 CFR ch III	01/06/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Awilda R. Marquez, 202 482-4687

RIN: 0610–AA18

488. PROTECTION OF EDA'S INTEREST IN FACILITIES ACQUIRED, BUILT, OR IMPROVED WITH EDA GRANT FUNDS

CFR Citation: 13 CFR 314

Completed:

Reason	Date	FR Cite
Consistent with EDA's regulatory reform effort, this action is not needed at this time.	12/13/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Awilda R. Marquez, 202 482-4687

RIN: 0610–AA35

489. PUBLIC WORKS—INDUSTRIAL PARKS AND SITES

CFR Citation: 13 CFR 305

Completed:

Reason	Date	FR Cite
Merged with RIN 0610-AA47 - Incorporated in EDA's overall reform for 13 CFR ch III.	01/06/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Awilda R. Marquez, 202 482-4687

RIN: 0610–AA40

490. GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE—ELECTRIC AND GAS FACILITIES

CFR Citation: 13 CFR 309.4

Completed:

Reason	Date	FR Cite
Merged with RIN 0610-AA47 - Incorporated in EDA's overall reform for 13 CFR ch III.	01/06/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Awilda R. Marquez, 202 482-4687

RIN: 0610–AA43

491. OVERALL ECONOMIC DEVELOPMENT PROGRAM—PROGRESS REPORT

CFR Citation: 13 CFR 304.8

Completed:

Reason	Date	FR Cite
Merged with RIN 0610-AA47 - Incorporated in EDA's overall reform for 13 CFR ch III.	01/06/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Awilda R. Marquez, 202 482-4687

RIN: 0610–AA44

DOC—EDA Completed/Longterm Actions

492. SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE GRANTS

CFR Citation: 13 CFR 308

Completed:

Reason	Date	FR Cite
Consistent with EDA's regulatory reform effort, this action is not needed at this time.	12/13/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Awilda R. Marquez, 202 482-4687

RIN: 0610–AA48

493. PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM—SPECIFIC TYPES OF PROJECTS—SKILL TRAINING CENTER FACILITIES

CFR Citation: 13 CFR 305.45

Completed:

Reason	Date	FR Cite
Merged with RIN 0610-AA47 - Incorporated in EDA's overall reform for 13 CFR ch III.	01/06/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Awilda R. Marquez, 202 482-4687

RIN: 0610–AA51

494. DESIGNATION OF AREAS; PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

CFR Citation: 13 CFR 302; 13 CFR 305

Completed:

Reason	Date	FR Cite
Merged with RIN 0610-AA47 - Incorporated in EDA's overall reform for 13 CFR ch III.	01/06/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Awilda R. Marquez, 202 482-4687

RIN: 0610–AA54

DEPARTMENT OF COMMERCE (DOC) Final Rule Stage

General Administration (ADMIN)

495. NONPROCUREMENT DEBARMENT AND SUSPENSION

Priority: Substantive, Nonsignificant

Legal Authority: EO 12549, Debarment and Suspension; EO 12689; 5 USC 301

CFR Citation: 15 CFR 26

Legal Deadline: None

Abstract: Executive Order 12689, signed August 16, 1989, calls for agency debarment and suspension actions under procurement or nonprocurement activities to have reciprocal Governmentwide effect. The common rule will be amended to reflect the requirements contained in the Executive order.

Timetable:

Action	Date	FR Cite
NPRM	12/20/94	59 FR 65607
NPRM Comment Period End	02/20/95	
Interim Final Rule	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Phelan III, Director, Office of Executive Assistance Management, Department of Commerce, Office of Administration, 14th Street & Constitution Avenue NW., Washington, DC 20230, **202 482-4115**

RIN: 0605–AA02

496. UNIFORM ADMINISTRATIVE REQUIREMENT FOR GRANTS AND AGREEMENTS WITH INSTITUTIONS OF HIGHER EDUCATION, HOSPITALS AND OTHER NONPROFITS AND COMMERCIAL ORGANIZATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301

CFR Citation: 15 CFR 14

Legal Deadline: None

Abstract: On November 29, 1993, Office of Management and Budget (OMB) Circular A-110, ''Uniform Administrative Requirements for Grants and Agreements, with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations'' was published in the Federal Register (58 FR 62992). In the published revised circular, OMB specified as ''required action'' that Federal agencies responsible for awarding and administering grants and other agreements to recipients described therein, shall adopt the language of the Circular unless other provisions are required by Federal Statute or exceptions or deviations are approved by OMB. This interim final rule adopts the provisions of the Circular and its language to the maximum extent feasible with minor language changes made to make the language apply specifically to the DOC and its operating units. This rule also contains certain policies that have been DOC policy for many years that may differ from the language of Circular A-110, but are consistent with and further implement the intent of Circular A-110 with DOC.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John J. Phelan III, Director, Office of Executive Assistance Management, Department of Commerce, Office of Administration, 14th Street & Constitution Avenue NW., Washington, DC 20230, **202 482-4115**

RIN: 0605–AA09

DEPARTMENT OF COMMERCE (DOC)
General Administration (ADMIN)

Completed/Longterm Actions

497. UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS AND COOPERATIVE AGREEMENTS TO STATE AND LOCAL GOVERNMENTS

CFR Citation: 15 CFR 24

Completed:

Reason	Date	FR Cite
Final Action	04/19/95	60 FR 19638
Final Action Effective	05/19/95	60 FR 19638

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: **John J. Phelan III, 202 482-5817**

RIN: 0605–AA04

498. NEW RESTRICTIONS ON LOBBYING

CFR Citation: 15 CFR 28

Completed:

Reason	Date	FR Cite
Withdrawn - No action anticipated within the next 12 months.	04/01/95	

Small Entities Affected: None

Government Levels Affected: State, Local

Agency Contact: **John J. Phelan III, 202 482-4115**

RIN: 0605–AA06

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Proposed Rule Stage

499. PROCEDURES FOR IMPOSING SANCTIONS FOR VIOLATION OF AN ANTIDUMPING OR COUNTERVAILING DUTY PROTECTIVE ORDER

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 301; 19 USC 1677f

CFR Citation: 19 CFR 354

Legal Deadline: None

Abstract: The Department needs to enhance the administrative efficiency of its investigations of alleged violations of administrative protective orders (APOs) and of the process for imposing sanctions for violations, as well as the fairness of the procedures to all concerned parties. The Department is considering (1) expedited procedures for certain APO violations that are uncontested, inadvertent, and technical; (2) providing for warnings to be issued where a finding of a violation would lead to unjustifiably harsh sanctions; (3) where warranted, permitting the agency to dismiss a charge without prejudice without the appointment or approval of an administrative law judge; (4) providing for a sunset provision that is fairer to past violators and that eases the administrative burden; and (5) permitting a private reprimand as a sanction without requiring as a precondition that parties engage in settlement discussions. The Department expects to benefit from gains in administrative efficiency and fairness without incurring any additional costs.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Joan MacKenzie**, Senior Attorney, Department of Commerce, International Trade Administration, Room H4621, 14th Street & Constitution Avenue NW., Washington, DC 20230, **202 482-1310**

RIN: 0625–AA43

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Final Rule Stage

500. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

Priority: Regulatory Plan

Legal Authority: 19 USC 1671 et seq; 19 USC 1673 et seq; 19 USC 1303

CFR Citation: 19 CFR 353; 19 CFR 355

Legal Deadline: Other, Statutory, January 1, 1996.
Section 103(b) of the Uruguay Round Agreements Act establishes January 1, 1996 as the deadline for interim final regulations.

Abstract: Revisions of the antidumping and countervailing duty regulations will be necessary in light of legislation implementing the results of the Uruguay Round multilateral trade negotiations. Revisions also will address matters that were the subject of other uncompleted rulemaking proceedings that ITA has previously withdrawn. (See April 1994 Unified Agenda of Federal Regulations.) By clarifying the methodologies and procedures used in administering the antidumping and countervailing duty laws, the efficiency and fairness of these laws will be enhanced at little, if any, additional cost.

Timetable:

Action	Date	FR Cite
ANPRM	01/03/95	60 FR 80
ANPRM Comment Period End	02/24/95	60 FR 80
Interim Final Rule	04/00/95	
NPRM	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **William D. Hunter**, Office of Policy, Import Administration, Department of Commerce, International Trade Administration, Room 3622, 14th Street & Constitution Avenue NW., Washington, DC 20230, **202 482-4224**

RIN: 0625–AA45

DEPARTMENT OF COMMERCE (DOC)
International Trade Administration (ITA)

Completed/Longterm Actions

501. ANTIDUMPING DUTIES; COUNTERVAILING DUTIES

CFR Citation: 19 CFR 353; 19 CFR 355

Completed:

Reason	Date	FR Cite
Merged with RIN 0625-AA45	01/20/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William D. Hunter, 202 482-4412

RIN: 0625–AA32

502. SHORT SUPPLY PROCEDURES FOR ITA

CFR Citation: 19 CFR 357

Completed:

Reason	Date	FR Cite
Withdrawn	01/20/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey C. Lowe, 202 482-1439

RIN: 0625–AA34

503. ANTIDUMPING AND COUNTERVAILING DUTIES; EXCLUSIONS

CFR Citation: 19 CFR 353; 19 CFR 355

Completed:

Reason	Date	FR Cite
Withdrawn	01/20/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William D. Hunter, 202 482-4224

RIN: 0625–AA44

DEPARTMENT OF COMMERCE (DOC)
Bureau of Export Administration (BXA)

Prerule Stage

504. ● ADMINISTRATION OF STATE LOG EXPORTS BAN

Priority: Other Significant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule provides advance notice that the Department of Commerce will issue regulations implementing the ban on the export of unprocessed timber originating from non-Federal public lands in 17 western states, pursuant to the Forest Resources Conservation and Shortage Relief Act of 1990, as amended (FRCSRA). This notice defines the actions the Department proposes to take to implement the FRCSRA and requests public comments on these proposed actions.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Crowe, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB25

DEPARTMENT OF COMMERCE (DOC)
Bureau of Export Administration (BXA)

Proposed Rule Stage

505. DEFENSE PRIORITIES AND ALLOCATIONS SYSTEM (DPAS)

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC app 2061 et seq; 50 USC app 468; EO 12656; EO 12742; EO 12919

CFR Citation: 15 CFR 700

Legal Deadline: None

Abstract: The Defense Priorities and Allocations System (DPAS) implements the priorities and allocations authority of title I of the Defense Production Act of 1950, as amended, and the priorities authority of section 18 of the Selective Service Act of 1948. The DPAS was published as a final rule on July 30, 1984. Based on the findings and recommendations of an interagency sponsored study concerning the controlled materials program, and comments from both defense agency and industry users, this proposed rule would amend the DPAS to remove the controlled materials provisions and make certain revisions to its procedural requirements. These amendments will have no costs associated with them, would reduce the regulatory and information reporting burden on industry and make the DPAS more effective and efficient, would result in cost savings for defense contractors, would update certain other provisions to conform to statutory and jurisdictional changes, and would make the DPAS more compatible with current industry practices.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: Multiple

Agency Contact: Richard V. Meyers, DPAS Program Manager, Department of Commerce, Bureau of Export Administration, Office of Industrial Resources Admin., National Security Preparedness Div., Room 3878, Washington, DC 20230, **202 482-3634**

RIN: 0694–AA02

506. SIMPLIFICATION OF THE EXPORT ADMINISTRATION REGULATIONS

Priority: Regulatory Plan

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 768 to 779; 15 CFR 785 to 791; 15 CFR 799

DOC—BXA **Proposed Rule Stage**

Legal Deadline: None

Abstract: The Bureau of Export Administration is undertaking a comprehensive review of the Export Administration Regulations. This review is intended to simplify, clarify and make the export control regulatory requirements more user-friendly.

Timetable:

Action	Date	FR Cite
ANPRM	02/10/94	59 FR 6528
ANPRM Comment Period End	03/28/94	
NPRM	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AA67

507. ● IMPLEMENTATION OF CHEMICAL WEAPONS CONVENTION

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 40 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Bureau of Export Administration is developing regulations and procedures that specify industry obligations under the chemical weapons convention.

Timetable:

Action	Date	FR Cite
ANPRM	12/23/94	59 FR 66291
ANPRM Comment Period End	01/23/95	59 FR 66291
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Crowe, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-6031**

RIN: 0694–AB06

DEPARTMENT OF COMMERCE (DOC) — Final Rule Stage
Bureau of Export Administration (BXA)

508. REVISION OF FOREIGN BOYCOTT PROVISIONS OF EXPORT ADMINISTRATION REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 50 USC 1701 et seq; 50 USC app 2401 et seq; EO 12002; EO 12058; EO 12214; EO 12735

CFR Citation: 15 CFR 769

Legal Deadline: None

Abstract: The Department proposes to revise the foreign boycott provisions of the Export Administration Regulations. The revisions would clarify the application of: (1) the intent provision to the reporting requirement; (2) the jurisdictional requirements relating to the implementation of letters of credit; (3) the furnishing information prohibitions to information about the nationality of directors and about blacklisted persons; (4) the shipping requirement exception to refusals to use blacklisted vessels; and (5) the import and shipping document exception to information about the nationality of carriers and residence of manufacturers or suppliers. The revisions are intended to clarify areas of confusion. In addition, the proposal would remove many references and provisions dealing with effective dates and grace periods that are no longer applicable.

Timetable:

Action	Date	FR Cite
NPRM	09/26/89	54 FR 39415
NPRM Comment Period End	10/26/89	
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Diamond, Acting Director, Compliance Policy Division, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-4550**

RIN: 0694–AA11

509. TRANSFER OF DUAL-USE ITEMS FROM U.S. MUNITIONS LIST TO THE COMMERCE CONTROL LIST

Priority: Other Significant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 74301(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 799.1

Legal Deadline: None

Abstract: The COCOM Industrial List (IL) controls so-called dual-use items, which have both civil and military uses. There is not a direct correspondence between the IL and BXA's Commerce Control List (CCL) because some IL items are controlled by the State Department in the U.S. munitions list.

In his November 15, 1990, memorandum of disapproval of H.R. 4653, the President determined that, ''By June 1, 1991, the United States will remove from the U.S. munitions list all items contained on the COCOM dual-use list unless significant U.S. national security interests would be jeopardized.'' This rule will implement BXA controls through the CCL on those items removed from the U.S. munitions list as a result of the President's decision.

Timetable:

Action	Date	FR Cite
Transfer of Communications Satellites	10/23/92	57 FR 48312
Navigation and Avionics	06/23/93	58 FR 34211
Final Rule: Transfer of Commercial Communication Satellites	09/08/93	58 FR 47322
Transfer of Items From the USMI to the CCL; Imposition of Certain Foreign Policy Controls	10/26/93	58 FR 57549
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerold Beiter, Electronics Engineer, Office of

Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-1641**

RIN: 0694–AA52

510. EXPORTS TO IRAN; REVISION OF FOREIGN POLICY CONTROLS

Priority: Other Significant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7420; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 771; 15 CFR 785; 15 CFR 799

Legal Deadline: None

Abstract: This interim rule amends the Export Administration Regulations by revising the special country policies and provisions, consistent with the National Defense Authorization Act (NDAA) of 1992, to establish a policy of denial for all items that require a validated license for Iran, except items subject to short supply controls.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Patricia Muldonian, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AA62

511. EQUIPMENT RELATED TO THE PRODUCTION OF CHEMICAL WEAPONS AND WARFARE AGENTS, MICROORGANISMS AND TOXINS; REVISIONS TO AUSTRALIA GROUP MEMBERS

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1701 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 773; 15 CFR 778; 15 CFR 799

Legal Deadline: None

Abstract: The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which appears in the Export Administration Regulations (EAR). This rule amends the CCL by revising Export Control Classification Numbers (ECCNs) 1B70 and 1C61. These ECCNs control dual-use items that can be used in the production of chemical and biological weapons (CBW). The changes made by this rule are intended to conform the list of CBW-related items controlled by the United States to the lists of items agreed to and adopted by the countries participating in the Australia Group (AG). In addition, this rule revises the list of countries participating in the AG to include Argentina and Hungary, since both countries now participate in the AG.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/18/94	59 FR 12824
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AA69

512. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS; REMOVAL OF CONTROLS ON CERTAIN ON-HIGHWAY VEHICLES TO IRAN AND SYRIA; CORRECTIONS AND CLARIFICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule removes ECCN 9A93F, the special terrorism controls on on-highway tractors with single or tandem rear axels rated for 20,000 pounds or greater and their specially designed parts. This rule also makes the following clarifications and corrections to the Export Administration Regulations: Revises General License GCG to ensure that BXA has the opportunity to review sensitive exports such as those controlled for missile technology or chemical or biological warfare reasons; clarifies the countries eligible for General License GFW; clarifies procedures for submitting classification requests; and makes typographical corrections to previously issued regulations.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AA72

513. IMPLEMENTATION OF THE CUBA DEMOCRACY ACT

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: The Cuba Democracy Act required certain actions to tighten the embargo on Cuba. This includes changes in general license provisions for ship stores and new controls on medicines. These changes will complement regulations already issued by the Department of the Treasury.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AA77

DOC—BXA **Final Rule Stage**

514. EFFECT OF IMPORTED ARTICLES ON THE NATIONAL SECURITY

Priority: Substantive, Nonsignificant

Legal Authority: 19 USC 1862

CFR Citation: 15 CFR 705

Legal Deadline: None

Abstract: Section 232 of the Trade Expansion Act of 1962, as amended (19 USC 1862) provides for the investigation of imports of articles which threaten to impair the national security. The implementing regulation, ''Effect of Imported Articles on the National Security'' (15 CFR 705), prescribes procedures to be followed by the Department of Commerce to commence and conduct such an investigation. Because of recent amendments to the Act, this regulation must be revised to set forth requirements for additional action to be taken by the Secretary of Commerce upon commencing, conducting, and completing an investigation, and reporting the disposition of an investigation to the Congress, and by the President in making a determination to take action against the imports of the article.

Timetable:

Action	Date	FR Cite
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Karen Swasey**, Section 232 Investigations Program Manager, Department of Commerce, Bureau of Export Administration, Office of Industrial Resource Administration, Strategic Analysis Division, Room 3878, Washington, DC 20230, **202 482-3795**

RIN: 0694–AB01

515. ● EXPORTS OF SAMPLE SHIPMENTS IN MIXTURES CONTAINING PRECURSORS AND INTERMEDIATE CHEMICALS; REVISIONS TO AUSTRALIA GROUP MEMBERS

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 773; 15 CFR 778; 15 CFR 799

Legal Deadline: None

Abstract: The Bureau of Export Administration (BXA) maintains the Commerce Control List (CCL), which appears in the Export Administration Regulations (EAR). This rule amends the CCL by revising Export Control Classification Number (ECCN) 1C60. This ECCN controls dual-use precursors and intermediate chemicals useful in the production of chemical warfare agents. In addition this rule makes an editorial correction by removing ECCN 1C64E for di-isopropylcarbodiimide (C.A.S. #693-13-0) and di-cyclohexocarbodiimide (C.A.S. #538-75-Q), which was inadvertently readmitted to the Commerce Control List. The changes made by this rule are based on recent discussions in the Australia Group (AG). Finally, this rule revises the list of countries eligible to receive Australia Group (AG) benefits under U.S. regulations to include the Czech Republic and remove Turkey.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/19/94	59 FR 52685
Interim Final Rule Effective Date	10/19/94	59 FR 52685
Interim Final Rule Comment Period End	11/18/94	59 FR 52685
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Sharron Cook**, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB05

516. ● INTERNATIONAL IMPORT CERTIFICATES, GENERAL LICENSE G-TEMP AUSTRALIA AND PRC IC/DV REVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule clarifies the procedures for issuing U.S. International Import Certificates, removes the emergency procedures for General License G-TEMP, correctly identifies the issuing party of the People's Republic of China End-User Certificate, and correctly identifies the address of the Australian and PRC issuing authorities for the Import Certificate.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Sharron Cook**, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB07

517. ● FOREIGN POLICY CONTROLS: CRIME CONTROL, IMPLEMENTS OF TORTURE, AND ARMS EMBARGO AGAINST RWANDA

Priority: Other Significant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2319(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule adds explanatory notes to Commerce Control List entries covering crime control and detection items, regional stability items, and items subject to the United Nations arms embargo against Rwanda. This amendment is necessary to make each entry consistent and to explicitly reflect the reason for control.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Hillary Hess**, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB08

DOC—BXA

Final Rule Stage

518. ● TRANSFER OF CERTAIN REMOTE SENSING SATELLITES FROM THE U.S. MUNITIONS LIST TO THE CCL

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule amends Export Control Classification Number 9A04A to include certain remote sensing satellite systems and components, parts, accessories, attachments and equipment associated with remote sensing satellites that do not meet the parameters described in Category XV on the U.S. Munitions List maintained by the U.S. Department of State.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Hillary Hess**, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB09

519. ● CLARIFICATION OF ENHANCED PROLIFERATION CONTROL INITIATIVE (EPCI) ''CATCH-ALL'' PROVISION AND VALIDATED LICENSE REQUIREMENTS

Priority: Other Significant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations to clarify and make more effective provisions that require exporters and others to submit individual validated license applications if they ''know'' or are ''informed'' of certain proliferation activities. These changes are among those directed by the Trade Promotion Coordinating Committee, a 19-member interagency group chaired by the Secretary of Commerce. Specifically, this rule creates categories of items subject to the EPCI licensing requirements.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Hillary Hess**, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB10

520. ● FEDERAL REPUBLIC OF YUGOSLAVIA AND UNITA IN ANGOLA

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations by adding language concerning the export licensing procedures for the Federal Republic of Yugoslavia (Serbia and Montenegro) and the National Union for the Total Independence of Angola (UNITA).

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Sharron Cook**, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB11

521. ● REVISION TO THE EAR; SUPPLEMENT NO. 2 TO PART 778

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations list of countries that are party to the Nuclear Non-Proliferation Treaty and/or the Treaty for the Prohibition of Nuclear Weapons in Latin America (Treaty of Tlatelolco). In addition, this rule makes certain editorial clarifications and corrections, and adds material inadvertently omitted. This rule adds language in the exceptions section to clarify that General License GLV does not authorize commodities controlled for nuclear non-proliferation reasons; clarifies that General License GFW does not authorize commodities controlled for nuclear non-proliferation reasons; and clarifies that General License GCT does not authorize commodities controlled for nuclear non-proliferation reasons.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Sharron Cook**, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB12

522. ● REVISION TO THE EAR; REMOVAL OF POLAND FROM GENERAL LICENSE GNSG AND ADDITION OF ARGENTINA AND NEW ZEALAND TO GNSG

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: In May 1994, Poland was moved from Country Group W to Country Group V to conform with changes in licensing policies for

proscribed countries. This rule amends the Export Administration Regulations by removing Poland from General License GNSG national security item country restrictions to correct an oversight from the previous rule. This rule will also add Argentina and New Zealand to the countries that are eligible to receive exports under General License GNSG. Also, Haiti is removed from the list of embargoed countries listed in the Note at the end of Supplement No. 1 to part 770.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB14

523. ● REVISIONS TO THE EAR: ESTABLISHMENT OF A STANDARD SAVING CLAUSE

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 40 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule establishes a standard saving clause (a grace period after the date of imposition of controls within which shipments that are en route to the point of export may be exported under the previously applicable authorization) when an individual validated license requirement is imposed on items and/or destinations that formerly were eligible for a general license or special license procedure.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB15

524. ● COUNTRIES ELIGIBLE TO RECEIVE SUPERCOMPUTERS UNDER SPECIAL LICENSING PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule will expand the list of countries eligible to receive supercomputers under the special license procedures. This rule will lessen the administrative burden on U.S. exporters.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB16

525. ● REVISIONS AND CLARIFICATIONS TO PERMISSIVE REEXPORT AND GENERAL LICENSE GLX

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 45 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule amends the permissive reexport provisions of the Export Administration Regulations to allow reexports of U.S.-origin commodities without obtaining prior written authorization, if, at the time of reexport, the items may be exported directly from the United States to the new country of destination under General License GLX.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Crowe, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB17

526. ● ESTABLISHMENT OF A NEW GENERAL LICENSE G-BETA FOR EXPORTS OF BETA TEST SOFTWARE

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule amends the Export Administration Regulations by establishing a new general license G-BETA for certain exports of beta test software. Under the provisions of this new general license, exports to beta test software programs may be exported to all destinations except Country Groups S and Z, Iran, Iraq, Sudan, and Syria. This new general license eligibility will greatly reduce the number of validated license applications for certain software intended for mass-market distribution.

Timetable:

Action	Date	FR Cite
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Crowe, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB18

527. ● REVISIONS TO LICENSING POLICY FOR NORTH KOREA

Priority: Other Significant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC

7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule further implements the October 21, 1994, U.S.-North Korea Agreed Framework. This is part of the initial steps the United States is taking in response to North Korea's decisions to freeze its nuclear program and facilities and cooperate with the United States and IAEA to verify the freeze and ensure safe storage of spent nuclear fuel.

This rule amends Commerce Department license policy on exports of telecommunications items to support international gateways. Export applications for such projects will be reviewed on a case-by-case basis.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Nancy Crowe, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB19

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528. ● REVISION TO REGULATIONS PERTAINING TO EXPORTS OF SAMPLES AND MIXTURES CONTAINING PRECURSOR AND INTERMEDIATE CHEMICALS

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule amends the Commerce Control List (CCL) by revising Export Control Classification Number (ECCN) 1C60 to reflect the recent discussions in the Australia Group. In addition, this rule adds a note ECCN 0A95H to alert the public that vaccines are eligible for export under the provisions of General License G-DEST. Finally, this rule revises the list of countries eligible to receive Australia Group benefits under U.S. regulations to include Poland and the Slovac Republic.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB20

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529. ● EXPORT TO TERRORIST-SUPPORTING COUNTRIES; PARTS, COMPONENTS, AND MATERIALS INCORPORATED ABROAD INTO FOREIGN-MADE PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule revises the provisions governing the export from abroad of foreign-made products incorporating U.S.-origin parts, components, or materials by clarifying that the de minimis U.S. content value level (below which foreign-made products are not subject to export controls) is ten percent for all countries that the Secretary of State has designated as repeated providers of support for acts of international terrorism. The de minimis level for all other countries remains 25 percent.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hillary Hess, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB22

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530. ● EDITORIAL CLARIFICATION AND CORRECTIONS TO THE EXPORT ADMINISTRATION REGULATIONS; REMOVAL OF ECCN 1C65

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: This rule makes the following revisions and clarifications to the Export Administration Regulations: (1) Clarifies the licensing requirements for equipment and material that can be used in the production of biological agents by removing the reference to Export Control Classification Number (ECCN) 1C65 (complex media); (2) Adds to that which was inadvertently omitted on September 7, 1993 (58 FR 47049); and (3) Clarifies the missile technology and nuclear nonproliferation controls applicable to ECCN 1E01.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB23

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531. ● PROLIFERATION ENTITY LIST

Priority: Substantive, Nonsignificant

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 700 to 799

Legal Deadline: None

Abstract: The Department of Commerce maintains export controls to limit the proliferation of chemical or biological weapons, nuclear weapons or explosive devices, and missile systems. The Export Administration Regulations

DOC—BXA **Final Rule Stage**

(EAR) provide that the Bureau of Export Administration (BXA) may inform exporters, individually or through amendment to the EAR, that an individual validated license is required for exports or reexports to certain entities because there exists an unacceptable risk of use in or diversion to certain nuclear end-uses, missile end-uses, or chemical or biological weapons end-uses. In addition, BXA may inform U.S. persons that an individual validated license is required to export or reexport, perform any contract, service, or employment, or otherwise support such end-uses.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Sharron Cook**, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB24

DEPARTMENT OF COMMERCE (DOC)
Bureau of Export Administration (BXA)

Completed/Longterm Actions

532. EXPORTS OF CERTAIN CALIFORNIA CRUDE OIL

CFR Citation: 15 CFR 777

Completed:

Reason	Date	FR Cite
Final Action	03/27/95	60 FR 15669

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Patricia Muldonian, 202 482-0074**

RIN: 0694–AA70

533. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS: EXPORTS OF SAMPLE SHIPMENTS AND MIXTURES CONTAINING CHEMICAL WEAPONS PRECURSORS

Completed:

Reason	Date	FR Cite
Withdrawn - Duplicate of RIN 0694-AB05	02/25/94	

RIN: 0694–AA78

534. REVISIONS TO CONTROLS ON MISSILE TECHNOLOGY ITEMS IN COOPERATION WITH THE MISSILE TECHNOLOGY CONTROL REGIME

CFR Citation: 15 CFR 700 to 799

Completed:

Reason	Date	FR Cite
Final Action	09/30/94	59 FR 49798
Final Action Effective	09/30/94	59 FR 49798

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Hillary Hess, 202 482-0074**

RIN: 0694–AA84

535. REVISIONS TO CONTROLS ON ITEMS OF NUCLEAR PROLIFERATION CONCERN IN COOPERATION WITH THE NUCLEAR SUPPLIERS GROUP

CFR Citation: 15 CFR 700 to 799

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Hillary Hess, 202 482-0074**

RIN: 0694–AA85

536. ADDITIONAL UNMANDATED RESTRICTIONS ON REEXPORTS TO LIBYA

CFR Citation: 15 CFR 700 to 799

Completed:

Reason	Date	FR Cite
Withdrawn - Combined with RIN 0694-AA67	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Hillary Hess, 202 482-0074**

RIN: 0694–AA87

537. REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS: REVISIONS TO SUPPLEMENT NO. 4 TO PART 778, AND CERTAIN EDITORIAL CORRECTIONS AND CLARIFICATIONS

CFR Citation: 15 CFR 700 to 799

Completed:

Reason	Date	FR Cite
Final Action	12/29/94	59 FR 67180
Final Action Effective	12/29/94	59 FR 67180

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Sharron Cook, 202 482-0074**

RIN: 0694–AA89

538. OFFSETS IN MILITARY EXPORTS

CFR Citation: 15 CFR 701

Completed:

Reason	Date	FR Cite
Final Action	12/02/94	59 FR 61796
Final Action Effective	12/02/94	59 FR 61796

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Karen Swasey, 202 482-3795**

RIN: 0694–AA91

539. REVISIONS TO THE EAR TO IMPLEMENT THE UNITED NATIONS EMBARGO ON ARMS AND RELATED MATERIAL TO RWANDA

CFR Citation: 15 CFR 785; 15 CFR 799

Completed:

Reason	Date	FR Cite
Final Action	08/08/94	59 FR 40235
Final Action Effective	05/26/94	59 FR 40235

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Hillary Hess, 202 482-0074**

RIN: 0694–AA98

DOC—BXA Completed/Longterm Actions

540. EXPORTS TO TAIWAN: EXPANSION OF IMPORT CERTIFICATE/DELIVERY VERIFICATION (IC/DV) PROCEDURE, SHORTER PROCESSING TIME FRAMES AND GENERAL LICENSE GCG

CFR Citation: 15 CFR 770; 15 CFR 771; 15 CFR 775

Completed:

Reason	Date	FR Cite
Final Action	10/03/94	58 FR 50156
Final Action Effective	10/03/94	59 FR 50156

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharron Cook, 202 482-0074

RIN: 0694–AB00

541. ● IMPLEMENTATION OF PRESIDENTIAL DECISION TO RESTRICT GIFT LICENSES TO CUBA

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 771

Legal Deadline: None

Abstract: These amendments reflect the President's August 20, 1994, statement of his decision to limit general license eligibility for gift parcels to Cuba to food, medicine, and strictly humanitarian items.

Timetable:

Action	Date	FR Cite
Final Action	08/30/94	59 FR 44887
Final Action Effective	08/30/94	59 FR 44887

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: John Bolsteins, Office of Policy Analysis, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-4252**

RIN: 0694–AB02

542. ● TRANSFER OF THE INTERNATIONAL SPACE STATION FROM THE U.S. MUNITIONS LIST TO THE COMMERCE CONTROL LIST

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 799

Legal Deadline: None

Abstract: This rule amends the Export Control Classification Number (ECCN) 9A04A to include the international space station and components, parts, accessories, attachments and associated equipment. These items will now be listed on the Commerce Control List and subject to Department of Commerce export controls, rather than on the U.S. Munitions List maintained by the Department of State.

Timetable:

Action	Date	FR Cite
Final Action	09/19/94	58 FR 47797
Final Action Effective	09/19/94	59 FR 47797

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jerold Beiter, Office of Technology and Policy Analysis, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-3351**

RIN: 0694–AB03

543. ● REVISIONS TO THE EXPORT ADMINISTRATION REGULATIONS; STATUS INFORMATION ON EXPORT LICENSE APPLICATIONS

Legal Authority: 18 USC 2510 et seq; 30 USC 185; 42 USC 6212; 10 USC 7240; 10 USC 7430(e); 50 USC 1710 et seq; 22 USC 3201 et seq; 42 USC 2139(a); 43 USC 1354; 50 USC app 2401 et seq; 46 USC 466(c); EO 11912; EO 12058; EO 12735

CFR Citation: 15 CFR 770; 15 CFR 772; 15 CFR 773; 15 CFR 774; 15 CFR 776

Legal Deadline: None

Abstract: Specifically, this rule makes the following corrections and clarifications to the Export Administration Regulations: (1) Revises section 770.11 by clarifying how applicants obtain status information on export licenses applications; (2) Revises section 770.13 by amending the introductory text; (3) Revises section 772.4 by removing the phrase ''or GTE'' and amending how to apply for a validated license; (4) Revises section 772.11 by amending the regulatory citing; (5) Revises Supplement No. 1 to Part 772 by adding the phrase ''AND END-USER(S)''; (6) Revises section 773.9(1) by adding ''Argentina, Hungary, Finland, and Sweden'' to the list of countries eligible for permissive reexport under the Special Chemical License; (7) Revises section 774.2 by adding the parenthetical phrase ''(except supercomputers)''; (8) Revises section 776.12 by removing the requirement for submission of Form BXA-6031P with applications for use of U.S.-origin parts and components in foreign goods.

Timetable:

Action	Date	FR Cite
Final Action	11/16/94	59 FR 59135
Final Action Effective	11/16/94	59 FR 59135

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Sharron Cook, Policy Analyst, Department of Commerce, Bureau of Export Administration, Washington, DC 20230, **202 482-0074**

RIN: 0694–AB04

DEPARTMENT OF COMMERCE (DOC) Final Rule Stage
National Institute of Standards & Technology (NIST)

544. FASTENER QUALITY

Priority: Other Significant

Legal Authority: PL 101-592

CFR Citation: 15 CFR 280

Legal Deadline: NPRM, Statutory, May 15, 1991.

Abstract: This rule will implement the Fastener Quality Act. In 1990, Congress enacted the Fastener Quality Act (the Act) to protect public safety, deter introduction of nonconforming fasteners into commerce, improve traceability of fasteners used in critical applications, and provide customers

DOC—NIST **Final Rule Stage**

with greater assurance that fasteners meet stated specifications. The Act requires that certain fasteners sold in commerce conform to the specifications to which they are represented to be manufactured; provides for accreditation of laboratories engaged in fastener testing; and requires the inspection, testing, and certification (in accordance with standardized methods) of fasteners used in critical applications.

Timetable:

Action	Date	FR Cite
NPRM	08/17/92	57 FR 37032
NPRM Comment Period End	11/02/92	57 FR 37032
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Belinda L. Collins, FQA Program Manager, Office of Standards Services, Department of Commerce, National Institute of Standards & Technology, Room A603 Administration, Gaithersburg, MD 20899, **301 975-4000**

RIN: 0693–AA90

DEPARTMENT OF COMMERCE (DOC) — Completed/Longterm Actions

National Institute of Standards & Technology (NIST)

545. FIPS 189, PORTABLE OPERATING SYSTEM INTERFACE (POSIX): PART 2: SHELL AND UTILITIES

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action - (Correction Notice, 11/07/94 59 FR 55531)	10/11/94	59 FR 51415
Final Action Effective	04/03/95	59 FR 51415

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AA70

546. FIPS FOR POSIX SYSTEM ADMINISTRATION

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AA71

547. FIPS FOR IRDS EXPORT/IMPORT FILE FORMAT

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AA76

548. FIPS 188, STANDARD SECURITY LABEL FOR INFORMATION TRANSFER

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	09/06/94	59 FR 46036
Final Action Effective	03/01/95	59 FR 46036

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AA99

549. FIPS 194, ODA RASTER DAP

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB12

550. REVISION OF FIPS 177, INITIAL GRAPHICS EXCHANGE SPECIFICATION (IGES)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB13

551. FIPS 187, ADMINISTRATION STANDARD FOR THE TELECOMMUNICATIONS INFRASTRUCTURE OF FEDERAL BUILDINGS

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	08/11/94	59 FR 41272
Final Action Effective	02/10/95	59 FR 41272

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB14

552. FIPS 172-1, VHSIC HARDWARE DESCRIPTION LANGUAGE (VHDL)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	01/27/95	60 FR 5368
Final Action Effective	05/01/95	60 FR 5368

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB22

553. FIPS FOR BUILDING GROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB23

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554. PROPOSED REVISION OF FIPS 146-1, GOVERNMENT OPEN SYSTEMS INTERCONNECTION PROFILE (GOSIP)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB24

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555. FIPS 119-2, ADA PROGRAMMING LANGUAGE

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB25

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556. REVISION OF FIPS 125-1, MUMPS (MASSACHUSETTS GENERAL HOSPITAL UTILITY MULTI-PROGRAMMING SYSTEM)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB26

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557. FIPS 193, SQL ENVIRONMENTS

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	02/03/95	60 FR 6698
Final Action Effective	02/01/95	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB28

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558. FIPS 192, APPLICATION PROFILE FOR THE GOVERNMENT INFORMATION LOCATOR SERVICE (GILS)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	12/07/94	59 FR 63075
Final Action Effective	06/30/95	59 FR 63075

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB29

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559. FIPS 152-1, PROGRAMMER'S HIERARCHICAL INTERACTIVE GRAPHICS SYSTEM (PHIGS)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	01/27/95	60 FR 5362
Final Action Effective	08/01/95	60 FR 5362

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB30

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560. FIPS 21-4, COBOL

CFR Citation: None

Completed:

Reason	Date	FR Cite
Final Action	01/23/95	60 FR 4399
Final Action Effective	07/17/95	60 FR 4399

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB32

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561. REVISION OF FIPS 180-2, SECURE HASH STANDARD

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB33

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562. FIPS FOR CRYPTOGRAPHIC SERVICE CALLS

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB34

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563. PROPOSED REVISION OF FIPS 179, GOVERNMENT NETWORK MANAGEMENT PROFILE (GNMP)

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	04/07/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Shirley Radack, 301 975-2833

RIN: 0693–AB35

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564. ● MANUFACTURING EXTENSION PARTNERSHIP; ENVIRONMENTAL PROJECTS

Legal Authority: 15 USC 272(b)(1); 15 USC 272(c)(3); 15 USC 2781

CFR Citation: 15 CFR 291

Legal Deadline: None

Abstract: The purpose of this rule is to provide for integration of environmental services and resources into the national manufacturing extension system and to codify the process by which NIST will solicit and select applications for cooperative agreements and financial assistance on

projects which have the dual benefit of promoting the competitiveness and environmental soundness of smaller U.S. manufacturers. The intended effect is to increase the scope and scale of environmental services provided through the national manufacturing extension system.

Timetable:

Action	Date	FR Cite
NPRM	11/14/94	59 FR 56439
NPRM Comment Period End	12/14/94	59 FR 56439
Final Action	01/20/95	60 FR 4081
Final Action Effective	01/20/95	60 FR 4081

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: David Gold, MED Projects Manager, Department of Commerce, National Institute of Standards & Technology, Technology Building 224, Room B115, Gaithersburg, MD 20899-0001, **301 975-5020**

RIN: 0693–AB36

565. ● FINANCIAL ASSISTANCE FOR RESEARCH AND DEVELOPMENT, U.S.-ISRAELI SCIENCE AND TECHNOLOGY GRANT PROGRAM

Legal Authority: 15 USC 3706

CFR Citation: None

Legal Deadline: None

Abstract: The Under Secretary for Technology of the United States Department of Commerce announced the availability of financial assistance under a pilot U.S.-Israeli Science and Technology Grant Program (the Program). The Program will assist U.S.-based industries and firms that have entered into U.S.-Israel joint ventures (partnerships of United States and Israeli companies) to carry out research and development on long-term, medium- to high-risk technologies.

Timetable:

Action	Date	FR Cite
Final Action	12/21/94	59 FR 65756
Final Action Effective	12/21/94	59 FR 65756

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lee Bailey, Executive Director, Office of International Technology Policy, Department of Commerce, National Institute of Standards & Technology, Washington, DC 20230, **202 482-6351**

RIN: 0693–AB37

DEPARTMENT OF COMMERCE (DOC) — Prerule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

566. REGULATORY AMENDMENT ON INTERACTIVE COMMUNICATIONS IN THE GROUNDFISH FISHERIES OF THE GOA AND BSAI

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This amendment will determine requirements for interactive communications in the groundfish fisheries of the Gulf of Alaska and Bering Sea and Aleutian Islands area to enhance reporting and recordkeeping.

Timetable:

Action	Date	FR Cite
ANPRM Comment Period End	08/00/95	
NPRM Comment Period End	09/00/95	
Final Action	11/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AE78

567. NEW DEALER REPORTING FORM FOR LARGE PELAGICS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971 et seq; 16 USC 1801 et seq

CFR Citation: 50 CFR 285; 50 CFR 630; 50 CFR 678

Legal Deadline: None

Abstract: Establishes a new dealer reporting system for ex-vessel buyers of Atlantic highly migratory species: Sharks, tunas, and swordfish. Replaces and consolidates current dealer reporting systems which differ by region and species.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AG76

568. ● LIMITING ENTRY TO THE GOLDEN CRAB FISHERY OFF THE SOUTHERN ATLANTIC STATES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The golden crab fishery in the exclusive economic zone (EEZ) off the southern Atlantic states is currently not managed under a fishery management plan. This is a small-scale trap fishery for golden crabs. The actual number of fishermen, number of traps, and current production are unknown. In February 1995, the South Atlantic Fishery Management Council (Council) held a scoping meeting to obtain input concerning management of this resource. The public hearing testimony indicated that although little is known concerning this fishery, there is considerable interest by fishermen, particularly those displaced from other fisheries in New England and Alaska. The Council will consider a range of options including area restrictions, seasons, size limits, trap escape panel requirements, prohibition on harvest of females, and limits on the number of participants. By this notice, NMFS will announce the date the Council is likely to use a cut-off for limited entry permit eligibility. The purpose is to discourage

speculative entry into the fishery. Since no decision has been made about establishing an actual limited entry program, this notice is not likely to elicit controversy.

Timetable:

Action	Date	FR Cite
ANPRM	04/07/95	60 FR 17770
ANPRM Comment Period End	05/08/95	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, MNFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive north, St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AH86

569. USE IN ENFORCEMENT PROCEEDINGS OF INFORMATION COLLECTED BY VOLUNTARY FISHERY DATA COLLECTORS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1853(f)

CFR Citation: 15 CFR 904; 50 CFR 11; 50 CFR 12

Legal Deadline: None

Abstract: Problem: The National Marine Fisheries Service requires scientific data about the state of various fisheries in order to provide better management. In the past, much of this data has been collected by voluntary fishery data collectors placed aboard private vessels by NMFS. Owners and operators of these vessels have expressed concern that information collected by these voluntary fishery data collectors might be used against them in a subsequent enforcement proceeding, thereby affecting their willingness to take on these collectors. Solution: The newly enacted statute ''restricts'' the use of data obtained by voluntary fishery data collectors in subsequent enforcement proceedings brought pursuant to the Magnuson Fishery Conservation and Management Act, 16 USC 1801, the Marine Mammal Protection Act, 16 USC 1361, and the Endangered Species Act, 16 USC 1531.

Timetable: Next Action Undetermined

Small Entities Affected: Businesses

Government Levels Affected: Federal

Additional Information: Regulations will likely appear at 15 CFR part 905.

Agency Contact: Joel LaBissonniere, Attorney, Office of General Counsel--Enforcement and Litigation, Department of Commerce, National Oceanic and Atmospheric Administration, 8484 Georgia Avenue, Fourth Floor, Silver Spring, MD 20910, **301 427-2202**

RIN: 0648–AE40

570. TAKE OF MARINE MAMMALS BY THE U.S. NAVY INCIDENTAL TO MILITARY ACTIVITIES IN THE SOUTH ATLANTIC OF THE UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 228

Legal Deadline: None

Abstract: NMFS expects the U.S. Navy to petition for regulations that would authorize a small take of marine mammals incidental to ship shock trials in oceanic waters offshore Florida. Under the Marine Mammal Protection Act, NMFS is allowed to authorize these takings if certain findings are made and regulations are issued that include requirements for monitoring and reporting.

Timetable:

Action	Date	FR Cite
ANPRM	01/01/96	
ANPRM Comment Period End	02/01/96	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: Kenneth Hollingshead, Fishery Biologist, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, SSMC #1, Silver Spring, MD 20910, **301 713-2055**

RIN: 0648–AG55

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

571. ● RESTRICTING OR PROHIBITING ATTRACTING SHARKS IN THE MONTEREY BAY NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1434(a)(5)

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: The Sanctuaries and Reserves Division (SRD) is issuing an ANPR to inform the public that it is considering restricting or prohibiting attracting sharks by chum or other means in the Monterey Bay National Marine Sanctuary, and to invite written comments, advice, and recommendations. This ANPR is an optional preliminary step to notice and comment rulemaking. If SRD determines to amend the regulations, SRD must follow the appropriate procedures of notice and comment rulemaking under the Administrative Procedure Act. Further, SRD will consult, as required by the National Marine Sanctuaries Act at 16 USC 1434(a)(5), with the Pacific Fishery Management Council before it issues any Sanctuary regulations ''for fishing.''

Any future restrictions or prohibitions SRD places on attracting sharks by the use of chum or other means would be to ensure that Sanctuary resources or qualities would not be adversely impacted and/or to avoid conflict among various users of the Sanctuary. This is consistent with the purposes of the sanctuary designation.

Timetable:

Action	Date	FR Cite
ANPRM	04/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Margo F. Jackson, Assistant General Counsel for Ocean Services, Office of the General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/ORM4), Silver Spring, MD 20910, **301 713-2967**

RIN: 0648–AH92

OFFICE OF THE ADMINISTRATOR

572. REGIONAL MARINE RESEARCH PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1447 et seq; PL 101-593

CFR Citation: Not yet determined

Legal Deadline: None

DOC—NOAA **Prerule Stage**

Abstract: Regulations will state Regional Boards structure, proposed review process for plans, and research proposals.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lawless, Acting Chief, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 713-2435**

RIN: 0648–AF20

573. ● NATIONAL UNDERSEA RESEARCH PROGRAM FUNDING REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 33 USC 883d

CFR Citation: None

Legal Deadline: None

Abstract: The National Undersea Research Program (NURP) is revising its procedures to emphasize the peer review process in the funding process. Under the new procedures, NURP will compete all omnibus and national program proposals that will permit true competition through the peer review process. The regulations will detail procedures under which the NURP office will convene a single review process with multiple panels covering different subject areas to consider and rate proposals. The results will be used to advise the NURP office regarding quality and utility of the projects. The NURP office will subsequently determine which proposals will be funded and use this information to set funding levels for the individual centers.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Dr. Henry Frey, Acting Director, NURP, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Room 11843, Silver Spring, MD 20910, **301 713-2448**

RIN: 0648–AH90

DEPARTMENT OF COMMERCE (DOC) — Proposed Rule Stage
National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

574. SCIENTIFIC RESEARCH—DOMESTIC AND FOREIGN FISHING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 611; 50 CFR 620

Legal Deadline: None

Abstract: This rule would define scientific research, exempted fishing and exempted educational activities under the Magnuson Act, and would standardize procedures for issuance of permits for exempted activities and exempted educational activities.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Sectors Affected: 091 Commercial Fishing

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AC61

575. FISHERY MANAGEMENT PLAN FOR THE QUEEN CONCH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: This new Fishery Management Plan for the Queen Conch Fishery of Puerto Rico and the U.S. Virgin Islands will establish Federal management measures to rebuild the overfished queen conch resource off Puerto Rico and the U.S. Virgin Islands. Proposed measures include minimum size restrictions and bag limits for commercial and recreational fisheries.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	
NPRM Comment Period End	01/00/96	
Final Action	03/00/96	
Final Action Effective	04/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AD91

576. SECRETARIAL AMENDMENT TO THE FMP FOR ATLANTIC SWORDFISH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 630

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action 110 days after beginning of review.

Abstract: PL 101-627 (signed into law November 7, 1990) transferred full responsibility for the management of swordfish, including preparation of fishery management plans and amendments, from the regional fishery management councils to the Secretary

of Commerce. The Secretary will prepare an amendment to the FMP for Atlantic swordfish that will reduce fishing mortality, prevent overfishing, rebuild an overexploited resource, and be consistent with conservation measures recommended by the International Commission for the Conservation of Atlantic Tunas. The existing FMP management measures remain in effect until superseded by Secretarial actions. Management measures to reduce overfishing may include a moratorium on issuance of new fishing permits or a limited entry system.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	07/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AE09

577. FISHERY MANAGEMENT PLAN FOR CORALS AND REEF-ASSOCIATED PLANTS AND INVERTEBRATES FOR PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: The Fishery Management Plan (FMP) for Corals and Associated Plants and Invertebrates for Puerto Rico and the U.S. Virgin Islands will address the impacts of human activities on the condition of coral reefs in Federal waters off Puerto Rico and the U.S. Virgin Islands, and related habitats, and respond to the rapidly expanding fishery for aquarium species, especially in Puerto Rico. Specifically, the FMP would: (1) prohibit the harvest of stony corals, sea fans, gorgonians, and live rock, except for scientific research, education, and habitat restoration; (2) limit harvest of other invertebrates to dip nets and slurp guns, with certain exceptions; (3) prohibit the use of chemicals and explosives; and (4) require permits and reporting to improve data collection.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AE47

578. FISHERY MANAGEMENT PLAN FOR ATLANTIC HERRING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq, Magnuson Fishery Conservation & Mgmt. Act

CFR Citation: 50 CFR 648

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Regional Fishery Management Council.

Abstract: This fishery management plan would implement management measures for Atlantic herring in the EEZ off New England and the Mid-Atlantic States.

Timetable:

Action	Date	FR Cite
NPRM	02/00/96	
NPRM Comment Period End	04/00/96	
Final Action	05/00/96	
Final Action Effective	06/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jon C. Rittgers, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9300**

RIN: 0648–AE50

579. AMENDMENT 21B TO THE FMP FOR THE GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment authorizes measures pertaining to salmon bycatch in the trawl fisheries of the Bering Sea and Aleutian Islands; Salmon time/area closures.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	09/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AE97

580. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC MACKEREL, SQUID, AND BUTTERFISH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 655

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 5 would establish a moratorium on entry of

vessels to the commercial fisheries for LOLIGO and ILLEX squid and for butterfish and would establish criteria for announcing a control date for Atlantic mackerel. It would specify new procedures for setting annual quotas including TALFF. Permits would be required for commercial vessels, party and charter boats, operators and dealers. It would establish logbook and/or reporting requirements for commercial vessels, party and charter boats, and dealers.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	07/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Jon C. Rittgers**, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9200**

RIN: 0648–AF01

581. AMENDMENT 4 TO THE FISHERY MANAGEMENT PLAN FOR THE SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 640

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the fishery management council.

Abstract: Amendment 4 would: establish a year-round daily bag limit of two lobsters for all fishermen north of the Florida/Georgia border.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	07/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Andrew J. Kemmerer**, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AF37

582. AMENDMENT 9 TO THE FMP FOR ATLANTIC SURF CLAMS AND OCEAN QUAHOGS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 652

Legal Deadline: NPRM, Statutory. NPRM 15 days from date amendment review begins and council is sent copy for comments.

Abstract: This amendment would manage the fishery for mahogany clams (ocean quahogs) off a portion of the coast of Maine, in the EEZ.

Timetable:

Action	Date	FR Cite
NPRM	04/00/96	
NPRM Comment Period End	06/00/96	
Final Action	09/00/96	
Final Action Effective	10/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Jon C. Rittgers**, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9200**

RIN: 0648–AF41

583. REGULATORY AMENDMENT—CHANGES TO DIRECTED FISHING REGULATIONS FOR GROUNDFISH OFF OF ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: Regulatory amendment to clarify, simplify, and framework directed fishing standards in the Alaska groundfish fisheries.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AF53

584. REGULATORY AMENDMENT REGARDING MESH SIZE IN TRAWLS AND ROCK SOLE VESSEL INCENTIVE PROGRAM STANDARDS IN ALASKA GROUNDFISH FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This regulatory amendment specifies trawl mesh size to reduce bycatch of undersized fish and reduce waste in the Alaska groundfish fisheries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	09/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AF57

585. REGULATORY AMENDMENT FOR RED GROUPER IN THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: None

Abstract: This regulatory amendment would decrease the minimum allowable size of red grouper for the commercial fishery from 20 to 18 inches for fish caught from the exclusive economic zone (EEZ) in the Gulf of Mexico. This action is based, in part, on the 1994 stock assessment for red grouper and would facilitate the commercial harvest of the entire 1995 shallow-water grouper quota (quota has not been fully caught in recent years), as established by the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). The regulatory amendment is prepared by the Gulf of Mexico Council and reviewed and implemented by NMFS under FMP framework procedures.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Andrew J. Kemmerer**, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AF78

586. FISHERY MANAGEMENT PLAN FOR THE SCALLOP FISHERY OF ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 673

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the North Pacific Fishery Management Council.

Abstract: This action would establish a Fishery Management Plan which conserves scallop resources by closing the EEZ to scallop fishing for up to 2 years.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	
Final Action	07/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Control date notice for North Pacific Scallop Fisheries 06/15/94 59 FR 30772; 04/24/94 - Effective Date

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AF81

587. FISHERY MANAGEMENT PLAN FOR ATLANTIC TUNAS

Priority: Other Significant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 285

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after beginning of review.

Abstract: This Fishery Management Plan will establish management measures for Atlantic tunas under authority of the Magnuson Act, as well as the Atlantic Tunas Convention Act, as set forth in the 1990 amendments to the Magnuson Act.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	
Final Action	01/00/96	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Richard H. Schaefer**, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-7334**

RIN: 0648–AF86

588. FISHERY MANAGEMENT PLAN FOR TILEFISH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: Not yet determined

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from a regional fishery management council.

Abstract: This FMP would manage tilefish (Lopholatilus chamaeleonticeps) in the EEZ along the Atlantic Coast north of the Virginia/North Carolina border to rebuild the stock.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	
Final Action	02/00/96	
Final Action Effective	03/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Jon C. Rittgers**, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9300**

RIN: 0648–AF87

589. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC BILLFISH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 644

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after beginning of review.

Abstract: This amendment will define overfishing for Atlantic billfish, clarify the plan objectives and the definition of optimum yield, and implement regulatory changes to reduce fishing mortality.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

DOC—NOAA **Proposed Rule Stage**

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1335 East-West Highway, Silver Spring, MD 20910, **301 713-7334**

RIN: 0648–AF88

590. AMENDMENT 8 TO THE PACIFIC COAST GROUNDFISH FMP TO IMPLEMENT INDIVIDUAL QUOTAS FOR THE FIXED-GEAR SABLEFISH FISHERY (OR REGULATORY AMENDMENT FOR NONTRAWL TRIP LIMITS)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Pacific Fishery Management Council.

Abstract: Regulations would implement Amendment 8 to the Pacific Coast Groundfish FMP to establish an individual quota system for sablefish caught with fixed gear off Washington, Oregon, and California. Alternatively a regulatory amendment may implement trip limits in the nontrawl sablefish fishery.

Timetable:

Action	Date	FR Cite
NPRM	11/00/95	
NPRM Comment Period End	01/00/96	
Final Action	05/00/96	
Final Action Effective	06/00/96	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: William Stelle, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070, **206 526-6150**

RIN: 0648–AF90

591. REGULATORY ADJUSTMENTS TO 1994-1995 ATLANTIC TUNA FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971 et seq

CFR Citation: 50 CFR 285

Legal Deadline: None

Abstract: This action will establish fishing category quotas for the 1995 fisheries for bluefin tuna, revise regulations affecting directed catch and incidental take of bluefin tuna, change permitting and reporting requirements for the Atlantic tuna fisheries, and implement regulations for yellowfin and bigeye tuna to comply with ICCAT recommendations and domestic fishery management objectives.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	05/00/95	
Final Action Effective	06/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AG14

592. AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR COASTAL MIGRATORY PELAGIC RESOURCES OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 642

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days from receipt from a Regional Fishery Management Council.

Abstract: Amendment 8 management measures being considered include: permits for commercial mackerel dealers; a 3,000-lb. commercial daily trip limit for Atlantic group king mackerel; extending the cobia management area to include the exclusive economic zone (EEZ) from Virginia to New York; reestablishing the boundary separating Gulf and Atlantic groups of king mackerel; a daily commercial trip limit for cobia; at sea vessel-to-vessel transfer of Atlantic group Spanish mackerel among commercial vessels in the EEZ off Florida; providing the South Atlantic Fishery Management Council with the authority to decide on the management measures (quotas, trip limits, etc.) for Gulf group king mackerel in the seasonal fishery (November-March) in the area off the Florida east coast; and dividing the hook-and-line commercial quota of Gulf group king mackerel in the Florida west coast subzone equitably between user groups.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	
Final Action	01/00/96	
Final Action Effective	02/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AG25

593. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE SOUTH ATLANTIC

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 659

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from a Regional Fishery Management Council.

Abstract: Amendment 1 would: add rock shrimp to the management unit of the Fishery Management Plan for the Shrimp Fishery of the South Atlantic (FMP); and prohibit trawling for rock shrimp in designated areas.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	

DOC—NOAA

Proposed Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	09/00/95	
Final Action	11/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AG26

594. AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 646

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days from receipt from a Regional Fishery Management Council.

Abstract: Amendment 8 would establish an individual transferable quota system for the snowy grouper and tilefish fishery in the exclusive economic zone of the South Atlantic.

Timetable:

Action	Date	FR Cite
NPRM	01/00/96	
NPRM Comment Period End	02/00/96	
Final Action	04/00/96	
Final Action Effective	05/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AG27

595. AMENDMENTS 8, 11, AND 12 TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: NPRM, Statutory. NPRM 15 days and final action 110 days from receipt from a Regional Fishery Management Council.

Abstract: Amendment 8 would: implement an individual transferable quota and/or license limitation system to control access to the Gulf of Mexico red snapper fishery; include an allocation of quota shares with an appeals process; and may include restrictions on commercial transactions among permitted dealers and commercial vessels for reef fish caught in the exclusive economic zone of the Gulf of Mexico.

Amendment 11 would: modify the FMP's framework procedure for revising annual management measures for the managed species; and would change the method by which the Gulf of Mexico Fishery Management Council establishes the optimum yield for each of these species. Amendment 11 would also establish new size and bag limits, establish recovery periods, allow for certain transfers of reef fish permits and fish trap endorsements, establish new permit requirements, and modify provisions for permitted dealer/reef fish vessels transactions of reef fish from the Gulf of Mexico EEZ.

Amendment 12 would adjust the red snapper bag limit for fish harvested recreationally from the exclusive economic zone of the Gulf of Mexico for the remainder of 1995 depending upon the latest available information on the condition of the red snapper stock and the rate of recreational landings at the mid-year point. This action would be intended to keep annual red snapper fishery landings within the total allowable catch set by the FMP and to ensure continuing rebuilding of the overfished red snapper resource.

Timetable:

Amendment 11
NPRM 06/00/95
NPRM Comment Period End 07/00/95
Final Rule Effective 10/00/95
Final Rule 09/00/25

Amendment 12
NPRM 06/00/95
NPRM Comment Period End 07/00/95
Final Rule 09/00/95
Final Rule Effective 10/00/95

Amendment 8
NPRM 01/00/96
NPRM Comment Period End 02/00/96
Final Rule 04/00/96
Final Rule Effective 05/00/96

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AG29

596. REGULATORY AMENDMENT TO CONSIDER USE OF OPEN ACCESS AND LIMITED ENTRY GEAR ON THE SAME TRIP FOR THE PACIFIC COAST GROUNDFISH FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This rule would allow a vessel to use both open access gear and limited entry gear on the same fishing trip. Allowing both gears on the same trip causes potential problems in enforcement and determination of which trip limits apply.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Stelle, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070, **206 526-6150**

RIN: 0648–AG30

DOC—NOAA **Proposed Rule Stage**

597. REGULATORY AMENDMENT DESIGNATING ''ROUTINE'' TRIP LIMITS IN THE PACIFIC COAST GROUNDFISH FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This rule would enable timely inseason adjustments to trip and size limits for certain species, so that the harvest guidelines or allocations for those species are not exceeded. The species include lingcod, canary rockfish, and, in the open access fishery, all species of groundfish individually or in any combination (including species caught incidental to the California halibut or sea cucumber fishery.)

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: William Stelle, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070, **206 526-6150**

RIN: 0648–AG31

598. REGULATORY AMENDMENT TO REQUIRE ACCURATE WEIGHT MEASUREMENTS FOR ALASKA GROUNDFISH HARVESTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: Regulatory amendment to require accurate catch weights be provided for all groundfish harvested off Alaska. This may require that certified scales be placed onboard each vessel and that catch weights be measured for each species.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	09/00/95	
Final Action	11/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 98802, **907 586-7228**

RIN: 0648–AG32

599. AMENDMENT 33 TO THE FMP FOR THE GROUNDFISH FISHERY OF THE BSAI AND AMENDMENT 37 TO THE FMP FOR GROUNDFISH OF THE GOA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 676

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days from receipt from the Regional Fishery Management Council.

Abstract: Allow processing (freezing) of non-individual fishing quota species on vessels using catcher vessel individual fishing quota and disallowing catcher vessel halibut individual fishing quota use on freezer vessels.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	09/00/95	
Final Action	12/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **902 586-7228**

RIN: 0648–AG41

600. GENERAL PROVISIONS FOR DOMESTIC FISHERIES—STANDARD DEFINITIONS/ GUIDELINES FOR COUNCIL OPERATIONS/ADMINISTRATION: OATH, VOTING, COMPENSATION, INSURANCE, UNUSED LEAVE

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 620; 50 CFR 601; 50 CFR 605

Legal Deadline: None

Abstract: This action would standardize definitions for: vessels-for-hire engaged in recreational fishing (VHERF), charter boat, headboat; and marine recreational and commercial fishing and fishermen. This action would also revise the Oath of Office taken by members appointed to the Regional Fishery Management Councils (Councils), revise Council members' compensation, revise procedures for voting on a motion, revise procurement section to allow Councils to purchase property insurance, and revise procedures for the payment of unused annual/sick leave upon retirement or death.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	
Final Action	08/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries, Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AG46

601. REGULATORY AMENDMENT TO CHANGE RECORDKEEPING AND REPORTING REQUIREMENTS IN ALASKA GROUNDFISH FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

DOC—NOAA **Proposed Rule Stage**

Abstract: This regulatory amendment would revise recordkeeping and reporting requirements to establish separate reporting areas for Federal and State waters and revises requirements for reporting and recordkeeping for harvesting and processing of groundfish off Alaska; provides authority to collect information with new forms.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AG54

602. REGULATORY AMENDMENT TO IMPOSE RESTRICTIONS ON FISHING BLACK ROCKFISH OFF OREGON

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This regulatory action will impose trip limits and time/area closures on black rockfish fishing off the coast of Oregon in order to preserve declining stocks of black rockfish. Restrictions on harvest and areas fished will adversely affect fishermen in the short term, but these measures are designed to protect black rockfish and encourage the rebuilding of stocks in the long term. These measures are to be developed by the State of Oregon and complement measures in state waters.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **William Stelle**, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070, **206 526-6150**

RIN: 0648–AG81

603. REGULATORY AMENDMENT TO MODIFY THE SABLEFISH NONTRAWL REGULAR SEASON IN THE PACIFIC COAST GROUNDFISH FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: By amending the Pacific Coast groundfish Federal regulations, this regulatory action would modify the regular season for the limited entry Sablefish nontrawl fishery. The Pacific Coast sablefish regular season would no longer be linked to the opening of the Gulf of Alaska season, and instead would open on August 6.

Timetable:

Action	Date	FR Cite
NPRM	03/01/95	60 FR 11062
NPRM Comment Period End	04/17/95	
Final Action	07/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **William Stelle**, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070, **206 526-6150**

RIN: 0648–AG82

604. REGULATORY AMENDMENT FOR MANAGING PELAGIC FISHERIES BY U.S. VESSELS BEYOND EEZ THROUGHOUT PACIFIC

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 685

Legal Deadline: None

Abstract: This regulatory amendment would extend permit, reporting, and observer placement requirements on longline vessels of the U.S. that are fishing stocks in the management unit for the Fishery Management Plan for Pelagic Fisheries of the Western Pacific Region beyond the exclusive economic zone in the Pacific Ocean. The rule is necessary for comprehensive monitoring of all vessels fishing common stocks and possibly affecting the status of the shared stocks, other fishery interests, or protected resources so that the need for conservation and management measures can be determined.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	11/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Hilda Diaz-Soltero**, Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90804-4213, **310 980-4001**

RIN: 0648–AG85

605. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC COAST RED DRUM

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 647

Legal Deadline: None

Abstract: Amendment 1 would implement management measures to rebuild the overfished Atlantic coast red drum resource.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	10/00/95	
Final Action	12/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Andrew J. Kemmerer**, Director, Southeast Region, NMFS, Department of Commerce, National

DOC—NOAA **Proposed Rule Stage**

Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AG86

606. AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH FISHERY OF PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 669

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days from receipt from a Region al Fishery Management Council.

Abstract: Amendment 3 would: revise the overfishing definition for red hind to ensure better conservation of this highly utilized resource; redefine the definition of fish traps; and establish a fish trap reduction program.

Timetable:

Action	Date	FR Cite
NPRM	01/00/96	
NPRM Comment Period End	02/00/96	
Final Action	04/00/96	
Final Action Effective	05/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AG87

607. AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR CORALS AND REEF-ASSOCIATED PLANTS AND INVERTEBRATES FOR PUERTO RICO AND THE U.S. VIRGIN ISLANDS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Amendment 1 would establish marine conservation districts to conserve representative reef areas and fishery habitat in the exclusive economic zone of the Caribbean.

Timetable:

Action	Date	FR Cite
NPRM	02/00/96	
NPRM Comment Period End	03/00/96	
Final Action	05/00/96	
Final Action Effective	06/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AG88

608. REGULATORY AMENDMENTS UNDER THE FISHERY MANAGEMENT PLAN FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO (FMP)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: None

Abstract: First regulatory amendment would amend the regulations implementing the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP) in accordance with a framework regulatory procedure for establishing additional special management zones (SMZs) intended to protect reef fish resources associated with artificial reefs or fish attraction devices in the exclusive economic zone (EEZ) of the Gulf of Mexico. The Gulf of Mexico Fishery Management Council (Council) is expected to propose two SMZs consisting of large ocean tracts in the EEZ off Alabama in which fishing would be controlled by gear restrictions and bag limits. These SMZ tracts were originally proposed by the Council under FMP Amendment 5 but were disapproved by NOAA/NMFS based on potential adverse effects on the vermilion snapper fishery conducted in these areas.

Second regulatory amendment, in accordance with framework procedures of the FMP, would adjust reef fish management measures for the 1996 season based on the latest available scientific information and recommendations by the Gulf of Mexico Fishery Management Council.

Timetable:

First Regulatory Amendment
- NPRM 01/00/96
- NPRM Comment Period End 02/00/96
- Final Rule 04/00/96
- Final Rule Effective 05/00/96

Second Regulatory Amendment
- NPRM 10/00/95
- NPRM Comment Period End 11/00/95
- Final Rule 12/00/95
- Final Rule Effective 01/00/96

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AG89

609. GENERIC FISHERY MANAGEMENT PLAN AMENDMENT FOR THE DEFINITION OF TRAPS IN THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 640; 50 CFR 641; 50 CFR 654; 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days from receipt from a Region al Fishery Management Council.

Abstract: This amendment would: (1) modify the construction specifications for a spiny lobster trap used in the exclusive economic zone (EEZ), and establish specifications for a stone crab trap in the EEZ; (2) prohibit the use of blue crab traps in the EEZ off Florida; and (3) establish geographic and reef fish bycatch restrictions for traps other than reef fish traps.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	09/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National

Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AG90

610. REGULATORY AMENDMENT FOR GRID SORTING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: Mandatory requirement for specified trawl operations to install sorting grids to facilitate more timely return to the sea of bycatch of halibut, thereby reducing halibut bycatch mortality.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	10/00/95	
Final Action	12/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AG93

611. REGULATORY AMENDMENT FOR THE GULF OF ALASKA SEAMOUNT FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672

Legal Deadline: None

Abstract: To provide effective management tools for monitoring groundfish catch harvested seaward of the EEZ to discourage illegal harvests in the EEZ.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	08/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AG94

612. REGULATORY AMENDMENT TO CLARIFY CRITERIA AND FORMAT FOR COMMUNITY DEVELOPMENT PLAN AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 676

Legal Deadline: None

Abstract: Housekeeping measures to clarify management organization informational needs, submission of annual reports, changes to community development plan amendments triggered by change of more than 10 percent in the budget, etc.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	10/00/95	
Final Action	12/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AG96

613. REGULATORY AMENDMENT ALLOWING EARLY INDIVIDUAL FISHING QUOTA FISHING IN THE ALEUTIAN ISLANDS AREA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 676

Legal Deadline: None

Abstract: To alter season opening date for sablefish in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands groundfish fishery to relieve restrictions on a small number of vessels that traditionally fish in that area.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	
NPRM Comment Period End	11/00/95	
Final Action	12/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AG97

614. AMENDMENT 32 TO THE FMP FOR THE GROUNDFISH FISHERY OF THE BSAI AND AMENDMENT 36 TO THE FMP FOR THE GROUNDFISH OF THE GOA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 676

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the regional fishery management council.

Abstract: One-time trade of groundfish quota shares between Gulf of Alaska and Bering Sea and Aleutian Islands areas regardless of vessel and block categories.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	08/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AG99

DOC—NOAA **Proposed Rule Stage**

615. FISHERY MANAGEMENT PLAN AMENDMENTS TO SUPERSEDE INSHORE/OFFSHORE ALLOCATION PROGRAM FOR THE BERING SEA AND ALEUTIAN ISLAND POLLOCK AND THE GULF OF ALASKA POLLOCK AND PACIFIC COD

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action effective 110 days after receipt from the Regional Fishery Management Council

Abstract: These amendments would extend the inshore/offshore allocation scheme.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	
Final Action	12/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH00

616. AMENDMENT 34 TO THE FMP FOR THE GROUNDFISH FISHERY OF THE BSAI

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 676

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and Final Action 110 days after receipt from the Regional Fishery Management Council.

Abstract: Increase personal/vessel use limits to relieve potentially unnecessary restrictions on Individual Fishing Quota use.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	10/00/95	
Final Action	11/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH02

617. AMENDMENT 26 TO THE FMP FOR THE GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS AND AMENDMENT 29 TO THE FMP FOR THE GROUNDFISH FISHERY OF THE GULF OF ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Regional Fishery Management Council.

Abstract: Authorize voluntary retention and processing of salmon taken as bycatch in the Alaska trawl fisheries for donation to food bank organizations.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	09/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH03

618. FISHERY MANAGEMENT PLAN FOR SCUP NORTH OF CAPE HATTERAS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 635

Legal Deadline: NPRM, Statutory, November 15, 1994.

Abstract: A new fishery management plan for scup (Stenotomus chrysops) north of Cape Hatteras will be implemented. Proposed management measures are unknown at this time (January, 1995), and may include but are not limited to a minimum fish size, gear specifications, seasons, and limited access to the fishery.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Jon C. Rittgers**, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9250**

RIN: 0648–AH05

619. FISHERY MANAGEMENT PLAN FOR BLACK SEA BASS NORTH OF CAPE HATTERAS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 637

Legal Deadline: NPRM, Statutory, November 15, 1994.

Abstract: A new fishery management plan for black sea bass (Centropristis striata) occurring north of Cape Hatteras will be implemented. Proposed management measures are unknown at this time (October, 1994) and may include but are not limited to a minimum fish size, gear specifications, seasons, and limited access to the fishery.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Jon C. Rittgers**, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric

Administration, One Blackburn Drive, Gloucester, MA 01930, **518 281-9250**

RIN: 0648–AH06

620. REGULATORY AMENDMENT FOR MULTIPLE ''A'' PACIFIC GROUNDFISH LIMITED ENTRY PERMITS PER VESSEL

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This regulatory action would amend Pacific Coast groundfish regulations to allow multiple ''A'' limited entry permits per vessel. This effectively may be accomplished by attaching trip limits to the permits rather than to the vessels.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	08/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Stelle, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070, **206 526-6150**

RIN: 0648–AH07

621. ATLANTIC SHARK FISHERY QUOTA ADJUSTMENT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 678

Legal Deadline: None

Abstract: Adjustment of annual quotas for the Atlantic Shark fishery.

Timetable:

Action	Date	FR Cite
NPRM	04/06/95	60 FR 2071
NPRM Comment Period End	05/30/95	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AH09

622. REGULATORY AMENDMENT TO FACILITATE MONITORING AND ENFORCEMENT IN THE PACIFIC COAST GROUNDFISH FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This action will implement new regulatory provisions and modify existing regulatory provisions to facilitate monitoring of fishing activities and enforcement in the Pacific Coast groundfish fishery. It also will make miscellaneous technical clarifications to existing regulations.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	07/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Stelle, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070, **206 526-6150**

RIN: 0648–AH21

623. ● FMP AMENDMENT TO THE GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS TO IMPLEMENT A TRAWL CLOSURE TO PROTECT BRISTOL BAY RED KING CRAB

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.

NPRM 15 days and final action 110 days after receipt from the Fishery Management Council.

Abstract: This FMP amendment would provide protection for the red king crab in trawl fisheries in a portion of Bycatch Zone 1 in the Bering Sea.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	
Final Action	12/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99807, **907 586-7228**

RIN: 0648–AH28

624. ● DEFINITION OF ''SAFE BOARDING LADDER'' FOR FISHERIES REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 620

Legal Deadline: None

Abstract: This regulatory amendment will define safe boarding conditions including standards for a boarding ladder to support an existing requirement for fishing vessels to provide a safe boarding ladder to authorized personnel.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	09/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH39

DOC—NOAA **Proposed Rule Stage**

625. ● REGULATORY AMENDMENT TO CHANGE THE STANDARD PRODUCT RECOVERY RATE FOR POLLOCK DEEP-SKIN FILLETS IN THE ALASKA GROUNDFISH FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: None

Abstract: This Regulatory Amendment will change the Standard Product Recovery Rate for Pollock Deep-Skin Fillets from 13 percent to 16 percent.

Timetable:

Action	Date	FR Cite
NPRM	03/10/95	60 FR 13106
NPRM Comment Period End	04/10/95	
Final Action	07/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH40

626. ● AMENDMENT 6 TO THE FISHERY MANAGEMENT PLAN FOR AMERICAN LOBSTER

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 649

Legal Deadline: None

Abstract: This Amendment is designed to address overfishing of American lobster in four different effort management areas for this species. Measures may include effort control provisions such as trip limit-sea allocations or gear restrictions.

Timetable:

Action	Date	FR Cite
NPRM	08/01/95	
NPRM Comment Period End	08/01/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Jon C. Rittgers**, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9200**

RIN: 0648–AH41

627. ● ENFORCEMENT OF PERMIT REQUIREMENTS AND OTHER PROVISIONS GOVERNING THE NORTHWESTERN HAWAIIAN ISLANDS BOTTOMFISH FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 683

Legal Deadline: None

Abstract: This regulatory action will facilitate enforcement of regulations governing permit and permit reporting requirements in the NW Hawaiian Islands Bottomfish Fishery. The regulation prohibits bottomfish fishing in other areas without a permit and requires vessels to display their official numbers. A new requirement for dealers to make their records available for inspection will support existing state requirements.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Hilda Diaz-Soltero**, Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, **310 980-4001**

RIN: 0648–AH48

628. ● AMENDMENT 9 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 658

Legal Deadline:

Abstract: Amendment 9 would address the issue of the incidental catch of fish in shrimp trawls. Management measures being considered include: requiring the use of NMFS-approved Bycatch Reduction Devices (BRDs),in the shrimp trawls in the exclusive economic zone (EEZ) within the 110-fathom contour; requiring the use of NMFS-approved BRDs in shrimp trawls in specified areas of the Gulf of Mexico EEZ; criteria for NMFS approval of BRDs, including specifications for exclusion of bycatch and retention of shrimp; and seasonal and area restrictions to reduce bycatch.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	
NPRM Comment Period End	01/00/96	
Final Action	03/00/96	
Final Action Effective	04/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Andrew J. Kemmerer**, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AH52

629. ● NOTICE OF CHANGES IN THE MANAGEMENT REGIMES FOR ATLANTIC AND GULF GROUPS OF KING AND SPANISH MACKEREL

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 642

Legal Deadline: None

Abstract: This rule would change the total allowable catch for the Atlantic and Gulf migratory groups of King and Spanish mackerel for the 1995-96 fishing year under framework regulatory adjustment procedures of the Fishery Management Plan for Coastal Migratory Pelagic Resources.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	08/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

DOC—NOAA

Proposed Rule Stage

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AH53

630. ● STRIPED BASS REGULATIONS FOR THE EXCLUSIVE ECONOMIC ZONE (EEZ)

Priority: Substantive, Nonsignificant

Legal Authority: PL 103-206

CFR Citation: 50 CFR 656

Legal Deadline: None

Abstract: This action would change Federal striped bass regulations in the EEZ off the Atlantic Coast to support the Atlantic States Marine Fisheries Commission's Striped Bass Management Plan's Amendment 5.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: ASMFC's Amendment 5 is expected to be completed by 2/95. This amendment will relax state regulations restricting the take of striped bass in recognition of the recovery of striped bass stocks along the Atlantic coast. Federal action is anticipated to change the current Federal closure to striped bass fishing in the EEZ to regulation which will be less restrictive and more compatible with state regulations.

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries, Conservation & Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AH57

631. ● WEAKFISH REGULATION FOR THE EXCLUSIVE ECONOMIC ZONE (EEZ)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 5101 et seq

CFR Citation: 50 CFR ch VI

Legal Deadline: None

Abstract: This action would implement regulations in the EEZ off the Atlantic Coast to control the harvest of weakfish and support the implementation of a Coastal fisheries management plan for the species which was developed and implemented by the Atlantic States Fisheries Commission.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	07/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Additional Information: The weakfish stock along the Atlantic Coast is in serious decline. State actions to reduce fishing on the species are being implemented through the Atlantic States Marine Fisheries Commission (ASMFC). Federal action is needed to support ASMFC since approximately 50% of the weakfish catch comes from Federal waters.

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries, Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AH58

632. ● REGULATORY AMENDMENT TO THE INDIVIDUAL FISHING QUOTA PROGRAM FOR GROUNDFISH OFF ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 676

Legal Deadline: None

Abstract: This regulatory amendment makes minor changes to the Individual Fishing Quota Program to facilitate implementation of the program.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	08/00/95	
Final Action Effective	09/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH61

633. ● REV. AMEND. 23 TO THE FMP FOR GROUNDFISH FISHERY OF BSAI, REV. AMEND. 28 TO THE FMP FOR GROUNDFISH OF THE GOA, & REV. AMEND. 4 TO FMP FOR COMMERCIAL KING/TANNER CRAB FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 671; 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory. Final, Statutory.
NPRM 15 days and final action 75 days after receipt from the Regional Fishery Management Council.

Abstract: These revised FMP Amendments authorize implementation of a moratorium on further entry into the Alaska Groundfish and Crab Fisheries.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	07/00/95	
Final Action	09/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: On June 3, 1994, NMFS published proposed regulations (59FR28827) that would have implemented proposed plan amendments for a temporary moratorium on the entrance of new vessels into the Alaskan groundfish fisheries, commercial king and Tanner crab fisheries, and the Pacific halibut fishery in the waters in and off of Alaska. NMFS disapproved the proposed moratorium amendments on August 5, 1994, because certain provisions were not consistent with the Magnuson Act's national standards and other applicable law. NMFS recommended that the North Pacific Fishery Management Council submit

DOC—NOAA **Proposed Rule Stage**

revised moratorium amendments with additional supporting analysis for consideration by NMFS under the accelerated review's schedule provided by the Magnuson Act.

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. BOX 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH62

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634. ● AMENDMENT 1 TO THE FISHERY MANAGEMENT PLAN FOR ATLANTIC BLUEFISH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 628

Legal Deadline: None

Abstract: Amendment 1 would establish commercial quotas for Atlantic bluefish in the United States EEZ in the Western Atlantic Ocean.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	09/00/95	
Final Action	11/00/95	
Final Action Effective	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jon C. Rittgers, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9200**

RIN: 0648–AH63

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635. ● FMP AMENDMENTS FOR THE GROUNDFISH FISHERY OF THE BSAI, GROUNDFISH OF THE GULF OF ALASKA, AND FOR THE COMMERCIAL KING AND TANNER CRAB FISHERIES OF THE BSAI

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 671; 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Regional Fishery Management Council.

Abstract: Amendments authorize implementation of a license limitation program.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	09/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: License Limitation Program to be implemented January 1, 1997.

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH65

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636. ● FMP AMENDMENTS TO THE GROUNDFISH FISHERY OF THE BSAI AND TO THE GROUNDFISH OF THE GOA TO DELETE OSMERID SPECIES FROM THE ''OTHER SPECIES'' CATEGORY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672; 50 CFR 675

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action 110 days after receipt from a Regional Fishery Management Council.

Abstract: This regulatory amendment deletes osmerid species from the ''other species'' category to protect important forage fish. Osmerid species would either be established as a separate total allowable catch category or established as a prohibited species.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	10/00/95	
Final Action	12/00/95	
Final Action Effective	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH67

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637. ● FMP AMENDMENT TO THE GROUNDFISH FISHERY OF THE GOA TO REVISE GOA PACIFIC OCEAN PERCH REBUILDING PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 672

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Regional Fishery Management Council.

Abstract: This FMP amendment makes changes to the Gulf of Alaska Pacific ocean perch rockfish rebuilding program.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	08/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH68

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638. ● FMP AMENDMENT TO THE GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS TO IMPLEMENT A SEASONAL TRAWL CLOSURE TO PROTECT CHUM SALMON

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: NPRM, Statutory.
Final, Statutory.
NPRM 15 days and final action 110 days after receipt from the Regional Fishery Management Council.

Abstract: This FMP amendment would implement a trawl closure in the Bering

Sea August 1 through August 31, to reduce the amount of chum salmon taken in the pollock fishery. The closure could be extended through October 15, if a specified number of salmon are taken.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Final Action	08/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH69

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639. • AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 651

Legal Deadline: None

Abstract: Amendment 7 to the FMP is designed to implement measures that will reduce fishing mortality to a level as close as possible to zero for haddock, cod, and yellowtail flounder throughout the range of those fish stocks. The measures are expected to include seasonal area closures and total allowable catches for groundfish other than haddock, cod, and yellowtail flounder. This action is necessary to begin rebuilding of groundfish species which currently are at historically low levels of abundance.

Timetable:

Action	Date	FR Cite
NPRM	07/15/95	
NPRM Comment Period End	08/13/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Jon C. Rittgers**, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9200**

RIN: 0648–AH70

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640. • AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR CORALS AND CORAL REEFS OF THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 638

Legal Deadline: None

Abstract: Amendment 3 would close the exclusive economic zone off the Florida Panhandle to live rock harvest, establish a commercial live rock harvest quota in the Gulf of Mexico and consider allowing a personal use harvest limit in the Gulf.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	08/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Andrew J. Kemmerer**, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AH71

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641. • AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO (FMP)

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 658

Legal Deadline: NPRM, Statutory. Final, Statutory. Other, Statutory. NPRM 15 days and final action 110 days after receipt from the Fishery Management Council.

Abstract: Amendment 8 would delete royal red shrimp from the management unit established by the FMP but provide for the continuing collection of fishery data for this species under regulations implementing the FMP.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	08/00/95	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Andrew J. Kemmerer**, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AH72

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642. • AMENDMENT 3 TO THE FISHERY MANAGEMENT PLAN FOR CORALS AND CORAL REEFS OF THE SOUTHERN ATLANTIC STATES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 638

Legal Deadline: None

Abstract: Amendment 3 would establish permitting requirements for live rock aquaculture, regulate octocorals north of Florida, and prohibit anchoring of fishing vessels in the oculina bank Habitat Area of Particular Concern.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Andrew J. Kemmerer**, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AH74

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643. • ATLANTIC SWORDFISH FISHERY QUOTA ADJUSTMENT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 971 et seq

DOC—NOAA **Proposed Rule Stage**

CFR Citation: 50 CFR 630

Legal Deadline: None

Abstract: Adjustment of US domestic quotas in response to ICCAT recommendation on member-country quotas.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: 0648-AE09 time table delayed in order to complete analysis of limited entry options. Quota adjustments need to be effective prior to commencement of spring 1995 fishery.

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Managment, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AH75

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644. ● REGULATORY ADJUSTMENTS TO THE FMP FOR SHARKS OF THE ATLANTIC OCEAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 678

Legal Deadline: None

Abstract: Would allow for certain regulatory adjustments within the FMP Framework.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
Final Action	01/00/96	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AH77

645. ● PLAN AMENDMENT TO FMP FOR SHARKS OF THE ATLANTIC OCEAN THAT WOULD LIMIT ENTRY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 678

Legal Deadline: None

Abstract: Amendment would allow for permit moratorium/limited entry into the Commercial Shark Fishery

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
Final Action	01/00/96	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Richard H. Schaefer, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AH78

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646. ● FRAMEWORK ADJUSTMENT TO THE ATLANTIC SEA SCALLOP FMP

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 650

Legal Deadline: None

Abstract: The framework would extend the maximum crew-limit requirement through February 29, 1996.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Jon C. Rittgers, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9250**

RIN: 0648–AH82

647. ● REGULATORY AMENDMENT REGARDING EXERCISE OF RIGHTS OF NORTHWEST TREATY INDIAN TRIBES TO HARVEST GROUNDFISH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: Regulations would establish the framework for affected Northwest Indian tribes to exercise their treaty rights to harvest groundfish, as officially recognized for the first time by the Federal Government in 1994. Most of the harvest takes place in the EEZ and is governed by the Pacific Coast Groundfish FMP. These regulations will be modeled on similar regulations for salmon and halibut, and will include relevant definitions and descriptions of the tribes' fishing areas.

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	
Final Action	07/00/95	
Final Action Effective	08/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Undetermined

Agency Contact: William Stelle, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point WayNE., BINC15700, Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AH84

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648. U.S. GENERAL STANDARDS FOR GRADES OF FINFISH PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 263 subparts A to E

Legal Deadline: None

Abstract: The purpose of this notice is to invite written comments to evaluate national interest in deleting nine (9) current U.S. grade standards covering finfish products and the development of a new U.S. General Standards for Grades of Finfish Products that would be applicable to all species and cover the major market forms, i.e., whole and dressed, steaks, and fillets.

Timetable:

Action	Date	FR Cite
ANPRM	04/15/94	59 FR 18091
ANPRM Comment Period End	08/02/94	59 FR 23095
NPRM	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Mary Ann Metz**, Chief, Standards and Specifications Branch, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, **508 281-9284**

RIN: 0648–AD53

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649. CERTIFICATE OF LEGAL ORIGIN FOR ANADROMOUS FISH PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: PL 101-627, sec 801; Fishery Conservation Amendments of 1990

CFR Citation: Not yet determined

Legal Deadline: Final, Statutory, May 27, 1991.
Final regulations are required by PL 101-627, section 801(d) within 180 days of November 28, 1990, provided an agreement is in place with another country under section 801(a) of PL 101-627.

Abstract: The regulation will provide for the issuance of Certificates of Legal Origin for anadromous fish and anadromous fish products legally harvested by vessels of the United States. The certificates will be issued pursuant to agreements between the United States and other countries negotiated under section 801(a) of PL 101-627.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: These regulations cannot be put into effect until the United States enters into an agreement with another country under section 801(a) of PL 101-627. The Department of State has not yet negotiated such an agreement. Accordingly, there is no timetable for implementing these regulations.

Agency Contact: **Alan Mager**, Special Agent, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS, Office of Enforcement, 1315 East-West Highway, Silver Spring, MD 20910, **301 427-2300**

RIN: 0648–AD93

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650. GENERAL PROVISIONS FOR DOMESTIC FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801-81 Magnuson Act

CFR Citation: 50 CFR 620

Legal Deadline: None

Abstract: The amendments to the Magnuson Act of November 14, 1990, added several new prohibitions such as the ban on large-scale driftnet fishing and the prohibition on assaulting observers. The regulations at 50 CFR 620 contain the prohibitions that apply generally to domestic fishing regulated under the Magnuson Act. The regulations must be amended to reflect the recent amendments to the Magnuson Act and to update and improve current language generally. The alternative would be to leave the regulatory language as it is now. This would be unacceptable because it would leave the regulation out of date and inconsistent with the current statutory language. The benefits would be to improve the current regulations and to clarify the scope of the new statutory language. There are no potential costs identified.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Joel LaBissonniere**, Attorney, Office of General Counsel--Enforcement and Litigation, Department of Commerce, National Oceanic and Atmospheric Administration, Office of General Counsel, 8484 Georgia Avenue, Fourth Floor, Silver Spring, MD 20910, **301 427-2202**

RIN: 0648–AE39

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651. PRESCRIPTION OF FISHWAYS UNDER SECTION 18 OF THE FEDERAL POWER ACT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 791a et seq

CFR Citation: 50 CFR 405 (New)

Legal Deadline: None

Abstract: The Department of the Interior and the Department of Commerce (Departments) seek advance comments on a proposed rule to implement the Departments' authority to prescribe fishways under section 18 of the Federal Power Act (FPA). The proposed rule is a procedural rule that identifies how the Departments would prescribe fishways included in Federal Energy Regulatory Commission licenses for hydropower facilities. It includes a definition of fishways that comports with the language of the National Energy Policy Act of 1992 (PL 102-496). The Departments' objectives are to codify agency practice as well as provide applicants with notice of the Departments' information needs and prescription procedures. This should eliminate unnecessary costs, confusion, and procedural burdens on hydropower project sponsors while protecting important fishery resources affected by hydropower projects.

The Departments are interested in advance comments on the proposed procedures and definitions. The no-action option will be used as a baseline for analysis. Benefits and costs (cont)

Timetable:

Action	Date	FR Cite
ANPRM	09/01/94	59 FR 45255
ANPRM Comment Period End	10/31/94	
NPRM	07/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: of the proposal have not been quantified. However, the process of licensing hydropower facilities requires an economic and environmental analysis for each action.

Agency Contact: **John Hall**, Chief, Anadromous Fish Habitat, Conservation Division, Department of Commerce, National Oceanic and Atmospheric Administration, NMFS - F/HP4, Silver Spring, MD 20910, **301 713-2325**

RIN: 0648–AG53

DOC—NOAA **Proposed Rule Stage**

652. REGULATIONS GOVERNING PROCESSED FISHERY PRODUCTS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 to 1630

CFR Citation: 50 CFR 260

Legal Deadline: None

Abstract: NMFS is amending its regulations to introduce new marks for use on inspected products and in inspected facilities. NMFS is also proposing new language associated with one of its marks to more accurately reflect its regulatory requirements. NMFS' actions are a result of industry and consumer comments.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Rita Creitz, Program Analyst, Inspection Services Division, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, **310 713-2355**

RIN: 0648–AH18

653. REVISED REGULATIONS GOVERNING PERMITS FOR THE TAKING, IMPORTING AND EXPORTING OF PROTECTED SPECIES FOR SCIENTIFIC RESEARCH AND PUBLIC DISPLAY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq, Marine Mammal Protection Act; 16 USC 1531 et seq, Endangered Species Act; 16 USC 1151 et seq, Fur Seal Act

CFR Citation: 50 CFR 216; 50 CFR 215; 50 CFR 222

Legal Deadline: None

Abstract: These proposed revisions would update and consolidate existing permit regulations that have been promulgated for the taking, import, export, or conduct of an otherwise prohibited activity involving protected species (i.e., marine mammals and endangered or threatened species) for purposes of scientific research, public display, or enhancement under the Marine Mammal Protection Act, the Endangered Species Act, and the Fur Seal Act. These revisions would implement amendments to the Marine Mammal Protection Act enacted in 1988 and 1994, and clarify when a permit is required and the scope and extent of permit authority under these Acts. The final rule would add permit-specific and generally applicable terms and conditions, which would clarify permit requirements and review procedures, and would amend the criteria for deciding whether to issue or deny permits, and revise administrative requirements and procedures. These revisions are intended to provide a comprehensive regulatory foundation for these special exception permits and to make administration of the NMFS permit program more efficient, consistent and predictable. The NMFS is proposing to (cont)

Timetable:

Action	Date	FR Cite
NPRM	10/14/93	58 FR 53320
NPRM Comment Period End	01/28/94	58 FR 68848
Second NRPM	08/00/95	
NRPM Comment Period End	11/00/95	

Small Entities Affected: None

Government Levels Affected: Federal

Additional Information: ABSTRACT CONT: consolidate permit regulations into a single part of title 50.

Agency Contact: Art Jeffers, Chief, Public Display and Education Branch, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2289**

RIN: 0648–AD11

654. PROCEDURE FOR SETTING QUOTAS ON REMOVAL OF ATLANTIC BOTTLENOSE DOLPHINS FROM THE WATERS OF THE GULF OF MEXICO AND FLORIDA'S EAST COAST

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: Regulations will establish a procedure for setting and revising quotas to govern the removal of Atlantic bottlenose dolphins (Tursiops truncatus) from the Gulf of Mexico and Florida's east coast. Regulations will be supported by an EIS that will provide a comprehensive review of the status of stocks of bottlenose dolphins in the southeast region and the validity of the 2 percent rule for determining the allowable take to the extent reliable data are available. These regulations and quotas will take into account other types of taking such as those that may occur incidentally to commercial fisheries.

Timetable:

Action	Date	FR Cite
ANPRM	05/31/90	55 FR 22042
ANPRM Comment Period End	07/02/90	
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: Action to be taken will be reevaluated in the context of the Marine Mammal Protection Act as reauthorized in 1994.

Agency Contact: Katherine Wang, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2289**

RIN: 0648–AD39

655. SEA TURTLE MONITORING AND CONSERVATION MEASURES FOR NONSHRIMP FISHERIES

Priority: Other Significant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 217; 50 CFR 222; 50 CFR 227

Legal Deadline: None

Abstract: NMFS proposes to protect sea turtles through the implementation of sea turtle conservation measures on nonshrimp fisheries. Bottom trawlers in the mid-Atlantic take sea turtles when not using turtle excluder devices (TEDs) and may jeopardize the continued existence of endangered sea turtles. NMFS proposes to require TEDs in all bottom trawlers operating from Texas through Delaware. Other nonshrimp fisheries using tow lines, gill nets, or other gear probably take significant numbers of sea turtles. In order to better quantify that level of take, NMFS proposes to require

observers in all fisheries suspected of taking turtles in all U.S. waters.

Timetable:

Action	Date	FR Cite
ANPRM	07/10/92	57 FR 30709
ANPRM Comment Period End	08/08/92	
NPRM	09/00/95	
NPRM Comment Period End	10/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Public Compliance Cost: Initial Cost: $250; Yearly Recurring Cost: $125; Base Year for Dollar Estimates: 1992

Analysis: Regulatory Flexibility Analysis

Agency Contact: Russell Bellmer, Chief, Endangered Species Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, SSMC#1, Silver Spring, MD 20910, **301 713-1401**

RIN: 0648–AE54

656. PROPOSED RULE TO REQUIRE CERTAIN FISH FROM MEXICO TO RETAIN HEADS AND TAILS INTACT IN ORDER TO PROTECT THE ENDANGERED TOTOABA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq, Endangered Species Act

CFR Citation: 50 CFR 227

Legal Deadline: None

Abstract: In response to a petition, the National Marine Fisheries Service may propose to regulate the importation of certain fish from Mexico by requiring those fish to be imported with heads and tails intact. This action, if warranted, would be in order to prevent the illegal importation of totoaba, an endangered scianid fish, which when in fillet form is indistinguishable from the other species. Preliminarily, NMFS has determined that this rule, if promulgated, will have a minimal economic impact on importers, as major importers require fish imports to retain heads in order to determine freshness.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Kenneth R. Hollingshead, Fishery Biologist, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, SSMC#1, Silver Spring, MD 20910, **301 713-2055**

RIN: 0648–AF32

657. TAKING OF MARINE MAMMALS INCIDENTAL TO FISHERIES-RELATED RESEARCH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1631 et seq

CFR Citation: 50 CFR 228

Legal Deadline: None

Abstract: The National Marine Fisheries Service has received requests from its regional offices to take small numbers of marine mammals incidental to fisheries-related research over the next 5 years. This activity would be allowed under section 101(a)(5) of the Marine Mammal Protection Act, if NMFS makes certain findings and regulations are issued that cover monitoring and reporting.

Timetable:

Action	Date	FR Cite
ANPRM	12/09/91	56 FR 64234
ANPRM Comment Period End	01/08/92	56 FR 64234
NPRM	09/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Kenneth Hollingshead, Fishery Biologist, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, SSMC#1, Silver Spring, MD 20910, **301 713-2055**

RIN: 0648–AF50

658. SCREENING OF WATER DIVERSIONS TO PROTECT SACRAMENTO RIVER WINTER-RUN CHINOOK SALMON

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1533 et seq

CFR Citation: 50 CFR 227; 50 CFR 222

Legal Deadline: None

Abstract: NMFS is considering proposing regulations under the Endangered Species Act that would establish screening requirements for water diversions from the Sacramento River and Delta to protect a listed species, the winter-run chinook salmon. There are over 2,000 unscreened diversions along the River and Delta. NMFS is concerned that these unscreened diversions may cause substantial losses of juvenile salmon.

Timetable:

Action	Date	FR Cite
ANPRM	10/18/93	58 FR 53703
ANPRM Comment Period End	12/18/93	
Extension of Comment Period for 90 Days	01/20/94	59 FR 3068
NPRM	08/00/95	
NPRM Comment Period End	10/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Margaret C. Lorenz, Protected Species Management, Department of Commerce, National Oceanic and Atmospheric Administration, Room 8249 - SSMCI, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2322**

RIN: 0648–AF80

659. FOREIGN NATIONS' MARINE MAMMAL PROGRAM AMENDMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.24(e)(5)(v)(B)

Legal Deadline: None

Abstract: This rule will change the requirement that foreign nations make changes to their marine mammal programs within 180 days of the date such changes are effective for U.S. fishermen. This is necessary to provide more time for foreign governments to make such changes.

DOC—NOAA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	05/00/95	
NPRM Comment Period End	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: None

Agency Contact: Hilda Diaz-Soltero, Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, **310 980-4001**

RIN: 0648–AG05

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660. DESIGNATION OF CRITICAL HABITAT FOR THE GULF OF MAINE POPULATION OF HARBOR PORPOISE

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq, Endangered Species Act

CFR Citation: 50 CFR 226

Legal Deadline: None
The ESA requires critical habitat designation within one year of the listing date. The listing has not been made final to date.

Abstract: Pursuant to the Endangered Species Act (ESA) NMFS will propose to designate critical habitat for the Gulf of Maine harbor porpoise population following if the population is listed under the ESA.

Timetable:

Action	Date	FR Cite
NPRM	06/00/95	
NPRM Comment Period End	08/00/95	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: Proposed designation is dependent upon final determination to list the Gulf of Maine population of harbor porpoise as threatened under the Endangered Species Act. Deadlines and action dates are also dependent upon the date of final listing. This date has yet to be established.

Agency Contact: Michael Payne, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2322**

RIN: 0648–AG06

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661. DIRECT TAKE OF THREATENED SALMON BY NATIVE AMERICANS

Priority: Other Significant

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 227.21

Legal Deadline: None

Abstract: NMFS has under consideration a proposal to allow terminal area tribes (Shoshone-Bannock, Nez Perce) to directly harvest threatened Snake River chinook salmon in the terminal areas. Pursuant to the Endangered Species Act, large numbers of these fish can be taken incidentally to other actions, but there is no allowance for even a small directed take of these fish.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marta Nammack, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, F/PR8, Silver Spring, MD 20910, **301 713-2322**

RIN: 0648–AG15

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662. TAKING AND IMPORTING OF MARINE MAMMALS: TUNA PURSE SEINE VESSEL OBSERVER EXPENSES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.24

Legal Deadline: None

Abstract: NMFS proposes to amend its regulations governing the reimbursement of tuna vessel owners for the cost of carrying NMFS observers (50 CFR 216.24(f)(4)). The regulations require that a U.S.-flag tuna purse seine vessel holding a certificate of inclusion under the general permit issued to the American Tunaboat Association carry an observer when assigned by the Director, Southwest Region, NMFS. The regulations currently require that NMFS reimburse vessel operators for all costs associated with carrying the observers. The proposed rule change would require that ''the vessel owner shall incur all reasonable costs directly related to the quartering and maintaining of such observers on board such vessels.''

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	
NPRM Comment Period End	10/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Hilda Diaz-Soltero, Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, **301 980-4001**

RIN: 0648–AG35

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663. TAKING AND IMPORTING OF MARINE MAMMALS; TAKING OF MARINE MAMMALS UNDER THE ATA PERMIT AFTER FEBRUARY 28, 1994

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: Final, Statutory, March 1, 1994.

Abstract: The International Dolphin Conservation Act provides that, if no major purse seine tuna fishing country enters into an agreement for a moratorium on setting on marine mammals during the course of commercial fishing operations, the total dolphin mortalities authorized under the general permit issued to the American Tunaboat Association shall not exceed the number of dolphin mortalities which occurred under the permit during the preceding year.

Timetable:

Action	Date	FR Cite
NPRM	09/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Hilda Diaz-Soltero, Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, **310 980-4001**

RIN: 0648–AG36

DOC—NOAA

Proposed Rule Stage

664. GENERAL PROVISIONS; ENDANGERED FISH OR WILDLIFE; THREATENED FISH AND WILDLIFE; SEA TURTLE CONSERVATION MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 217; 50 CFR 220; 50 CFR 221; 50 CFR 222; 50 CFR 223; 50 CFR 224; 50 CFR 227

Legal Deadline: None

Abstract: NMFS proposes to make both technical and substantive changes to the ESA regulations. These changes would make the implementing regulations easier to understand and to enforce. NMFS also proposes to substantively change ESA regulations by prohibiting the take of threatened, as well as endangered, species. NMFS also proposes to amend the regulations to allow non-Federal parties to incidentally take threatened species with an incidental take permit.

Timetable:

Action	Date	FR Cite
ANPRM	07/10/92	57 FR 30709
ANPRM Comment Period End	08/08/92	
NPRM	12/00/95	
NPRM Comment Period End	01/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: **Russell J. Bellmer**, Chief, Endangered Species Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, SSMC #3, Silver Spring, MD 20910, **301 713-1401**

RIN: 0648–AG38

665. DESIGNATED CRITICAL HABITAT; PACIFIC STEELHEAD

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226

Legal Deadline: NPRM, Statutory, February 16, 1996. Final, Statutory, February 16, 1997.
Endangered Species Act section 4(b)(3)(D)(ii)

Abstract: The regulation will propose critical habitat designation for coastal steelhead populations that are proposed for listing under the Endangered Species Act in California, Oregon, and Washington.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Final Action	04/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Marta Nammack**, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, F/PR8, Silver Spring, MD 20910, **301 713-1401**

RIN: 0648–AG49

666. DESIGNATED CRITICAL HABITAT; ATLANTIC SALMON

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226

Legal Deadline: NPRM, Statutory, October 1, 1995. Final, Statutory, October 1, 1996.
Statutory date for listing species under the ESA is 10/01/94. statutory date for proposed critical habitat is 1 year after proposed listing.

Abstract: The regulation will propose to designate critical habitat for Atlantic salmon, if the species is proposed for listing under the Endangered Species Act.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	10/00/95	
Final Action	10/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Marta Nammack**, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway F/PR8, Silver Spring, MD 20910, **301 713-2322**

RIN: 0648–AG50

667. DESIGNATED CRITICAL HABITAT; PACIFIC COHO SALMON

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226

Legal Deadline: NPRM, Statutory, October 26, 1995. Final, Statutory, October 26, 1996.
Endangered Species Act sec. 4(b)(3)(D)(ii)

Abstract: The regulation will propose critical habitat designation for coastal coho salmon populations that are proposed for listing under the Endangered Species Act in California, Oregon, and Washington.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Final Action	04/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Marta Nammack**, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, F/PR8, Silver Spring, MD 20910, **301 713-1401**

RIN: 0648–AG56

668. DESIGNATED CRITICAL HABITAT; UMPQUA RIVER SEA-RUN CUTTHROAT TROUT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226

Legal Deadline: NPRM, Statutory, April 1, 1995. Final, Statutory, April 1, 1996.
Endangered Species Act sec. 4(b)(3)(D)(ii)

Abstract: NMFS has issued a proposed rule to list the Umpqua River cutthroat trout in Oregon as endangered under the Endangered Species Act of 1973. NMFS has also determined that the Umpqua River cutthroat trout is a ''species'' as interpreted under the ESA. Upon completion of an analysis on the critical habitat for the Umpqua River cutthroat trout, NMFS plans to propose critical habitat for the species.

DOC—NOAA **Proposed Rule Stage**

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Interim Final Rule	04/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marta Nammack, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, F/PR8, Silver Spring, MD 20910, **301 713-1401**

RIN: 0648–AG58

669. PROPOSED RULE TO AUTHORIZE THE INCIDENTAL TAKING OF MARINE MAMMALS DURING COMMERCIAL FISHING OPERATIONS AS DIRECTED BY PUBLIC LAW 103-238

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq The Marine Mammal Protection Act

CFR Citation: 50 CFR 229

Legal Deadline: Final, Statutory, September 1, 1995.

Abstract: The Marine Mammal Protection Act Amendments of 1994 (Pub. L. 103-238) created new sections 117 and 118 which mandate a new program for managing incidental takes during commercial fishing operations. These sections, which will be implemented through rulemaking, among other things:(1) prohibit intentional takings; (2) require independent regional advisory scientific review groups; (3) require marine mammal stock assessment reports; (4) establish incidental take reduction teams, plans and review procedures for strategic marine mammal stocks; (5) require conformance to the greatest extent practicable with Federal and state fishery management plans; and (6) require reporting and monitoring of incidental takes resulting in mortality or serious injury.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Vicki Cornish, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910-3226, **301 713-2322**

RIN: 0648–AG78

670. PROPOSED RULE TO AUTHORIZE LETHAL TAKINGS OF MARINE MAMMALS BY STATE AUTHORITIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq The Marine Mammal Protection Act

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: Section 120 of the MMPA as amended in 1994 provides the Secretary the discretion to authorize the intentional lethal taking of individually identifiable pinnipeds which are having a significant negative impact on salmonids that are either 1) listed under the ESA, 2) approaching a threatened or endangered status, or 3) migrate through the Ballard Locks in Seattle. The process for determining whether to implement the authority commences with a State developing and submitting an application that provides a detailed description of the interaction problem. If warranted by scientific evidence, NMFS is to establish a Pinniped-Fishery Interaction Task Force to address the situation described in the application and publish a notice in the Federal Register requesting public comment on the application. Within 60 days after establishment, and after reviewing public comments in response to the Federal Register notice, the Pinniped-Fishery Interaction Task Force is to recommend approval or denial of the proposed intentional lethal taking along with recommendations on the proposed location, time, and method of such taking, criteria for evaluating the success of the action, and the duration (cont)

Timetable:

Action	Date	FR Cite
NPRM	05/15/95	
NPRM Comment Period End	07/14/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: of the recommendations, NMFS must either approve or deny the application.

Agency Contact: Kenneth R. Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910-3226, **301 713-2055**

RIN: 0648–AG79

671. PROPOSED RULE TO AMEND MARINE MAMMAL REGULATIONS TO AUTHORIZE INCIDENTAL TAKINGS OF MARINE MAMMALS BY HARASSMENT AS AUTHORIZED BY PUBLIC LAW 103-238

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq The Marine Mammal Protection Act

CFR Citation: 50 CFR 228

Legal Deadline: Final, Statutory, January 1, 1995.

Abstract: On April 30, 1994, the President signed Pub. L. 103-238, the Marine Mammal Protection Act Amendments of 1994. One part of this law amended section 101(a)(5) to establish an expedited process by which citizens of the United States, who engage in a specified activity (other than commercial fishing) within a specific geographic region, can apply for an authorization to incidentally take small numbers of marine mammals by harassment. The proposed rule, if implemented, would establish specific time limits for public notice and comment on any requests for authorization which would be granted under this rule; implement procedures for the establishment of scientific peer review groups to review an applicant's monitoring plan when the taking may affect the availability of a stock for subsistence uses; and limit authorizations to a period of 1 year.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Kenneth R. Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910-3226, **301 713-2055**

RIN: 0648–AG80

672. PROPOSED DESIGNATION OF CRITICAL HABITAT FOR PUGET SOUND SALMON STOCKS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq The Endangered Species Act

CFR Citation: 50 CFR 226

Legal Deadline: NPRM, Statutory, March 15, 1996. Final, Statutory, March 15, 1997.
Endangered Species Act section 4(b)(3)(D)(ii)

Abstract: NMFS will propose critical habitat for Puget Sound salmon stocks if the species is/are proposed for listing under the Endangered Species Act.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	
Final Action	04/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Marta Nammack, Fisheries Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910-3226, **301 713-2322**

RIN: 0648–AH11

673. PROPOSED RULE TO ESTABLISH GUIDELINES FOR NONLETHALLY DETERRING MARINE MAMMALS FROM ENDANGERING PERSONAL SAFETY OR DAMAGING PUBLIC OR PRIVATE PROPERTY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq The Marine Mammal Protection Act

CFR Citation: 50 CFR 216

Legal Deadline: Final, Statutory, January 1, 1995.

Abstract: On April 30, 1994, the President signed Pub. L. 103-238, the Marine Mammal Protection Act Amendments of 1994. One part of this law implemented a new section 101(a)(4) to authorize the nonlethal harassment takings by citizens of the United States to deter marine mammals from: (1) Damaging commercial fishing gear or catch; (2) damaging private property; (3) endangering public safety; or (4) damaging public property. The amendments require a list of guidelines for use in safely deterring marine mammals and provide for prohibiting certain deterrent measures that may have a significant adverse impact on marine mammals.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	06/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Kenneth R. Hollingshead, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910-3226, **301 713-2055**

RIN: 0648–AH19

674. ● PROPOSED RULE GOVERNING MARINE MAMMAL TRANSPORT NOTIFICATION AND INVENTORY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1372 (c)

CFR Citation: 50 CFR 216

Legal Deadline: Final, Statutory, January 1, 1995.

Abstract: This rule, if implemented, will establish reporting requirements for marine mammal captive holding and transport.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Ann Terbush, Chief, Permits Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2289**

RIN: 0648–AH26

675. ● INTERIM FINAL RULE WITH REQUEST FOR COMMENTS ESTABLISHING LEATHERBACK TURTLE CONSERVATION ZONE

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 227

Legal Deadline: None

Abstract: This interim final rule would establish a leatherback conservation zone during certain seasons of each year from Florida through Virginia. When leatherback turtle concentrations reach a predetermined level, NMFS may notify shrimpers that small areas will be temporarily closed to shrimping or that shrimpers must use TEDs with modified openings.

Timetable:

Action	Date	FR Cite
NPRM	03/15/95	
NPRM Comment Period End	04/15/95	
Interim Final Rule	04/00/95	
Final Action	09/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: This action has been taken for many years through 30-day emergency rules, with requests for comments.

Agency Contact: Russell Bellmer, Chief, Endangered Species Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-1401**

RIN: 0648–AH30

676. ● PROPOSED RULE GOVERNING THE ISSUANCE OF PERMITS FOR MARINE MAMMAL PHOTOGRAPHY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1372 (c)(6)

CFR Citation: 50 CFR 216

Legal Deadline: Final, Statutory, January 1, 1995.

Abstract: This rule will provide for the issuance of permits to take marine mammals by only level B harassment for the purpose of educational or commercial photography.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	11/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Ann Terbush**, Chief, Permits Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2289**

RIN: 0648–AH31

677. ● PROTECTION ZONES FOR NORTHERN RIGHT WHALES; RESPONSE TO PETITION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq, Endangered Species Act

CFR Citation: 50 CFR 222

Legal Deadline: None

Abstract: This advanced notice of proposed rulemaking is in response to a petition requesting the issuance of regulations that would establish specific protection zones around every northern right whale. It solicits public comment and information to assist in determining the need for and types of conservation measures that would be effective in minimizing human-induced disturbance of and harmful interaction with northern right whales.

Timetable:

Action	Date	FR Cite
ANPRM	12/27/94	59 FR 66513
ANPRM Comment Period End	02/27/95	
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Margot Bohan**, Marine Mammal Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2322**

RIN: 0648–AH47

678. ● PROPOSED RULE TO GOVERN THE TRANSPORTATION OF NATIVE HANDICRAFTS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1371 (a)(6)

CFR Citation: 50 CFR 216

Legal Deadline: Final, Statutory, January 1, 1995.

Abstract: If implemented, the proposed rule will provide for the importation of certain marine mammal products created by Alaskan natives.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	05/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Ann Terbush**, Chief, Permits Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2289**

RIN: 0648–AH83

679. ● SHRIMP VESSEL REGISTRATION REQUIREMENT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 227

Legal Deadline:

Abstract: NMFS proposes to require permits on shrimp vessels operating in Federal waters. This action is required by the 11/14/94 jeopardy biological opinion.

Timetable:

Action	Date	FR Cite
NPRM	05/14/95	
NPRM Comment Period End	06/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: This action may be taken under the authority of the Fishery Management Councils instead.

Agency Contact: **Russell Bellmer**, Chief, Endangered Species Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-1401**

RIN: 0648–AH87

680. ● CRITICAL HABITAT DESIGNATION FOR GREEN SEA TURTLES IN CUELBRA, PUERTO RICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 226

Legal Deadline: None

Abstract: NMFS proposes to designate portions of Cuelbra, Puerto Rico, as critical habitat for the threatened green sea turtle.

Timetable:

Action	Date	FR Cite
NPRM	08/00/95	
NPRM Comment Period End	09/00/95	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: **Russell Bellmer**, Chief, Endangered Species Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-1401**

RIN: 0648–AH88

681. ● IDENTIFICATION OF SPECIAL SEA TURTLE CONSERVATION AREAS AND APPROPRIATE CONSERVATION MEASURES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 227

Legal Deadline: None
Legal deadlines may be imposed by pending settlement agreement.

Abstract: NMFS proposes to identify areas requiring special sea turtle conservation measures such as limited tow times, TED restrictions, or area closures. This action is required by the 11/14/94 jeopardy biological opinion.

Timetable:

Action	Date	FR Cite
NPRM	11/14/95	
NPRM Comment Period End	12/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: **Russell Bellmer**, Chief, Endangered Species Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-1401**

RIN: 0648–AH89

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

682. PROPOSED REGULATIONS FOR THE FAGATELE BAY NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 941

Legal Deadline: None

Abstract: These existing regulations are to be revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	03/00/96	
NPRM Comment Period End	06/00/96	
Final Action	11/00/96	
Final Action Effective	01/00/97	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **James Lawless**, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/0RM2), Silver Spring, MD 20910, **301 713-3155**

RIN: 0648–AA74

683. PROPOSED REGULATIONS FOR THE CHANNEL ISLANDS NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 935

Legal Deadline: None

Abstract: These existing regulations are to be revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	
NPRM Comment Period End	01/00/96	
Final Action	05/00/96	
Final Action Effective	07/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **James Lawless**, Acting Chief, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/0RM2), Silver Spring, MD 20910, **301 713-3125**

RIN: 0648–AC03

684. PROPOSED REGULATIONS FOR THE GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 936

Legal Deadline: None

Abstract: These existing regulations are being revised to improve enforcement of prohibited activities, provide additional protective provisions, and update permit requirements.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	
NPRM Comment Period End	02/00/96	
Final Action	08/00/96	
Final Action Effective	10/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **James Lawless**, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/0RM2), Silver Spring, MD 20910, **301 713-3125**

RIN: 0648–AC05

685. THE MONITOR NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 et seq

CFR Citation: 15 CFR 924

Legal Deadline: None

Abstract: These regulations are being revised to update site management provisions.

Timetable:

Action	Date	FR Cite
NPRM	02/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **James Lawless**, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/0RM2), Silver Spring, MD 20910, **301 713-3125**

RIN: 0648–AC78

686. PROPOSED REGULATIONS FOR THE NORTHWEST STRAITS NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 to 1445

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the conservational, recreational, ecological, historical, research, educational, and esthetic qualities of the waters of northern Puget Sound in the State of Washington, if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	
NPRM Comment Period End	01/00/96	
Final Action	05/00/96	
Final Action Effective	07/00/96	

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: **James Lawless**, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce,

DOC—NOAA **Proposed Rule Stage**

National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/0RM2), Silver Spring, MD 20910, **301 713-3125**

RIN: 0648–AC91

687. PROPOSED REGULATIONS FOR THE NORFOLK CANYON NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 939

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Norfolk Canyon if the area is designated as a national marine sanctuary.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lawless, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/0RM2), Silver Spring, MD 20910, **301 713-3125**

RIN: 0648–AC92

688. THUNDER BAY NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 to 1445

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: These regulations will protect the ecological, recreational, and esthetic resources of the waters surrounding Thunder Bay if the area is designated as a national marine sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	12/00/95	
NPRM Comment Period End	03/00/96	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lawless, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/0RM2), Silver Spring, MD 20910, **301 713-3125**

RIN: 0648–AE41

689. GRAY'S REEF NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 to 1445

CFR Citation: 15 CFR 938

Legal Deadline: None

Abstract: These regulations are being revised to update site management provisions.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lawless, Acting Chief, Sanctuaries and Reserves Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (N/0RM2), Silver Spring, MD 20910, **301 713-3125**

RIN: 0648–AE42

690. NATIONAL MARINE SANCTUARY PROGRAM, SITE EVALUATION LIST

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 to 1434

CFR Citation: 15 CFR 922

Legal Deadline: None

Abstract: NOAA plans to amend the National Marine Sanctuary Program regulations which implement the Site Evaluation List development process. NOAA will integrate the procedures and criteria for identifying, evaluating, and selecting sites of special historical significance with the procedures and criteria for identifying, evaluating, selecting, and ranking sites of special natural resource significance. The purpose of integrating the two processes is to develop a single, comprehensive SEL which will include sites of both natural resource and historical, cultural, and human use value.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: James Lawless, Acting Chief, Sanctuaries and Reserves Div., Office of Ocean and Coastal Resource Mgmt., Department of Commerce, National Oceanic and Atmospheric Administration, National Ocean Services, 1305 East-West Highway (N/0RM2), Silver Spring, MD 20910, **301 713-3125**

RIN: 0648–AF23

691. ● HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1431 et seq (National Marine Sanctuary Act); PL 102-587 (Ocean Act of 1992), subtitle C-Hawaiian; Island National Marine Sanctuary Act

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: Regulations implement the Congressional designation of the Hawaiian Island, Humpback National Marine Sanctuary.

Timetable:

Action	Date	FR Cite
NPRM	04/00/95	
NPRM Comment Period End	07/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Margo F. Jackson, Asst. General Counsel for Ocean Services, Office of the General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway (LN/ORM4), Silver Spring, MD 20910, **301 713-2967**

RIN: 0648–AH91

OFFICE OF THE ADMINISTRATOR

692. LICENSING OF PRIVATE REMOTE-SENSING SPACE SYSTEMS

Priority: Other Significant

Legal Authority: 15 USC 4244; PL 102-555; 15 USC 56

CFR Citation: 15 CFR 960

Legal Deadline: None

Abstract: Pub. L. 102-555 amends the Land Remote Sensing Commercialization Act of 1984 to transfer the LANDSAT program from the Department of Commerce to a joint

NASA/DOD office. However, title II retains the basic provisions of title IV of the previous act authorizing the Secretary of Commerce to license private operators of land remote sensing space systems who are subject to U.S. jurisdiction. The Secretary is required to consult with the Secretaries of Defense and State, who are responsible for determining conditions to protect national security and foreign policy concerns, respectively. The recent Act removes a regulatory restriction which required operators to make the data available to all customers on the same terms and conditions.

Timetable:

Action	Date	FR Cite
ANPRM	01/18/89	54 FR 01945
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: **Catherine Shea**, Staff Attorney, Department of Commerce, National Oceanic and Atmospheric Administration, 1325 East-West Highway, Room 18109, Silver Spring, MD 20910, **301 713-0053**

RIN: 0648–AC64

693. NATIONAL WEATHER SERVICE MODERNIZATION CRITERIA

Priority: Substantive, Nonsignificant

Legal Authority: PL 102-567; 15 USC 313 note

CFR Citation: 15 CFR 947; 15 CFR 946 app A

Legal Deadline: Final, Statutory, October 29, 1993.

Abstract: The Secretary of Commerce shall contract with the National Research Council, who shall review the scientific and technical modernization criteria for proposed certification actions to automate or close field offices of the National Weather Service.

Timetable:

Action	Date	FR Cite
NPRM	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Nicholas Scheller**, Implementation Manager, Department of Commerce, National Oceanic and Atmospheric Administration, Room 17146, 1325 East-West Highway, Silver Spring, MD 20910, **301 713-0454**

RIN: 0648–AF72

DEPARTMENT OF COMMERCE (DOC) Final Rule Stage

National Oceanic and Atmospheric Administration (NOAA)

NATIONAL MARINE FISHERIES SERVICE

694. REGULATORY AMENDMENT TO IMPLEMENT PERMIT, REPORTING, AND RECORDKEEPING AND OBSERVER REQUIREMENTS FOR PROCESSING VESSELS OVER 125 FEET AND THEIR CATCHER VESSELS; PACIFIC COAST GROUNDFISH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: Regulations would implement a comprehensive data collection and regulatory program for all processing vessels longer than 125 feet and for all harvesting vessels that deliver their catch to those vessels in the groundfish fishery off Washington, Oregon, and California. This program would consist of: (1) a requirement that processing vessels carry NMFS-certified observers; (2) a requirement for a mandatory Federal permit; (3) recordkeeping and reporting requirements; and (4) a definition for ''fishing trip'' for processing vessels over 125 feet in length for the purpose of applying trip landing and frequency limits.

Timetable:

Action	Date	FR Cite
NPRM	11/19/92	57 FR 54552
NPRM Comment Period End	12/21/92	
Final Action	10/00/95	
Final Action Effective	11/00/95	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: **William Stelle**, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070, **206 526-6150**

RIN: 0648–AE01

695. FINANCIAL DISCLOSURE OF FISHERY MANAGEMENT COUNCIL NOMINEES, MEMBERS, AND EXECUTIVE DIRECTORS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 601

Legal Deadline: None

Abstract: This rule revises regulations concerning the practices, procedures and operations of the Regional Fishery Management Councils under the Magnuson Fishery Conservation and Management Act. It increases the detail and availability of information in required financial disclosures of Councils' nominees, voting members, and Executive Directors and is intended to reduce the likelihood of financial conflicts of interest.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/11/94	59 FR 11557
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: Federal

Agency Contact: **Richard H. Schaefer**, Director, Office of Fisheries Conservation and Management, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2334**

RIN: 0648–AG16

696. REGULATORY AMENDMENT TO THE INDIVIDUAL FISHING QUOTA PROGRAM FOR GROUNDFISH OFF ALASKA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 676

Legal Deadline: None

Abstract: To provide geographic locations of primary ports; require

DOC—NOAA **Final Rule Stage**

landing and weighing of all individual fishing quota species on first landing of any species; authorize International Pacific Halibut Commission biologists to board vessels and inspect individual fishing quota fish; hail weights: ''accurate'' for clearing in Bellingham, and ''estimate'' for landing in Alaska; landings in three ports in Canada; underage carryover to next year; change definition of ''trip''; and clarify that use of catcher vessel individual fishing quota must not violate catcher vessel length categories.

Timetable:

Action	Date	FR Cite
NPRM	01/12/95	60 FR 2935
NPRM Comment Period End	02/13/95	
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, Post Office Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AG45

697. REGULATORY AMENDMENT FOR BERING SEA AND ALEUTIAN ISLANDS AREA HALIBUT NON-TRAWL PROHIBITED SPECIES CATCH MANAGEMENT AND JIG GEAR EXEMPTION

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 675

Legal Deadline: None

Abstract: To authorize annual specification on how unused portions of seasonal halibut bycatch allowances specified for the Bering Sea and Aleutian Islands non-trawl fisheries are rolled over to subsequent season; authorize exemption of Bering Sea and Aleutian Islands jig gear fisheries from halibut bycatch restrictions.

Timetable:

Action	Date	FR Cite
NPRM	12/29/94	59 FR 67268
NPRM Comment Period End	01/30/95	
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Steven Pennoyer**, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AG95

698. ● FRAMEWORK ADJUSTMENT 2 TO THE AMERICAN LOBSTER FISHERY MANAGEMENT PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 649

Legal Deadline: None

Abstract: This action would eliminate unequal standards for lobster fishermen residing or fishing in different states by requiring all permit applicants regardless of whether they had a federally-endorsed state license to demonstrate that they owned a boat and used it to land lobster during the qualification period to obtain a federal limited access lobster permit.

Timetable:

Action	Date	FR Cite
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Jon C. Rittgers**, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9200**

RIN: 0648–AH36

699. ● COMBINED FRAMEWORK ADJUSTMENT—ADJUSTMENT 7 TO THE NORTHEAST MULTISPECIES FMP, ADJUSTMENT 3 TO THE ATLANTIC SEA SCALLOP FMP, AND ADJUSTMENT 1 TO THE AMERICAN LOBSTER FMP

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 649; 50 CFR 650; 50 CFR 651

Legal Deadline: None

Abstract: NMFS will issue this proposed rule to implement measures contained in Framework Adjustment 1 to the American Lobster Fishery Management Plan (FMP), Framework Adjustment 7 to the Northeast Multispecies FMP, as submitted to NMFS by the New England Fishery Management Council, and which would revise a provision in each of the FMPs that requires all permit applicants to own a fishery vessel at the time they initially apply for a limited access permit. The intent of this rule is to acknowledge valid exceptions to the requirement and, subsequently, to remove an inequitable burden on those fishers entitled to the exceptions by providing them with an alternative mechanism for qualifying under the respective moratoriums.

Timetable:

Action	Date	FR Cite
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Jon C. Rittgers**, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9200**

RIN: 0648–AH37

700. ● INTERIM FINAL RULE TO MAKE CERTAIN CHANGES IN THE LIMITED ACCESS APPEALS PROCEDURE

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 676

Legal Deadline: None

Abstract: This Interim Final Rule will change the two-stage appeals process to a one-stage process; shorten the period of time that the Regional Director has to react to an Appellate Officer's decision; and provide for a ''Quota Share Pool'' so that a successful appellant in a multi-party appeal that is resolved in 1995 can receive Individual Fishing Quota and fish in 1995.

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/02/95	60 FR 6448
Final Action	09/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Additional Information: Comment period for the Interim Final Rule ends 01/00/95.

DOC—NOAA **Final Rule Stage**

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 98802, **907 586-7228**

RIN: 0648–AH38

701. ● REGULATORY AMENDMENT TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC PERTAINING TO HOGFISH, CUBERA SNAPPER, AND GRAY TRIGGERFISH

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 646

Legal Deadline: None

Abstract: In accordance with the fishery management plan framework procedure, this regulatory amendment would: establish a daily recreational bag limit of five hogfish per person; limit the harvest and possession of cubera snapper 30 inches (76.2 cm) or larger, to two per day; and establish a minimum size limit for gray triggerfish of 12 inches (30.5 cm). These measures would apply only in the exclusive economic zone off Florida's east coast.

Timetable:

Action	Date	FR Cite
NPRM	02/15/95	60 FR 8620
NPRM Comment Period End	03/02/95	
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AH44

702. ● FINAL RULE AND APPROVAL OF CATCH SHARING PLAN

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 773

CFR Citation: 50 CFR 301

Legal Deadline: None

Abstract: Regulations governing the fishing for Pacific halibut on behalf of the International Pacific Halibut Commission for 1996. Includes a catch sharing plan for domestic fisheries off California, Oregon, and Washington

Timetable:

Action	Date	FR Cite
Final Action	05/00/96	
Final Action Effective	05/00/96	

Small Entities Affected: None

Government Levels Affected: State, Tribal, Federal

Agency Contact: Steven Pennoyer, Director, Alaska Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, P.O. Box 21668, Juneau, AK 99802, **907 586-7228**

RIN: 0648–AH64

703. ● FRAMEWORK #9 TO THE FISHERY MANAGEMENT PLAN FOR THE NORTHEAST MULTISPECIES FISHERY

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 651

Legal Deadline: None

Abstract: This action is designed to make permanent, measures contained in an emergency interim rule for the Northeast Multispecies fishery. Management measures it probably will include are: Area closed to all or most fishing gear to protect spawning or juvenile haddock, cod, and yellowtail flounder; exemptions to the minimum mesh size requirement.

Timetable:

Action	Date	FR Cite
Final Action	04/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Jon C. Rittgers, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9200**

RIN: 0648–AH66

704. ● MANAGEMENT MEASURES FOR COMMERCIAL RECREATIONAL, AND TREATY INDIAN, SALMON FISHERIES OFF THE COASTS OF WASHINGTON, OREGON, AND CALIFORNIA

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 661

Legal Deadline: None

Abstract: Annual Management Specifications include allowable ocean harvest levels (including quotas), allocations, management boundaries and zones, minimum size limits, gear definitions, seasons selective fisheries, and in-season notice procedures.

Timetable:

Action	Date	FR Cite
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Stelle, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115, **206 526-6150**

RIN: 0648–AH79

705. ● 1995 INITIAL QUOTA FOR WESTERN PACIFIC CRUSTACEAN FISHERIES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 681

Legal Deadline: None

Abstract: This regulatory action announces a zero quota for the 1995 Western Pacific Crustacean Fisheries off the Northwestern Hawaiian Islands. The fishery is managed primarily via an initial quota which is adjusted after the first month of fishing to produce a final quota.

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/13/95	60 FR 13380
Final Action	08/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

DOC—NOAA **Final Rule Stage**

Agency Contact: Hilda Diaz-Soltero, Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, **310 980-4001**

RIN: 0648–AH85

706. PROCESSED FISHERY PRODUCTS, PROCESSED PRODUCTS THEREOF & CERTAIN OTHER PROCESSED FOOD PRODUCTS: U.S. STANDARDS FOR GRADES OF FROZEN FISH BLOCKS & PRODUCTS MADE THEREFROM, ETC

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 to 1630, Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264A

Legal Deadline: None

Abstract: The revised rule will expand the coverage of established voluntary standards for grades of fishery products to include new products made from fish blocks. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by the NMFS. Industry has shown a high level of interest and support for the revisions.

Timetable:

Action	Date	FR Cite
NPRM	09/21/89	54 FR 38881
NPRM Comment Period End	11/06/89	
Extension of Comment Period	12/29/89	54 FR 53660
NPRM Comment Period End	01/29/90	54 FR 53660
Interim Final Rule	10/16/90	55 FR 41856
Final Action	03/00/96	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Thomas J. Moreau, Director, Technical Services Unit, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, **508 281-9319**

RIN: 0648–AA46

707. U.S. GENERAL STANDARDS FOR GRADES OF SHRIMP

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 to 1630 Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 265A

Legal Deadline: None

Abstract: The final rule will establish general quality grading standards for all nonbreaded forms of fresh or frozen shrimp. These grading standards will provide for the systematic differentiation of the quality of shrimp into categories -- U.S. grades A, B, and Substandard. The proposed standards will be applied to all commercial species of fresh or frozen shrimp in raw or cooked states in all nonbreaded market forms. The adoption of grading standards is expected to facilitate trade in shrimp of all commercial species, as consumers will be able to select shrimp on the basis of identified quality. Industry has shown great interest in and support for the standards.

Timetable:

Action	Date	FR Cite
NPRM	05/20/82	47 FR 21840
NPRM Comment Period End	08/18/82	47 FR 21840
NPRM	09/21/89	54 FR 38885
NPRM Comment Period End	11/06/89	
Extension of Comment Period	12/29/89	54 FR 53660
NPRM Comment Period End	01/29/90	54 FR 53660
Interim Final Rule	01/00/96	56 FR 55090
Final Action	01/00/96	

Small Entities Affected: None

Government Levels Affected: None

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Additional Information: Neither an RIA nor an RFA is required or will be prepared.

Agency Contact: Mary Ann Metz, Chief, Standards and Specifications Branch, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, **508 281-9284**

RIN: 0648–AA47

708. FISHERMEN'S PROTECTIVE ACT

Priority: Substantive, Nonsignificant

Legal Authority: 22 USC 1980

CFR Citation: 50 CFR 258

Legal Deadline: None

Abstract: Reinstating regulations inadvertently dropped when the Fishermen's Guaranty Fund Program was transferred to the State Department. Revisions to program procedures deriving from an Internal Control Review completed in May 1992, will be incorporated in the regulations as well as clarifications suggested by the General Counsel. These revised procedures will reduce the risk that fraudulent claims will be paid and clarify procedures for applicants.

Timetable:

Action	Date	FR Cite
Final Action	04/00/96	
Final Action Effective	04/00/96	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2396**

RIN: 0648–AC73

709. U.S. STANDARDS FOR GRADES OF FROZEN FISH PORTIONS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 to 1630, Agricultural Marketing Act of 1946

CFR Citation: 50 CFR 264; 50 CFR 269

Legal Deadline: None

Abstract: The revised rule will expand coverage of established voluntary standards for grades of frozen fish portions and consolidate five existing standards into one. The standards will take into account new technology and equipment. These standards will be used in a voluntary program of fishery products inspection and certification by NMFS. Industry has shown a high level of interest and support for the revisions.

Timetable:

Action	Date	FR Cite
NPRM	06/11/90	55 FR 23565

DOC—NOAA Final Rule Stage

Action	Date	FR Cite
NPRM Comment Period End	08/27/90	55 FR 23565
Interim Final Rule	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Metz, Chief, Standards and Specifications Branch, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, **508 281-9284**

RIN: 0648–AD92

710. U.S. STANDARDS FOR GRADES OF WHOLE OR DRESSED FISH

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 to 1630

CFR Citation: 50 CFR 261

Legal Deadline: None

Abstract: NMFS is testing an alternative set of U.S. standards for grades of whole or dressed fish for use in NMFS's National Seafood Inspection Program. The test standards recognize advances made by industry in process controls. The test standards allow for evaluation of flavor, odor, and texture in the pre-processing state, evaluation of physical defects in the thawed/fresh state, and evaluation for dehydration in the frozen state. Products graded using the test standards will be allowed to make reference to applicable grades on the label of the product.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Metz, Chief, Standards and Specifications Branch, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, **508 281-9284**

RIN: 0648–AE69

711. U.S. STANDARDS FOR GRADES OF NORTH AMERICAN FRESHWATER CATFISH AND PRODUCTS MADE THEREFROM

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 to 1630; Reorganization Plan No. 4 of 1970 (84 Stat. 2090)

CFR Citation: 50 CFR 267

Legal Deadline: None

Abstract: NMFS is testing an alternative set of U.S. standards for grades of North American freshwater catfish and products made therefrom for use in NMFS's National Seafood Inspection Program. The test standards recognize advances made by industry in process controls. The test standards allow for evaluation of flavor, odor, and texture in the pre-processing state, evaluation of physical defects in the thawed/fresh state, and evaluation for dehydration in the frozen state. Products graded using the test standards will be allowed to make reference to applicable grades on the label of the product.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Metz, Chief, Standards and Specifications Branch, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, **508 281-9284**

RIN: 0648–AE70

712. U.S. STANDARDS FOR GRADES OF FISH FILLETS

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 to 1630; Reorganization Plan No. 4 of 1970 (84 Stat. 2090)

CFR Citation: 50 CFR 263

Legal Deadline: None

Abstract: NMFS is testing an alternative set of U.S. standards for grades of fish fillets for use in NMFS's National Seafood Inspection Program. The test standards recognize advances made by industry in process controls. The test standards allow for evaluation of flavor, odor, and texture in the pre-processing state, evaluation of physical defects in the thawed/fresh state, and evaluation for dehydration in the frozen state. Products graded using the test standards will be allowed to make reference to applicable grades on the label of the product.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Mary Ann Metz, Chief, Standards and Specifications Branch, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, One Blackburn Drive, Gloucester, MA 01930, **508 281-9284**

RIN: 0648–AE71

713. FISHING VESSEL CAPITAL CONSTRUCTION FUND PROCEDURES—ELIGIBILITY FOR SAFETY IMPROVEMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 1177

CFR Citation: 50 CFR 259

Legal Deadline: None

Abstract: To allow use of capital construction funds for approved safety improvement projects.

Timetable:

Action	Date	FR Cite
NPRM	11/18/92	57 FR 54356
NPRM Comment Period End	12/18/92	
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Charles L. Cooper, Program Leader, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2396**

RIN: 0648–AF22

714. FISHING VESSEL OBLIGATION GUARANTEE PROGRAM

Priority: Substantive, Nonsignificant

Legal Authority: 46 USC 1271 to 1279

CFR Citation: 50 CFR 255

Legal Deadline: None

DOC—NOAA **Final Rule Stage**

Abstract: This regulation will add definitions of ''aquaculture'' and ''underutilized species.''

Timetable:

Action	Date	FR Cite
Final Action	04/00/95	
Final Action Effective	06/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Michael L. Grable, Division Chief, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2390**

RIN: 0648–AF48

715. CIVIL PROCEDURE REGULATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1801 to 1882; 16 USC 1531 to 1543; 16 USC 1361 to 1407; 16 USC 3371 to 3378; 16 USC 1431 to 1439; 16 USC 773 to 773k; 16 USC 951 to 961; 16 USC 1021 to 1032; 16 USC 3631 to 3644; 42 USC 9101 et seq; 30 USC 1401 et seq; 16 USC 971 to 971i; 16 USC 781 et seq; 16 USC 972 to 972b; 16 USC 916 to 916l; ...

CFR Citation: 15 CFR 904

Legal Deadline: None

Abstract: This rule will amend NOAA's regulations to make them consistent with a Federal District Court ruling on the Agency's consideration of a respondent's ability to pay when assessing a civil penalty. The amendment removes a provision which places the burden on the respondent to raise and prove inability to pay an assessed penalty when the statute involved requires NOAA to take ability to pay into account.

Timetable:

Action	Date	FR Cite
Interim Final Rule	11/02/93	58 FR 58484
Final Action	03/00/96	

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rule remains in interim final status pending the completion of a revision to all of part 904.

Agency Contact: Hugh Schratwieser, Attorney Adviser, Department of Commerce, National Oceanic and Atmospheric Administration, Office of the Assistant General Counsel for Enforcement and Litigation (GCEL), 8484 Georgia Ave. 4th Fl, Silver Spring, MD 20910, **301 427-2202**

RIN: 0648–AF96

716. • AMENDMENT TO PROCEDURE GOVERNING THE READJUSTMENT AND INCREASE IN HOURLY RATES OF FEES

Priority: Substantive, Nonsignificant

Legal Authority: 7 USC 1621 to 1630

CFR Citation: 50 CFR 260

Legal Deadline: None

Abstract: The interim final rule will amend the regulations to allow the fees for inspection services to be amended as needed, rather than as a result of a Federal Pay Act increase as currently written. This amendment will provide greater assurance of cost recovery as mandated under the Agricultural Marketing Act of 1946.

Timetable:

Action	Date	FR Cite
Interim Final Rule	04/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Sectors Affected: 091 Commercial Fishing; 209 Miscellaneous Food Preparations and Kindred Products

Agency Contact: Rita Creitz, Program Analyst, Inspection Services Division, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Rm. 12524, Silver Spring, MD 20910, **301 713-2355**

RIN: 0648–AH24

717. PERFORMANCE STANDARDS FOR TUNA VESSEL OPERATORS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216

Legal Deadline: None

Abstract: NOAA has established a system of performance standards for operators of U.S.-flag tuna purse seine fishing vessels that catch yellowfin tuna associated with marine mammals in the eastern tropical Pacific Ocean.

Timetable:

Action	Date	FR Cite
NPRM	11/01/89	54 FR 46086
NPRM Comment Period End	12/01/89	
Interim Final Rule Effective	05/16/90	
Interim Final Rule	05/17/90	55 FR 20458
Interim Final Rule Comment Period End	09/03/90	
Final Action	09/00/95	
Final Action Effective	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hilda Diaz-Soltero, Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, **310 980-4001**

RIN: 0648–AD03

718. REGULATIONS GOVERNING THE TAKE OF DOLPHINS INCIDENTAL TO REMOVING OIL AND GAS PLATFORMS IN THE GULF OF MEXICO

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1371(a)(5); 16 USC 1361 et seq

CFR Citation: 50 CFR 228

Legal Deadline: None

Abstract: NMFS has received an amended request from the American Petroleum Institute for the take of bottlenose and spotted dolphins incidental to the removal of oil and gas platforms in the Gulf of Mexico. This activity would be allowed under section 101(a)(5) of the Marine Mammal Protection Act if the Service makes certain findings and if regulations are issued that cover monitoring and reporting.

Timetable:

Action	Date	FR Cite
NPRM	06/17/93	58 FR 33425
NPRM Comment Period End	08/16/93	
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Kenneth R. Hollingshead, Fishery Biologist, Department of Commerce, National

DOC—NOAA **Final Rule Stage**

Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2323**

RIN: 0648–AD25

719. TAKING AND IMPORTING OF MARINE MAMMALS; DOLPHIN MORTALITY LIMITS DURING PURSE SEINE SETS ON MARINE MAMMALS IN THE EASTERN TROPICAL PACIFIC

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.24

Legal Deadline: None

Abstract: This interim final rule will amend the current performance standards in the MMPA regulations to ensure that U.S. vessels can be legally prevented from making sets on tuna associated with dolphins in the eastern tropical Pacific Ocean once the vessels' dolphin mortality limit is reached. This rule also implements portions of the International Dolphin Conservation Act of 1992.

Timetable:

Action	Date	FR Cite
Interim Final Rule	05/19/93	58 FR 29127
Final Action	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Hilda Diaz-Soltero**, Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, **310 980-4001**

RIN: 0648–AF07

720. TAKING AND IMPORTING OF MARINE MAMMALS; ''DOLPHIN-SAFE'' TUNA LABELING

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216; 50 CFR 247

Legal Deadline: None

Abstract: This rule will finalize the interim final rule implementing the Dolphin Protection Consumer Information Act. The interim final rule: (1) identified fish and fish products subject to importation requirements mandated by the Marine Mammal Protection Act, as amended by the DPC14; (2) specified the use and contents of a new NOAA form required to import into the United States certain fish and fish products potentially harvested with methods injurious to marine mammals; (3) required importers of certain fish and fish products harvested by nations that engage in high seas large-scale driftnet fishing to provide certification by a responsible government official of the harvesting nation that the items to be imported were not harvested with large-scale driftnets in certain areas of the high seas; and (4) regulated the use of labels suggesting that tuna products are ''dolphin safe.'' This rule also implements portions of the High Seas Driftnet Fisheries Enforcement Act.

Timetable:

Action	Date	FR Cite
Interim Final Rule	09/19/91	56 FR 47418
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Hilda Diaz-Soltero**, Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, **310 980-4001**

RIN: 0648–AF08

721. DESIGNATED CRITICAL HABITAT; JOHNSON'S SEAGRASS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1533

CFR Citation: 50 CFR 226

Legal Deadline: None

Abstract: The National Marine Fisheries Service (NMFS) has proposed that Johnson's seagrass be listed as threatened under the Endangered Species Act (ESA). Section 4(b)(2) of the ESA requires that critical habitat be designated for a listed species after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. Critical habitat is the specific area within the geographical range of the species that has physical or biological features essential to the conservation of the species and which may require special management consideration or protection. Section 4(b)(6)(C) of the ESA requires that a regulation designating critical habitat be published concurrently with a final listing determination unless critical habitat is not then determinable. In that case a final designation of critical habitat may be extended for up to one year. NMFS intends to designate critical habitat concurrently with a final listing determination.

Timetable:

Action	Date	FR Cite
NPRM	08/04/94	59 FR 39716
NPRM Comment Period End	10/13/94	
Final Action	08/04/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Margaret C. Lorenz**, Marine Resource Management Specialist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-1401**

RIN: 0648–AF79

722. SEA TURTLE CONSERVATION MEASURES; SECTION 10 INCIDENTAL TAKE PERMITS; FINAL RULE

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 227

Legal Deadline: None

Abstract: NMFS regulations currently require non-Federal entities to obtain an ESA section 10 incidental take permit if endangered species of sea turtles may be taken incidental to fishing activities. This rule, if implemented, would require incidental take permits for threatened species of sea turtles, as well.

Timetable:

Action	Date	FR Cite
NPRM	07/21/94	59 FR 37213
NPRM Comment Period End	08/22/94	
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: State

Agency Contact: **Russell Bellmer**, Chief, Endangered Species Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West

DOC—NOAA **Final Rule Stage**

Highway, SSMC #3, Silver Spring, MD 20910, **301 713-1401**

RIN: 0648–AG37

723. FLOTATION DEVICES IN BOTTOM-OPENING, SINGLE-GRID TURTLE EXCLUDER DEVICES IN THE SOUTHEASTERN UNITED STATES

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1531 et seq

CFR Citation: 50 CFR 227

Legal Deadline: None

Abstract: NMFS has issued a rule to require shrimp trawlers using Turtle Excluder Devices (TEDs) in the Gulf of Mexico and Atlantic Ocean areas to attach floatation devices to the TEDs if they are single-grid TEDs with bottom escape openings. Floatation devices adequate to lift TEDs from the seafloor are specified. This action is necessary to improve the ability of bottom-opening single-grid TEDs to safely exclude sea turtles.

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/20/94	59 FR 33447
Date Effective	07/08/94	59 FR 33447
Final Action	04/00/95	
Final Action Effective	05/00/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Russell J. Bellmer, Chief, Endangered Species Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910-3226, **301 713-1401**

RIN: 0648–AG71

724. PROPOSED LIST OF FISHERIES AS AUTHORIZED BY PUBLIC LAW 103-238

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq The Marine Mammal Protection Act

CFR Citation: 50 CFR 229

Legal Deadline: NPRM, Statutory, July 28, 1994.

Abstract: The Marine Mammal Protection Act Amendments of 1994 (Pub. L. 103-238) modified the scope for classification of commercial fisheries based upon their incidental take rate of marine mammals. The amended MMPA provides for the focus of incidental takings to be on the mortality and serious injury and less upon harassment takings. In addition, the MMPA now distinguishes between incidental and intentional takings during commercial fishing operations. As a result, NMFS is proposing to amend its List of Commercial Fisheries based upon the statutory modifications.

Timetable:

Action	Date	FR Cite
NPRM	09/01/94	59 FR 45263
NPRM Comment Period End	11/30/94	
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Vicki Cornish, Fishery Biologist, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910-3226, **301 713-2322**

RIN: 0648–AG77

725. TAKING AND IMPORTING OF MARINE MAMMALS: PROPOSED RULE PROHIBITING U.S. CITIZENS FROM ENCIRCLING MARINE MAMMALS DURING TUNA FISHING OPERATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 216.24

Legal Deadline: NPRM, Statutory. Final, Statutory, March 1, 1994.

Abstract: This rule proposes implementation of section 307 (a)(2) of the International Dolphin Conservation Act, which makes it unlawful for any person or vessel that is subject to the jurisdiction of the United States, intentionally to set a purse seine net or to encircle any marine mammal during any tuna fishing operation, with certain exceptions.

Timetable:

Action	Date	FR Cite
NPRM	10/12/94	59 FR 51552
NPRM Comment Period End	11/14/94	
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hilda Diaz-Soltero, Director, Southwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213, **310 980-4001**

RIN: 0648–AH04

726. GENERAL AUTHORIZATION FOR SCIENTIFIC RESEARCH INVOLVING LEVEL B HARASSMENT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1151 et seq Fur Seal Act; 16 USC 1631 et seq Marine Mammal Protection Act

CFR Citation: 50 CFR 215; 50 CFR 216

Legal Deadline: Final, Statutory, August 30, 1994.

Abstract: This interim final rule is required by the 1994 amendments to the Marine Mammal Protection Act. These regulations establish a general authorization for bona fide scientific research on non-endangered and non-threatened marine mammals that may result in harassment with only the potential to disturb. Inclusion under the general authorization is achieved by letter of intent to the National Marine Fisheries Service and a letter of confirmation from the Service.

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/03/94	59 FR 50372
Interim Final Rule Comment Period End	11/17/94	
Final Action	06/00/95	
Final Action Effective	07/00/95	

Small Entities Affected: None

Government Levels Affected: State, Federal

Additional Information: The National Marine Fisheries Service and the U.S. Fish and Wildlife Service are discussing whether to issue this rule jointly.

Agency Contact: Ann Terbush, Chief, Permits Division, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, 1315 East-West Highway, Silver Spring, MD 20910-3226, **301 713-2289**

RIN: 0648–AH20

DOC—NOAA Final Rule Stage

NATIONAL OCEAN SURVEY/OFFICE OF COASTAL RESOURCES MANAGEMENT

727. REVISION OF FEDERAL CONSISTENCY REGULATIONS UNDER THE COASTAL ZONE MANAGEMENT ACT

Priority: Substantive, Nonsignificant

Legal Authority: 16 USC 1451 et seq

CFR Citation: 15 CFR 930

Legal Deadline: None

Abstract: This rulemaking will revise the Federal consistency regulations to streamline and clarify procedural requirements.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: **Margo F. Jackson**, Asst. General Counsel for Ocean Services, Office of General Counsel, Department of Commerce, National Oceanic and Atmospheric Administration, 1305 East-West Highway, 6th Floor, Silver Spring, MD 20910, **301 713-2967**

RIN: 0648–AD83

OFFICE OF THE ADMINISTRATOR

728. NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION REGULATIONS

Priority: Regulatory Plan

Legal Authority: 33 USC 2706

CFR Citation: 15 CFR 990

Legal Deadline: Final, Statutory, August 18, 1992.
Congress required the regulations to be promulgated no later than 2 years following the enactment of the Oil Pollution Act (OPA).

Abstract: Section 1006(e) of the Oil Pollution Act requires the President, acting through the Under Secretary of Commerce for Oceans and Atmosphere, acting through NOAA, to promulgate natural resource damage assessment regulations applicable to oil spills. A Federal approach will provide a consistent, uniform set of procedures specifically for use in oil spills. These procedures will be available to Federal, State, Indian, and foreign natural resource trustees. A single Federal solution will be more cost efficient than having the individual States develop separate methodologies. It is expected that trustees will use the procedures contained in the regulations because the Oil Pollution Act provides that any determination or assessment of damages made in accordance with the regulations shall have the force and effect of a rebuttable presumption on behalf of the trustee in an administrative or judicial proceeding.

Timetable:

Action	Date	FR Cite
ANPRM	12/28/90	55 FR 53478
Public Meeting Scheduled for 03/20/91	02/28/91	56 FR 8307
ANPRM	04/01/91	56 FR 8307
ANPRM Comment Period Extended to 10/01/92	06/01/92	57 FR 23067
ANPRM Comment Period End	01/15/93	58 FR 4601
ANPRM; Release of Report; Extension of Comment Period to January 15, 1993	01/15/93	58 FR 4601
NPRM	01/07/94	59 FR 1062
6 Cooperative Prespilling Planning Meetings Scheduled During January and February 1994	01/07/94	59 FR 1190
6 Public Meetings Scheduled During January and February 1994	01/07/94	59 FR 1189
NPRM Comment Period End	04/07/94	
NPRM Comment Period Extended to	10/07/94	59 FR 32148
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Linda B. Burlington**, Project Manager, Department of Commerce, National Oceanic and Atmospheric Administration, SSMC 3. Room 15132, 1315 East-West Highway, Silver Spring, MD 20910-3282, **301 713-1217**

RIN: 0648–AE13

729. NOAA CLIMATE AND GLOBAL CHANGE PROGRAM—PROPOSAL SUBMISSION GUIDELINES

Priority: Substantive, Nonsignificant

Legal Authority: 49 USC 1463; 15 USC 313; 15 USC 2921

CFR Citation: Not yet determined

Legal Deadline: None

Abstract: This rule will specify criteria and procedures for eligibility, submission and evaluation, and selection for proposals for funding that are under the NOAA Climate and Global Change Program's annual program announcement. The intent of the program is to improve the ability to observe, understand, predict, and respond to changes in the environment of our planet. The NOAA program is an element of the interagency U.S. Global Change Research Program. NOAA's program is designed to complement other agency contributions to that national effort.

Timetable:

Action	Date	FR Cite
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Irma DuPree**, Department of Commerce, National Oceanic and Atmospheric Administration, Office of Global Programs, 1100 Wayne Avenue, Suite 1225, Silver Spring, MD 20910-5603, **301 427-2089**

RIN: 0648–AG51

DEPARTMENT OF COMMERCE (DOC) **Completed/Longterm Actions**

National Oceanic and Atmospheric Administration (NOAA)

730. SECRETARIAL FISHERY MANAGEMENT PLAN FOR SHARKS OF THE ATLANTIC OCEAN

CFR Citation: 50 CFR 678

Completed:

Reason	Date	FR Cite
Final Action	10/18/94	59 FR 52453
Final Action Effective	11/17/94	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: Richard H. Schaefer, 301 713-2334

RIN: 0648–AD12

731. REGULATORY AMENDMENT—U.S. NATIONALS FISHING IN RUSSIAN FISHERIES

CFR Citation: 50 CFR 299

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard H. Schaefer, 301 713-2334

RIN: 0648–AD29

732. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE SNAPPER-GROUPER FISHERY OF THE SOUTH ATLANTIC

CFR Citation: 50 CFR 646

Completed:

Reason	Date	FR Cite
Final Action	12/23/94	59 FR 66270
Final Action Effective	01/23/95	59 FR 66270

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, 813 570-5301

RIN: 0648–AE52

733. AMENDMENT 31 TO THE FMP FOR GROUNDFISH OF THE GOA AND AMENDMENT 35 TO THE FMP FOR GROUNDFISH OF THE BSAI

CFR Citation: 50 CFR 676

Completed:

Reason	Date	FR Cite
Final Action	10/07/94	59 FR 51135
Final Action Effective	11/07/94	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Steven Pennoyer, 907 586-7228

RIN: 0648–AE79

734. AMENDMENT 21A TO THE FMP FOR THE GROUNDFISH FISHERY OF THE BERING SEA AND ALEUTIAN ISLANDS TO PROHIBIT BOTTOM TRAWLING ADJACENT TO THE PRIBILOF ISLANDS

CFR Citation: 50 CFR 675

Completed:

Reason	Date	FR Cite
Final Action	01/20/95	60 FR 4110
Final Action Effective	01/20/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Pennoyer, 907 586-7228

RIN: 0648–AF02

735. REGULATORY AMENDMENT IMPLEMENTING GROUNDFISH GEAR CHANGES IN THE PACIFIC COAST GROUNDFISH FISHERY

CFR Citation: 50 CFR 663

Completed:

Reason	Date	FR Cite
Final Action	03/13/95	60 FR 13377
Final Action Effective	09/08/95	

Small Entities Affected: Businesses

Government Levels Affected: Federal

Agency Contact: William Stelle, 206 526-6150

RIN: 0648–AF38

736. AMENDMENT TO ENHANCE DATA ON BYCATCH AND ESTABLISH A PILOT PROGRAM FOR DONATION OF ATLANTIC SWORDFISH

CFR Citation: 50 CFR 630

Completed:

Reason	Date	FR Cite
Final Action	11/03/94	60 FR 59550
Final Action Effective	12/05/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard H. Schaefer, 301 713-2334

RIN: 0648–AF42

737. REGULATORY AMENDMENT TO MODIFY PERMIT APPLICATION REQUIREMENTS FOR ALL FISHERY MANAGEMENT PLANS IN THE WESTERN PACIFIC REGION

CFR Citation: 50 CFR 680; 50 CFR 681; 50 CFR 683; 50 CFR 685

Completed:

Reason	Date	FR Cite
Withdrawn	01/17/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hilda Diaz-Soltero, 310 980-4001

RIN: 0648–AF62

738. REGULATORY AMENDMENT TO IMPLEMENT MEASURES IN THE NORTH PACIFIC ANADROMOUS STOCKS ACT OF 1992

CFR Citation: 50 CFR 675

Completed:

Reason	Date	FR Cite
Withdrawn - NMFS intends not to initiate action this reporting period.	02/13/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Steven Pennoyer, 907 586-7228

RIN: 0648–AF69

739. REGULATORY AMENDMENT TO REQUIRE BLUEFIN TUNA STATISTICAL DOCUMENTS

CFR Citation: 50 CFR 285

Completed:

Reason	Date	FR Cite
Final Action	03/17/95	60 FR 14381
Final Action Effective	04/17/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard H. Schaefer, 301 713-2334

RIN: 0648–AF74

740. REGULATORY AMENDMENT TO ESTABLISH A VESSEL MONITORING SYSTEM WITHIN THE PELAGIC FISHERIES OF THE WESTERN PACIFIC REGION

CFR Citation: 50 CFR 685

Completed:

Reason	Date	FR Cite
Final Action	11/15/94	59 FR 58789
Final Action Effective	12/15/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hilda Diaz-Soltero, 310 980-4001

RIN: 0648–AF77

741. AMENDMENT 8 TO THE FISHERY MANAGEMENT PLAN FOR CRUSTACEAN FISHERIES OF THE WESTERN PACIFIC REGION

CFR Citation: 50 CFR 681

Completed:

Reason	Date	FR Cite
Final Action	11/10/94	59 FR 56004
Final Action Effective	12/12/94	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Hilda Diaz-Soltero, 310 980-4001

RIN: 0648–AF82

742. AMENDMENT 7 TO THE FISHERY MANAGEMENT PLAN FOR THE SHRIMP FISHERY OF THE GULF OF MEXICO

CFR Citation: 50 CFR 658

Completed:

Reason	Date	FR Cite
Final Action	12/28/94	59 FR 66787
Final Action Effective	01/27/95	59 FR 66787

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, 813 570-5301

RIN: 0648–AF83

743. AMENDMENT 2 TO THE FMP FOR CORAL AND CORAL REEFS OF THE GULF OF MEXICO AND SOUTH ATLANTIC

CFR Citation: 50 CFR 638

Completed:

Reason	Date	FR Cite
Final Action	12/28/94	59 FR 66776
Final Action Effective	12/22/94	59 FR 66776

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, 813 570-5301

RIN: 0648–AF85

744. REGULATORY AMENDMENT TO IMPOSE TRIP LIMITS ON COMMERCIAL CATCHES OF ATLANTIC SHARKS

CFR Citation: 50 CFR 678

Completed:

Reason	Date	FR Cite
Final Action	10/18/94	59 FR 52453
Final Action Effective	11/17/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Richard H. Schaefer, 301 713-2334

RIN: 0648–AG02

745. REGULATORY AMENDMENT DEFINING HARVESTING CAPACITY UNIT AND MANAGEMENT SYSTEM UNDER THE WESTERN PACIFIC PELAGICS FMP

CFR Citation: 50 CFR 685

Completed:

Reason	Date	FR Cite
Withdrawn	01/17/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hilda Diaz-Soltero, 310 980-4001

RIN: 0648–AG04

746. AMENDMENT 5 TO THE FISHERY MANAGEMENT PLAN FOR THE STONE CRAB FISHERY OF THE GULF OF MEXICO

CFR Citation: 50 CFR 654

Completed:

Reason	Date	FR Cite
Final Action	03/15/95	60 FR 13918
Final Action Effective	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, 813 570-5301

RIN: 0648–AG23

747. REGULATORY AMENDMENT TO ESTABLISH THE BERING SEA AND ALEUTIAN ISLANDS ''A'' SEASON FRAMEWORK

CFR Citation: 50 CFR 675

Completed:

Reason	Date	FR Cite
Final Action	12/16/94	59 FR 64867
Final Action Effective	01/12/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Steven Pennoyer, 907 586-7228

RIN: 0648–AG92

748. REGULATORY AMENDMENT CODIFYING THE COMMUNITY DEVELOPMENT QUOTA COMPENSATION FORMULA

CFR Citation: 50 CFR 676

Completed:

Reason	Date	FR Cite
Final Action	03/03/95	60 FR 11916
Final Action Effective	04/03/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Steven Pennoyer, 907 586-7228

RIN: 0648–AG98

749. 1995 CATCH SHARING PLAN AND CONSERVATION MEASURES FOR PACIFIC HALIBUT

CFR Citation: 50 CFR 301

Completed:

Reason	Date	FR Cite
Final Action	03/20/95	60 FR 14651
Final Action Effective	03/15/95	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: William Stelle, 206 526-6150

RIN: 0648–AH01

750. FINAL NOTICE OF CHANGES IN THE MANAGEMENT REGIMES FOR ATLANTIC MIGRATORY KING AND SPANISH MACKEREL AND GULF GROUP OF KING MACKEREL

CFR Citation: 50 CFR 642

Completed:

Reason	Date	FR Cite
Final Action	10/21/94	59 FR 53120
Final Action Effective	11/21/94	59 FR 53120

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, 813 570-5301

RIN: 0648–AH17

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751. ● REGULATORY AMENDMENT FOR THE SPINY LOBSTER FISHERY OF THE GULF OF MEXICO AND SOUTH ATLANTIC

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 640

Legal Deadline: None

Abstract: Regulatory Amendment to: remove the requirement for Federal vessel permits in the commercial spiny lobster fishery in the exclusive economic zone off Florida; make technical corrections and revisions; and add a prohibition against making false statements to authorized officers.

Timetable:

Action	Date	FR Cite
Final Action Effective	10/18/94	59 FR 53118
Final Action	10/21/94	59 FR 53118

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AH27

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752. ● REGULATORY AMENDMENT UNDER THE FMP FOR THE REEF FISH RESOURCES OF THE GULF OF MEXICO

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 641

Legal Deadline: None

Abstract: In accordance with the FMP framework procedure for adjusting management measures annually, this final rule: reduces the daily bag limit for red snapper from seven to five fish and increases the minimum allowable size of red snapper from 14 inches (35.6 cm) to 15 inches (38.1 cm) for recreational fishermen and other persons subject to the bag limit; and delays the opening of the commercial fishery for red snapper until February 24, 1995.

Timetable:

Action	Date	FR Cite
Final Action	12/30/94	59 FR 67647
Final Action Effective	05/01/95	59 FR 67647

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Andrew J. Kemmerer, Director, Southeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 9721 Executive Center Drive N., St. Petersburg, FL 33702-2432, **813 570-5301**

RIN: 0648–AH33

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753. ● FRAMEWORK ADJUSTMENT 2 TO THE ATLANTIC SEA SCALLOP FISHERY MANAGEMENT PLAN

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 650

Legal Deadline: None

Abstract: This rule implements an exemption from Federal gear regulations for vessels when fishing in state waters under a state scallop management program.

Timetable:

Action	Date	FR Cite
Final Action Effective	11/16/94	59 FR 59967
Final Action	11/21/94	59 FR 59967

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jon C. Rittgers, Acting Director, Northeast Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, One Blackburn Drive, Gloucester, MA 01930, **508 281-9200**

RIN: 0648–AH35

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754. ● FINAL SPECIFICATIONS AND MANAGEMENT MEASURES FOR 1995 PACIFIC COAST GROUNDFISH FISHERY

Legal Authority: 16 USC 1801 et seq

CFR Citation: 50 CFR 663

Legal Deadline: None

Abstract: This regulatory action announces the 1995 fishery and management measures for the groundfish fishery off Washington, Oregon, and California. Specifications include levels of acceptable biological catch and harvest guidelines. The harvest guidelines are allocated between the limited entry and open-access fisheries. Management measures are primarily trip limits and trip frequencies designed to keep landings within the harvest guidelines, and to achieve goals and objective of the FMP.

Timetable:

Action	Date	FR Cite
Withdrawn	01/04/95	60 FR 2331

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Stelle, Director, Northwest Region, NMFS, Department of Commerce, National Oceanic and Atmospheric Administration, 7600 Sand Point Way NE., BIN C15700, Bldg. 1, Seattle, WA 98115-0070, **206 526-6150**

RIN: 0648–AH50

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755. REGULATION TO PROVIDE DISASTER RELIEF TO WEST COAST SALMON FISHERIES

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn	09/07/94	59 FR 46224

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William Stelle, 206 526-6150

RIN: 0648–AG75

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756. ENDANGERED FISH AND WILDLIFE; APPROACHING HUMPBACK WHALES IN HAWAIIAN WATERS

CFR Citation: 50 CFR 222.31

Completed:

Reason	Date	FR Cite
Final Action	01/19/95	60 FR 3775
Final Action Effective	01/19/95	60 FR 3775

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jim Lecky, 310 980-4001

RIN: 0648–AB79

757. TAKING AND IMPORTING OF MARINE MAMMALS: PROHIBITION ON SETTING ON ANY NORTHEASTERN OFFSHORE SPOTTED DOLPHIN

CFR Citation: 50 CFR 216.24

Completed:

Reason	Date	FR Cite
Final Action	10/20/94	59 FR 52922
Final Action Effective	10/17/94	

Small Entities Affected: Governmental Jurisdictions

Government Levels Affected: State

Agency Contact: Hilda Diaz-Soltero, 310 980-4001

RIN: 0648–AG33

758. DEFINITION OF ''INTERMEDIARY NATION''

CFR Citation: 50 CFR 216.3; 50 CFR 216.24(e)(5)(xiv)

Completed:

Reason	Date	FR Cite
Final Action	12/07/94	59 FR 63062
Final Action Effective	12/07/94	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Hilda Diaz-Soltero, 310 980-4001

RIN: 0648–AG42

759. DESIGNATED CRITICAL HABITAT; DEER CREEK SUMMER STEELHEAD

CFR Citation: 50 CFR 226

Completed:

Reason	Date	FR Cite
Withdrawn - Petition to list species under ESA has been denied.	11/21/94	59 FR 59981

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marta Nammack, 301 713-1401

RIN: 0648–AG44

760. DESIGNATED CRITICAL HABITAT; PACIFIC COHO SALMON

Completed:

Reason	Date	FR Cite
Duplicate of RIN 0648-AG56	03/23/95	

RIN: 0648–AG57

761. PROPOSED DESIGNATION OF CRITICAL HABITAT FOR THE MID-COLUMBIA RIVER SUMMER CHINOOK SALMON

CFR Citation: 50 CFR 226

Completed:

Reason	Date	FR Cite
Withdrawn - Petition to list species under ESA has been denied.	09/23/94	59 FR 48855

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Marta Nammack, 301 713-2322

RIN: 0648–AH10

762. • PROHIBITION ON INTENTIONAL LETHAL TAKE OF MARINE MAMMALS IN COMMERCIAL FISHING OPERATIONS

Legal Authority: 16 USC 1361 et seq

CFR Citation: 50 CFR 229

Legal Deadline: Final, Statutory, September 30, 1995.

Abstract: The Marine Mammal Protection Act Amendments of 1994 established a new section 118 for the Marine Mammal Protection Act. Among other things, section 118 prohibits the intentional lethal taking of marine mammals in the course of commercial fishing operations except where human life is threatened. The rule will implement the statutory provision.

Timetable:

Action	Date	FR Cite
NPRM	12/08/94	59 FR 63324
Final Action	02/01/95	60 FR 6036
Final Action Effective	03/03/95	

Small Entities Affected: Businesses

Government Levels Affected: None

Agency Contact: Dean Wilkinson, Marine Resource Management Specialist, Office of Protected Resources, Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, **301 713-2322**

RIN: 0648–AH43

763. PROPOSED REGULATIONS FOR THE KEY LARGO NATIONAL MARINE SANCTUARY

CFR Citation: 15 CFR 929

Completed:

Reason	Date	FR Cite
Withdrawn - Combined with RIN 0648-AD85	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lawless, 301 713-3125

RIN: 0648–AA33

764. PROPOSED REGULATIONS FOR THE LOOE KEY NATIONAL MARINE SANCTUARY

CFR Citation: 15 CFR 937

Completed:

Reason	Date	FR Cite
Withdrawn - Combined with RIN 0648-AD85	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lawless, 301 713-3125

RIN: 0648–AB64

765. FINAL REGULATIONS FOR THE STELLWAGEN BANK NATIONAL MARINE SANCTUARY

CFR Citation: 15 CFR 940

Completed:

Reason	Date	FR Cite
Final Action	10/19/93	58 FR 53865
Final Action Effective	12/03/93	58 FR 53865

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lawless, 301 713-3125

RIN: 0648–AC94

766. PROPOSED REGULATIONS FOR THE FLORIDA KEYS NATIONAL MARINE SANCTUARY

CFR Citation: 15 CFR 929

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: James Lawless, 301 713-3125

RIN: 0648–AD85

DOC—NOAA **Completed/Longterm Actions**

767. TECHNICAL CONFORMING CHANGES TO EXISTING NOAA REGULATIONS TO IMPLEMENT 1990 REAUTHORIZATION OF THE COASTAL ZONE MANAGEMENT ACT

CFR Citation: 15 CFR 923; 15 CFR 926; 15 CFR 927; 15 CFR 931

Completed:

Reason	Date	FR Cite
Final Action	05/31/94	59 FR 27974
Final Action Effective	06/30/94	59 FR 27974

Small Entities Affected: None

Government Levels Affected: State, Federal

Agency Contact: Vickie A. Allin, 301 713-3087

RIN: 0648–AE11

DEPARTMENT OF COMMERCE (DOC) **Proposed Rule Stage**

National Telecommunications and Information Administration (NTIA)

768. THE TELECOMMUNICATIONS AND INFORMATION INFRASTRUCTURE GRANT PROGRAM

Priority: Other Significant

Legal Authority: 47 USC 901 et seq

CFR Citation: None

Legal Deadline: None

Abstract: A new information infrastructure grant program called the Telecommunications and Information Infrastructure Assistance Program (TIIAP) was established within NTIA pursuant to The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act of 1994, P.L. 103-121, 107 Stat. 1175. Appropriations of $26 million were made for fiscal year 1994 to fund the planning and construction of telecommunications and information infrastructure grants under NTIA's existing grant authority. NTIA released public notice in the Federal Register announcing the availability of these funds on March 4, 1994. The TIIAP is part of the President's plan for telecommunications infrastructure development. Under the program, matching grants will enable State and local governments and nonprofit entities to help bring the capabilities of advanced telecommunications technologies to the public. A wide range of demonstrations will be funded that provide the basis for connecting schools, libraries, health care facilities, museums, and other social and community services with interactive data, voice, and video telecommunications capabilities. There is also (cont)

Timetable:

Action	Date	FR Cite
Notice of FY 1994 Funding	03/04/94	59 FR 10562
Notice of FY 1995 Funding	02/10/95	60 FR 8156
NPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Additional Information: ABSTRACT CONT: pending authorization legislation in both the House (The Telecommunications and Information Infrastructure and Public Broadcasting Facilities Assistance Act of 1993, H.R. 2639) and the Senate (The National Telecommunication and Information Administration Authorization Act of 1994, S. 1883) that would provide funding for future years for an information infrastructure grant program within NTIA. The proposed authorization would also narrow eligibility for the existing Public Telecommunications Facilities Program (PTFP) to public broadcasting entities. Nonbroadcast applicants, however, would be eligible to apply under the new information infrastructure grant program. Upon passage of such legislation, NTIA will take any necessary actions to conform current programs and regulations with the new statutory mandates, either through formal rulemaking or guidelines. NTIA has been appropriated $64 million for the TIIAP and $2.9 million for the PTFP for FY 1995. For FY 1996, requested appropriations are $100 million for the TIIAP and $8 million for the PTFP.

Agency Contact: Dr. Charles Rush, Associate Administrator, Office of Telecommunications & Info. Applications, Department of Commerce, National Telecommunications and Information Administration, Room 4096, 14th & Constitution Avenue NW., Washington, DC 20230, **202 482-5802**

RIN: 0660–AA04

DEPARTMENT OF COMMERCE (DOC) **Final Rule Stage**

National Telecommunications and Information Administration (NTIA)

769. TRANSFER OF SPECTRUM FROM THE FEDERAL GOVERNMENT TO THE FCC

Priority: Other Significant

Legal Authority: 47 USC 921, PL 103-66

CFR Citation: None

Legal Deadline: Other, Statutory, February 10, 1995.
Final Report on Spectrum Reallocation due on February 10, 1995.

Abstract: The Omnibus Budget Reconciliation Act of 1993 contains several provisions relating to reform of both Federal and private use of the electromagnetic spectrum. This reform includes authorization for the Federal Communications Commission (FCC) to use competitive bidding to assign radio licenses to private users, as well as reallocation of some spectrum currently used by the Federal Government to the FCC for licensing to private users. The reallocation will make more spectrum available for new technologies and services being developed by the private sector. As the agency responsible for managing use of the Federal Government's spectrum, NTIA will oversee the withdrawal of incumbent Federal users from frequencies to be reallocated. Costs may include displacement of incumbent Federal users and their relocation to different frequencies. Following its customary

DOC—NTIA **Final Rule Stage**

practice, NTIA will address such spectrum issues at the Interdepartmental Radio Advisory Committee (IRAC), which will be given the opportunity to make a recommendation on these issues, although any final decision rests with the Secretary. Certain IRAC proposals and decisions are subject to public notice and comment pursuant to the National Telecommunications and Information Administration Organization Act, codified at 47 U.S.C. 901 et seq. A preliminary report and request for comments on spectrum reallocation was issued on February 10, 1994. Comments were due on May 11, 1994 and were submitted to the FCC for review.

Timetable:

Action	Date	FR Cite
NPRM	02/09/94	59 FR 6005
NPRM Comment Period End	05/11/94	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Richard D. Parlow, Associate Administrator, Office of Spectrum Management, Department of Commerce, National Telecommunications and Information Administration, Room 4099, 14th & Constitution Avenue NW., Washington, DC 20230, **202 482-1850**

RIN: 0660–AA05

DEPARTMENT OF COMMERCE (DOC) — Completed/Longterm Actions
National Telecommunications and Information Administration (NTIA)

770. REQUIRING PROOF OF COMPLIANCE WITH FCC LICENSING REQUIREMENTS

CFR Citation: None

Completed:

Reason	Date	FR Cite
Withdrawn - Manual was revised February 10, 1994.	02/24/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: William D. Gamble, 202 482-1850

RIN: 0660–AA08

DEPARTMENT OF COMMERCE (DOC) — Prerule Stage
Patent and Trademark Office (PTO)

771. PATENT APPLICATION ELECTRONIC SUBMISSION RULES

Priority: Other Significant

Legal Authority: 35 USC 6; 35 USC 1123

CFR Citation: 37 CFR 1; 37 CFR 2

Legal Deadline: None

Abstract: The Office proposes to allow patent and trademark applicants the option of submitting their applications electronically. The proposed revisions to 37 CFR 1 and 2 would set out the procedures for filing patent and trademark applications in an electronic format.

Timetable:

Action	Date	FR Cite
ANPRM	11/30/92	57 FR 56537
ANPRM Comment Period End	03/01/93	
Next Action Undetermined		

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Robert Stohl, Exec. Asst. to Asst. Secretary of Commerce and Commissioner of Patents and Trademarks, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 305-8600**

RIN: 0651–AA50

772. ● INTER PARTES REEXAMINATION

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.901 to 1.907; 37 CFR 1.909; 37 CFR 1.911; 37 CFR 1.913; 37 CFR 1.915; 37 CFR 1.917; 37 CFR 1.919; 37 CFR 1.921; 37 CFR 1.923

Legal Deadline: None

Abstract: Proposed rules establish procedures for the Commissioner to reexamine U.S. patents. The rules afford third parties opportunity for greater participation.

Timetable: Next Action Undetermined

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Gerald A. Dost, Special Program Examiner, Department of Commerce, Patent and Trademark Office, Commissioner of Patents & Trademarks, Office of Petitions, Crystal Park 1, Rm. 520, **703 305-9282**

RIN: 0651–AA79

DEPARTMENT OF COMMERCE (DOC) — Proposed Rule Stage
Patent and Trademark Office (PTO)

773. TRADEMARK PROCEDURES

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1051 et seq

CFR Citation: 37 CFR 2.24; 37 CFR 2.85(e); 37 CFR 2.102(e); 37 CFR 2.119; 37 CFR 2.146(d); 37 CFR 2.162(e); 37 CFR 2.183; 37 CFR 2.33; 37 CFR 2.111(b); 37 CFR 2.80; 37 CFR 2.187; 37 CFR 2.189

Legal Deadline: None

Abstract: The proposed rule changes concern housekeeping changes to conform the rules to the Trademark Law Revision Act of 1988 and other miscellaneous changes.

Timetable: Next Action Undetermined

Small Entities Affected: Undetermined

Government Levels Affected: None

Agency Contact: Lynne Beresford, Trademark Administrator, Department of Commerce, Patent and Trademark Office, Office of Asst. Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, **703 308-8900**

RIN: 0651–AA46

774. CHANGES TO MAILING PROCEDURES

Priority: Informational

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.1; 37 CFR 1.5; 37 CFR 1.8; 37 CFR 1.10

Legal Deadline: None

Abstract: Currently all letters and other communications intended for the Patent and Trademark Office must be addressed to ''Commissioner of Patents and Trademarks,'' Washington, DC 20231. The proposed rule change would require incoming mail to be addressed to specific box locations also.

Timetable:

Action	Date	FR Cite
NPRM	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jeffrey V. Nase, Director, Office of Petitions, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Washington, DC 20231, **703 305-9285**

RIN: 0651–AA70

775. CHANGES IN REQUIREMENTS FOR ADDRESSING TRADEMARK APPLICATIONS AND TRADEMARK-RELATED PAPERS

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.1; 37 CFR 1.8(a)(1); 37 CFR 1.10(b)

Legal Deadline: None

Abstract: The regulation addresses the change of address for trademark-related mail sent to the Patent and Trademark Office.

Timetable:

Action	Date	FR Cite
Notice of Change of Address	06/06/94	59 FR 29275
NPRM	10/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Lynne Beresford, Trademark Legal Administrator, Department of Commerce, Patent and Trademark Office, Office of the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3315, **703 305-9464**

RIN: 0651–AA73

776. REVISION OF PATENT AND TRADEMARK FEES

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 41; 35 USC 111; 35 USC 6; 35 USC 376; 15 USC 1051; 15 USC 1113; 15 USC 1123; PL 101-508; PL 102-204

CFR Citation: 37 CFR 1.16; 37 CFR 1.17; 37 CFR 1.18; 37 CFR 1.19; 37 CFR 1.20; 37 CFR 1.21; 37 CFR 1.26; 37 CFR 1.445; 37 CFR 1.482; 37 CFR 1.492; 37 CFR 2.6

Legal Deadline: None

Abstract: The Patent and Trademark Office (PTO) proposes to amend its rules of practice to revise patent statutory fees and most trademark fees to reflect fluctuations in the Consumer Price Index (CPI) and other non-statutory patent fees to recover the average costs of providing the goods or services consistent with the Patent and Trademark Authorization Act of 1991 (Public Law 102-204).

Timetable:

Action	Date	FR Cite
NPRM Comment Period End	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Robert Kopson, Assistant Director, Office of Planning and Evaluation, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 305-8510**

RIN: 0651–AA74

777. EARLY PUBLICATION OF PATENT APPLICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1

Legal Deadline: None

Abstract: Congress is considering legislation that would mandate early publication of pending patent applications, except those under secrecy order. Early publication will require printing some information about pending patent applications 18 months after the effective filing date of each patent application. This rulemaking implements that legislation.

Timetable:

Action	Date	FR Cite
Notice of Public Hearing and Request for Public Comments	12/12/94	59 FR 63966
Next Action Undetermined		

Small Entities Affected: None

Government Levels Affected: None

Additional Information: This rulemaking incorporates RIN 0651-AA62: Procedures for Amending Patent Applications.

Agency Contact: Stephen G. Kunin, Deputy Assistant Commissioner for Patent Policy and Projects, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 305-8850**

RIN: 0651–AA75

778. • SIMPLIFICATION OF THE REQUIREMENTS CONCERNING THE FILING AND PROCESSING OF TRADEMARK APPLICATIONS, INTENT TO USE DOCUMENTS, AND PETITIONS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1123; 35 USC 6

CFR Citation: 37 CFR 1.1; 37 CFR 1.6; 37 CFR 1.10; 37 CFR 1.8; 37 CFR 2

Legal Deadline: None

Abstract: The regulatory changes will simplify the filing and processing of trademark applications, intent-to-use documents, and petitions by eliminating some of the nonstatutory requirements now imposed by the Patent and Trademark Office. The changes will permit applicants to

DOC—PTO Proposed Rule Stage

secure an application filing date more easily, to process their applications with fewer technical requirements and to clarify the process for petitions to the Commissioner. Many applicants now fail to receive a filing date or a trademark registration solely due to very technical requirements imposed by the Office. These requirements are not imposed by the Lanham Act.

Timetable:

Action	Date	FR Cite
NPRM	07/00/95	
NPRM Comment Period End	09/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Lynne Beresford**, Trademark Legal Administrator, Department of Commerce, Patent and Trademark Office, 2900 Crystal Drive, Arlington, VA 33303-2513, **703 308-8900**

RIN: 0651–AA78

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Final Rule Stage

779. PATENT TERM EXTENSION APPLICATION REQUIREMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 6; 35 USC 156

CFR Citation: 37 CFR 1.740; 37 CFR 1.785

Legal Deadline: None

Abstract: The regulations pertaining to applications for patent term extension are proposed to be amended to clarify requirements for eligibility and filing.

Timetable:

Action	Date	FR Cite
NPRM	11/10/94	59 FR 56015
NPRM Comment Period End	01/12/95	59 FR 56015
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Stephen G. Kunin**, Deputy Assistant Commissioner for Patent Policy and Projects, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 305-8850**

RIN: 0651–AA52

780. CROSS APPEALS IN PTO DISCIPLINARY PROCEEDINGS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 500; 15 USC 1123; 35 USC 6; 35 USC 31; 35 USC 32; 35 USC 41

CFR Citation: 37 CFR 10.155

Legal Deadline: None

Abstract: The Patent and Trademark Office (PTO) proposes to allow cross appeals in PTO practitioner disciplinary proceedings and thereby eliminate the need to file contingent notices of appeals.

Timetable:

Action	Date	FR Cite
NPRM	07/21/93	58 FR 38994
NPRM Comment Period End	08/20/93	58 FR 38994
Second NPRM	01/23/95	60 FR 4395
NPRM Comment Period End	02/22/95	60 FR 4395
Final Action	00/00/00	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Karen L. Bovard**, Director, Office of Enrollment and Discipline, Department of Commerce, Patent and Trademark Office, Box OED, Washington, DC 20231, **703 308-5542**

RIN: 0651–AA65

781. ESTABLISHING PRIOR INVENTION TO OVERCOME CITED PATENT

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1.131

Legal Deadline: None

Abstract: When an application and a patent are owned by the same party and claim the same patentable invention as defined in rule 601(n), applicant and the Office are placed in a difficult position. Applicant cannot use a rule 131 affidavit to overcome the prior art effect of the 35 USC 102(e) patent, and an interference is not normally declared by the Office between a pending application and a patent belonging to the same party. The amendment of rule 131 will permit applicant to overcome the prior art effect of the patent in these circumstances.

Timetable:

Action	Date	FR Cite
NPRM	09/30/94	59 FR 49876
NPRM Comment Period End	12/01/94	
Final Action	06/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Stephen G. Kunin**, Deputy Assistant Commissioner for Patent Policy and Projects, Department of Commerce, Patent and Trademark Office, Room 919, PK2, Washington, DC 20231, **703 305-8850**

RIN: 0651–AA67

782. PATENT APPEALS AND INTERFERENCE RULES

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 6; 35 USC 135

CFR Citation: 37 CFR I

Legal Deadline: None

Abstract: The Patent and Trademark Office is proposing to amend rules relating to patent interference practice, particularly with regard to sanctions against a party, preliminary statements, preliminary motions, and taking testimony.

Timetable:

Action	Date	FR Cite
NPRM	10/03/94	59 FR 50181
NPRM Comment Period End	11/30/94	
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Fred E. McKelvey**, Chief Administrative Patent Judge, Department of Commerce, Patent and Trademark Office, Box Interference, Commissioner of Patents and Trademarks, Washington, DC 20231, **703 603-3336**

RIN: 0651–AA71

DOC—PTO **Final Rule Stage**

783. REVISION OF PATENT COOPERATION TREATY PROVISIONS

Priority: Substantive, Nonsignificant

Legal Authority: 5 USC 500; 35 USC 6; 35 USC 31; 35 USC 32; 35 USC 41; 35 USC 376

CFR Citation: 37 CFR 1.412; 37 CFR 1.421; 37 CFR 1.445; 37 CFR 10.9

Legal Deadline: None

Abstract: The proposed regulations provide that if an international application submitted under the Patent Cooperation Treaty is improperly filed with the United States Receiving Office, it will, under certain circumstances, be transmitted to the International Bureau of the World Intellectual Property Organization acting as a Receiving Office. Such transmittal to the International Bureau occurs if a fee is paid and at least one applicant has indicated a residence or nationality in a PCT member country or has no residence or nationality indicated. (The proposal also provides that a person not registered to practice before the USPTO may practice before the U.S. International Searching and Preliminary Examining Authorities if that person has a right to practice before the International Bureau.)

Timetable:

Action	Date	FR Cite
NPRM	06/30/94	59 FR 33707
NPRM Comment Period End	08/29/94	59 FR 33707
Final Action	04/00/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Charles Pearson**, PCT Legal Administrator, Department of Commerce, Patent and Trademark Office, Commissioner of Patents and Trademarks, Crystal Park II, Room 919, Washington, DC 20231, **703 308-8900**

RIN: 0651–AA72

784. ● CHANGES TO IMPLEMENT 20-YEAR PATENT TERM AND PROVISIONAL APPLICATIONS

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 6

CFR Citation: 37 CFR 1; 37 CFR 3

Legal Deadline: Final, Statutory, June 8, 1995.

Abstract: The rules would implement a change to the 17-year patent term from the date of issuance to a 20-year term from the date of filing as required by Public Law 103-465. The rules would also provide for a provisional application, which would permit U.S. inventors to file an initial application that would serve the same function as a foreign priority application for non-U.S. inventors.

Timetable:

Action	Date	FR Cite
NPRM	12/12/94	59 FR 63951
NPRM Comment Period End	02/17/95	59 FR 63951
Final Action	04/00/95	
Final Action Effective	06/08/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Stephen G. Kunin**, Deputy Assistant Commissioner for Patent Policy and Projects, Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 305-8850**

RIN: 0651–AA76

DEPARTMENT OF COMMERCE (DOC)
Patent and Trademark Office (PTO)

Completed/Longterm Actions

785. CHANGES IN COMPUTER PROGRAM LISTINGS FILED IN PATENT APPLICATIONS

CFR Citation: 37 CFR 1.96

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **J. Michael Thesz, 703 305-8813**

RIN: 0651–AA58

786. PROCEDURES FOR AMENDING PATENT APPLICATIONS

CFR Citation: 37 CFR 1.121; 37 CFR 1.122; 37 CFR 1.124

Completed:

Reason	Date	FR Cite
Merged with RIN 0651-AA75	01/18/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Stephen G. Kunin, 703 305-8850**

RIN: 0651–AA62

787. CHANGES IN PATENT AND TRADEMARK ASSIGNMENT PRACTICE

CFR Citation: 37 CFR 3

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Patrick Rowe, 703 308-9743**

RIN: 0651–AA64

788. ● UTILITY EXAMINATION GUIDELINES

Legal Authority: 35 USC 101

CFR Citation: None

Legal Deadline: None

Abstract: The Patent and Trademark Office is issuing guidelines to establish the policies and procedures to be followed by an Examiner when examining applications for compliance with the utility requirement of 35 USC 101. The guidelines also address issues that may arise during examination of applications claiming protection for inventions in the field of biotechnology and human therapy. The guidelines are accompanied by an overview of applicable legal precedent governing the utility requirement.

Timetable:

Action	Date	FR Cite
NPRM	01/03/95	60 FR 97
NPRM Comment Period End	02/24/95	60 FR 97
Withdrawn	04/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: **Jeff Kushan**, Off. of Legislation & International Affairs,

DOC—PTO Completed/Longterm Actions

Department of Commerce, Patent and Trademark Office, Washington, DC 20231, **703 305-9300**

RIN: 0651–AA77

DEPARTMENT OF COMMERCE (DOC) Prerule Stage
Technology Administration (TA)

789. PROMOTION OF PRIVATE SECTOR INDUSTRIAL TECHNOLOGY PARTNERSHIPS

Priority: Substantive, Nonsignificant

Legal Authority: 15 USC 1512; 15 USC 3710; 15 USC 205a

CFR Citation: 15 CFR 1160 subpart A

Legal Deadline: None

Abstract: 15 CFR part 1160 subpart A will be reviewed to determine if it is consistent with existing technology policies relating to industry roadmaps.

Timetable:

Action	Date	FR Cite
ANPRM	00/00/00	

Small Entities Affected: Undetermined

Government Levels Affected: Undetermined

Agency Contact: Mark Bohannon, Chief Counsel for Technology Administration, Department of Commerce, Technology Administration, Washington, DC 20230, **202 482-1984**

RIN: 0692–AA13

DEPARTMENT OF COMMERCE (DOC) Final Rule Stage
Technology Administration (TA)

790. RIGHTS TO INVENTIONS MADE BY NONPROFIT ORGANIZATIONS AND SMALL BUSINESS FIRMS UNDER GOVERNMENT GRANTS, CONTRACTS AND COOPERATIVE AGREEMENTS

Priority: Substantive, Nonsignificant

Legal Authority: 35 USC 206

CFR Citation: 37 CFR 401

Legal Deadline: None

Abstract: The Under Secretary for Technology plans to allow electronic reporting of inventions.

Timetable:

Action	Date	FR Cite
Final Action	06/00/95	

Small Entities Affected: Undetermined

Government Levels Affected: Federal

Agency Contact: Jon Paugh, Acting Director, Technology Competitiveness, Department of Commerce, Technology Administration, Washington, DC 20230, **202 482-2100**

RIN: 0692–AA14

DEPARTMENT OF COMMERCE (DOC) Completed/Longterm Actions
Technology Administration (TA)

791. LICENSING OF GOVERNMENT-OWNED INVENTIONS

CFR Citation: 37 CFR 404; 37 CFR 102

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jon Paugh, 202 482-2100

RIN: 0692–AA04

792. ADMINISTRATION OF A UNIFORM PATENT POLICY WITH RESPECT TO DOMESTIC RIGHTS IN INVENTIONS MADE BY GOVERNMENT EMPLOYEES

CFR Citation: 37 CFR 501; 37 CFR 101

Completed:

Reason	Date	FR Cite
Withdrawn	04/14/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Jon Paugh, 202 482-2100

RIN: 0692–AA05

DEPARTMENT OF COMMERCE (DOC) **Completed/Longterm Actions**

United States Travel and Tourism Administration (USTTA)

793. GUIDELINES AND PROCEDURES TO PROVIDE FINANCIAL ASSISTANCE TO COOPERATIVE TOURISM MARKETING PROGRAMS FOR INTERNATIONAL TOURISM TRADE DEVELOPMENT

CFR Citation: 15 CFR 1200

Completed:

Reason	Date	FR Cite
Withdrawn	04/01/95	

Small Entities Affected: None

Government Levels Affected: None

Agency Contact: Karen M. Cardran, 202 482-1904

RIN: 0644–AA02

[FR Doc. 95-5744 Filed 05-05-95; 8:45 am]

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Reader Aids

Federal Register

Vol. 60, No. 88

Monday, May 8, 1995

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	**202–523–5227**
Public inspection announcement line	**523–5215**
Corrections to published documents	**523–5237**
Document drafting information	**523–3187**
Machine readable documents	**523–4534**

Code of Federal Regulations

Index, finding aids & general information	**523–5227**
Printing schedules	**523–3419**

Laws

Public Laws Update Service (numbers, dates, etc.)	**523–6641**
Additional information	**523–5230**

Presidential Documents

Executive orders and proclamations	**523–5230**
Public Papers of the Presidents	**523–5230**
Weekly Compilation of Presidential Documents	**523–5230**

The United States Government Manual

General information	**523–5230**

Other Services

Data base and machine readable specifications	**523–4534**
Guide to Record Retention Requirements	**523–3187**
Legal staff	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (PLUS)	**523–6641**
TDD for the hearing impaired	**523–5229**

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FEDERAL REGISTER PAGES AND DATES, MAY

21033–21424.....1
21425–21698.....2
21699–21972.....3
21973–22246.....4
22247–22454.....5
22455–24534.....8

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6792.....21423
6793.....21696
6794.....21971
6795.....22247
6796.....22453
Administrative Orders:
Presidential Determinations:
No. 95–18 of April 21, 1995.....22447
No. 95–19 of April 21, 1995.....22449
No. 95–20 of May 1, 1995.....22245

5 CFR

Ch. XXI.....22249
185.....22249
532.....22455
630.....22455
890.....21590
Proposed Rules:
870.....21759
871.....21759
872.....21759
873.....21759
874.....21759

7 CFR

6.....21425
28.....21033
75.....21034
400.....21035
704.....22456
723.....22458
1036.....22255
1410.....22456
1464.....21036, 22458
1468.....22460
1494.....21037
Proposed Rules:
1205.....21999

8 CFR

103.....21979
208.....21973
210.....21973
214.....21979
240.....21973
242.....21973
245a.....21039, 21973
247a.....21973

9 CFR

94.....21428
Proposed Rules:
308.....22311
310.....22311
318.....22311
320.....22311
325.....22311
326.....22311
327.....22311
381.....22311

10 CFR

2.....22461
51.....22461
54.....22461
Proposed Rules:
50.....22010

12 CFR

25.....22156
203.....22156, 22223
228.....22156
265.....22256
345.....22156
563e.....22156
707.....21699

13 CFR

123.....22495
Proposed Rule:
122.....22311

14 CFR

39.....21041, 21429, 21976, 21977, 21979, 22496, 22498, 22499, 22501
71.....21433, 21434, 21700
1245.....21042
Proposed Rules:
39.....21053, 21054, 21056, 21470, 21471, 21772, 21774, 22011, 22013
71.....21473, 21776

18 CFR

2.....22257, 22503
34.....22503
35.....22257, 22503
41.....22503
131.....22503
292.....22503
294.....22503
382.....22503
385.....22503

19 CFR

7.....21043
11.....21043
12.....21043
18.....21043
19.....21043
24.....21043
54.....21043
101.....21043
102.....21043
111.....21043
114.....21043
123.....21043

128.....21043
132.....21043
134.....21043
141.....21043
145.....21043
146.....21043
148.....21043
151.....21043
152.....21043
177.....21043
181.....21043
191.....21043
Proposed Rules:
10.....22312
12.....22312
102.....22312
134.....22312
177.....22312
162.....21778

20 CFR

217.....21982
226.....
232.....22261
344.....22261
Proposed Rules:
702.....22537
703.....22537

21 CFR

172.....21700
178.....22269
Proposed Rules:
173.....21474
310.....21590

24 CFR

200.....21936
203.....21936
Proposed Rules:
Ch. IX.....21058

26 CFR

1.....21435
Proposed Rules:
1 .....21475, 21482, 21779

29 CFR

100.....22269
Proposed Rules:
1926.....22539
2200.....21058

30 CFR

944.....21435
Proposed Rules:
931.....22332
934.....21484

32 CFR

706 .....22505, 22507, 22508, 22509, 22510, 22511

33 CFR

100.....21982
110.....21983
Proposed Rules:
117.....22014
322.....21061

34 CFR

690.....21438
Proposed Rules:
200.....21400
201.....21400
203.....21400
205.....21400
212.....21400

37 CFR

1.....21043, 21438
202.....21983
10.....21438

38 CFR

Proposed Rules:
3.....22016
21.....21486

39 CFR

111.....22270
Proposed Rules:
3001.....22017

40 CFR

52 .....21440, 21442, 21445, 21447, 21451, 21453, 21455, 21456, 21702, 21703, 21706, 21707, 21713, 21717, 22240, 22241, 22274, 22277, 22283, 22284, 22285, 22287, 22289, 22512, 22515, 22518
70.....21720
80.....21724
81.....21456, 22289
82.....21682
131.....22228, 22229
271.....22524
Proposed Rules:
52 .....21487, 21488, 21489, 21490, 21780, 21781, 21783, 22334, 22335, 22336, 22337, 22540, 22541
81 .....21490, 22336, 22337
82.....21490
156.....21965
170 .....21944, 21948, 21953, 21955, 21960
180 .....21725, 21728, 21731, 21733, 21734, 21736, 21784
185.....21736, 21786
300.....21491, 21786
439.....21592

41 CFR

201–23.....22019
201–24.....22019

42 CFR

2.....22296
6.....22530
406.....22533
421.....21048

43 CFR

Public Land Order:
7138.....21984
7139.....22535

44 CFR

64.....21739

45 CFR

96.....21332

47 CFR

2.....21048
15.....21984
73 .....22298, 22535, 22536
76.....21464
90.....21984, 21987
Proposed Rules:
73 .....22021, 22022, 22541,
90.....22023

48 CFR

502.....21467
506.....21467
513.....21467
552.....21467
926.....22298
952.....22298
970.....22298
1503.....21993
1505.....21993
1513.....21993
1514.....21993
1515.....21993
1522.....21993
1525.....21993
1542.....21993
1552.....21993
1852.....22095
5452.....21992
Proposed Rules:
45.....22442
52.....22442
219.....22035

49 CFR

1002.....22303
1011.....22303
1160.....22303
1161.....22303
1162.....22303
1163.....22303
Proposed Rules:
214.....22542
1121.....22035

50 CFR

217.....21741
227.....21741
649.....21994
651.....21994
661.....21746
663.....22303
675.....22306
676.....22307
678.....21468
Proposed Rules:
216.....22345
625.....21491
640.....21493
671.....22542
672.....22542
675.....22542
676.....22542

CFR CHECKLIST

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Title	Stock Number	Price	Revision Date
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***3** (1994 Compilation and Parts 100 and 101)	(869–026–00002–6)	40.00	[1] Jan. 1, 1995
4	(869–026–00003–4)	5.50	Jan. 1, 1995
5 Parts:			
1–699	(869–026–00004–2)	23.00	Jan. 1, 1995
700–1199	(869–026–00005–1)	20.00	Jan. 1, 1995
1200–End, 6 (6 Reserved)	(869–022–00006–3)	23.00	Jan. 1, 1994
7 Parts:			
0–26	(869–026–00007–7)	21.00	Jan. 1, 1995
27–45	(869–026–00008–5)	14.00	Jan. 1, 1995
46–51	(869–026–00009–3)	21.00	Jan. 1, 1995
52	(869–026–00010–7)	30.00	Jan. 1, 1995
53–209	(869–022–00011–0)	23.00	Jan. 1, 1994
210–299	(869–026–00012–3)	34.00	Jan. 1, 1995
300–399	(869–026–00013–1)	16.00	Jan. 1, 1995
400–699	(869–026–00014–0)	21.00	Jan. 1, 1995
700–899	(869–026–00015–8)	23.00	Jan. 1, 1995
*900–999	(869–026–00016–6)	32.00	Jan. 1, 1995
1000–1059	(869–026–00017–4)	23.00	Jan. 1, 1995
1060–1119	(869–026–00018–2)	15.00	Jan. 1, 1995
1120–1199	(869–026–00019–1)	12.00	Jan. 1, 1995
1200–1499	(869–026–00020–4)	32.00	Jan. 1, 1995
1500–1899	(869–026–00021–2)	35.00	Jan. 1, 1995
1900–1939	(869–026–00022–1)	16.00	Jan. 1, 1995
1940–1949	(869–026–00023–9)	30.00	Jan. 1, 1995
1950–1999	(869–026–00024–7)	40.00	Jan. 1, 1995
2000–End	(869–026–00025–5)	14.00	Jan. 1, 1995
8	(869–026–00026–3)	23.00	Jan. 1, 1995
9 Parts:			
1–199	(869–022–00027–6)	29.00	Jan. 1, 1994
200–End	(869–026–00028–0)	23.00	Jan. 1, 1995
10 Parts:			
0–50	(869–026–00029–8)	30.00	Jan. 1, 1995
51–199	(869–026–00030–1)	23.00	Jan. 1, 1995
200–399	(869–026–00031–0)	15.00	[6] Jan. 1, 1993
400–499	(869–026–00032–8)	21.00	Jan. 1, 1995
500–End	(869–026–00033–6)	39.00	Jan. 1, 1995
11	(869–026–00034–4)	14.00	Jan. 1, 1995
12 Parts:			
1–199	(869–026–00035–2)	12.00	Jan. 1, 1995
200–219	(869–026–00036–1)	16.00	Jan. 1, 1995
220–299	(869–026–00037–9)	28.00	Jan. 1, 1995
*300–499	(869–026–00038–7)	23.00	Jan. 1, 1995
500–599	(869–026–00039–5)	19.00	Jan. 1, 1995
600–End	(869–026–00040–9)	35.00	Jan. 1, 1995
13	(869–026–00041–7)	32.00	Jan. 1, 1995
14 Parts:			
1–59	(869–026–00042–5)	33.00	Jan. 1, 1995
60–139	(869–026–00043–3)	27.00	Jan. 1, 1995
140–199	(869–026–00044–1)	13.00	Jan. 1, 1995
200–1199	(869–026–00045–0)	23.00	Jan. 1, 1995
1200–End	(869–026–00046–8)	16.00	Jan. 1, 1995
15 Parts:			
0–299	(869–026–00047–6)	15.00	Jan. 1, 1995
300–799	(869–026–00048–4)	26.00	Jan. 1, 1995
800–End	(869–026–00049–2)	21.00	Jan. 1, 1995
16 Parts:			
0–149	(869–026–00050–6)	7.00	Jan. 1, 1995
150–999	(869–022–00051–9)	18.00	Jan. 1, 1994
1000–End	(869–026–00052–2)	25.00	Jan. 1, 1995
17 Parts:			
1–199	(869–022–00054–3)	20.00	Apr. 1, 1994
200–239	(869–022–00055–1)	23.00	Apr. 1, 1994
240–End	(869–022–00056–0)	30.00	Apr. 1, 1994
18 Parts:			
1–149	(869–022–00057–8)	16.00	Apr. 1, 1994
150–279	(869–022–00058–6)	19.00	Apr. 1, 1994
280–399	(869–022–00059–4)	13.00	Apr. 1, 1994
400–End	(869–022–00060–8)	11.00	Apr. 1, 1994
19 Parts:			
1–199	(869–022–00061–6)	39.00	Apr. 1, 1994
200–End	(869–022–00062–4)	12.00	Apr. 1, 1994
20 Parts:			
1–399	(869–022–00063–2)	20.00	Apr. 1, 1994
400–499	(869–022–00064–1)	34.00	Apr. 1, 1994
500–End	(869–022–00065–9)	31.00	Apr. 1, 1994
21 Parts:			
1–99	(869–022–00066–7)	16.00	Apr. 1, 1994
100–169	(869–022–00067–5)	21.00	Apr. 1, 1994
170–199	(869–022–00068–3)	21.00	Apr. 1, 1994
200–299	(869–022–00069–1)	7.00	Apr. 1, 1994
300–499	(869–022–00070–5)	36.00	Apr. 1, 1994
500–599	(869–022–00071–3)	16.00	Apr. 1, 1994
600–799	(869–022–00072–1)	8.50	Apr. 1, 1994
800–1299	(869–022–00073–0)	22.00	Apr. 1, 1994
1300–End	(869–022–00074–8)	13.00	Apr. 1, 1994
22 Parts:			
1–299	(869–022–00075–6)	32.00	Apr. 1, 1994
300–End	(869–022–00076–4)	23.00	Apr. 1, 1994
23	(869–022–00077–2)	21.00	Apr. 1, 1994
24 Parts:			
0–199	(869–022–00078–1)	36.00	Apr. 1, 1994
200–499	(869–022–00079–9)	38.00	Apr. 1, 1994
500–699	(869–022–00080–2)	20.00	Apr. 1, 1994
700–1699	(869–022–00081–1)	39.00	Apr. 1, 1994
1700–End	(869–022–00082–9)	17.00	Apr. 1, 1994
25	(869–022–00083–7)	32.00	Apr. 1, 1994
26 Parts:			
§§ 1.0-1–1.60	(869–022–00084–5)	20.00	Apr. 1, 1994
§§ 1.61–1.169	(869–022–00085–3)	33.00	Apr. 1, 1994
§§ 1.170–1.300	(869–022–00086–1)	24.00	Apr. 1, 1994
§§ 1.301–1.400	(869–022–00087–0)	17.00	Apr. 1, 1994
§§ 1.401–1.440	(869–022–00088–8)	30.00	Apr. 1, 1994
§§ 1.441-1.500	(869-022-00089-6)	22.00	Apr. 1, 1994
§§ 1.501–1.640	(869–022–00090–0)	21.00	Apr. 1, 1994
§§ 1.641–1.850	(869–022–00091–8)	24.00	Apr. 1, 1994
§§ 1.851–1.907	(869–022–00092–6)	26.00	Apr. 1, 1994
§§ 1.908–1.1000	(869–022–00093–4)	27.00	Apr. 1, 1994
§§ 1.1001–1.1400	(869–022–00094–2)	24.00	Apr. 1, 1994
§§ 1.1401–End	(869–022–00095–1)	32.00	Apr. 1, 1994
2–29	(869–022–00096–9)	24.00	Apr. 1, 1994
30–39	(869–022–00097–7)	18.00	Apr. 1, 1994
40–49	(869–022–00098–4)	14.00	Apr. 1, 1994
50–299	(869–022–00099–3)	14.00	Apr. 1, 1994
300–499	(869–022–00100–1)	24.00	Apr. 1, 1994
500–599	(869–022–00101–9)	6.00	[4] Apr. 1, 1990

Title	Stock Number	Price	Revision Date
600–End	(869–022–00102–7)	8.00	Apr. 1, 1994
27 Parts:			
1–199	(869–022–00103–5)	36.00	Apr. 1, 1994
*200–End	(869–026–00107–3)	13.00	[8]Apr. 1, 1994
28 Parts:			
1-42	(869–022–00105–1)	27.00	July 1, 1994
43-end	(869-022-00106-0)	21.00	July 1, 1994
29 Parts:			
0–99	(869–022–00107–8)	21.00	July 1, 1994
100–499	(869–022–00108–6)	9.50	July 1, 1994
500–899	(869–022–00109–4)	35.00	July 1, 1994
900–1899	(869–022–00110–8)	17.00	July 1, 1994
1900–1910 (§§ 1901.1 to 1910.999)	(869–022–00111–6)	33.00	July 1, 1994
1910 (§§ 1910.1000 to end)	(869–022–00112–4)	21.00	July 1, 1994
1911–1925	(869–022–00113–2)	26.00	July 1, 1994
1926	(869–022–00114–1)	33.00	July 1, 1994
1927–End	(869–022–00115–9)	36.00	July 1, 1994
30 Parts:			
1–199	(869–022–00116–7)	27.00	July 1, 1994
200–699	(869–022–00117–5)	19.00	July 1, 1994
700–End	(869–022–00118–3)	27.00	July 1, 1994
31 Parts:			
0–199	(869–022–00119–1)	18.00	July 1, 1994
200–End	(869–022–00120–5)	30.00	July 1, 1994
32 Parts:			
1–39, Vol. I		15.00	[2]July 1, 1984
1–39, Vol. II		19.00	[2]July 1, 1984
1–39, Vol. III		18.00	[2]July 1, 1984
1–190	(869–022–00121–3)	31.00	July 1, 1994
191–399	(869–022–00122–1)	36.00	July 1, 1994
400–629	(869–022–00123–0)	26.00	July 1, 1994
630–699	(869–022–00124–8)	14.00	[5]July 1, 1991
700–799	(869–022–00125–6)	21.00	July 1, 1994
800–End	(869–022–00126–4)	22.00	July 1, 1994
33 Parts:			
1–124	(869–022–00127–2)	20.00	July 1, 1994
125–199	(869–022–00128–1)	26.00	July 1, 1994
200–End	(869–022–00129–9)	24.00	July 1, 1994
34 Parts:			
1–299	(869–022–00130–2)	28.00	July 1, 1994
300–399	(869–022–00131–1)	21.00	July 1, 1994
400–End	(869–022–00132–9)	40.00	July 1, 1994
35	(869–022–00133–7)	12.00	July 1, 1994
36 Parts:			
1–199	(869–022–00134–5)	15.00	July 1, 1994
200–End	(869–022–00135–3)	37.00	July 1, 1994
37	(869–022–00136–1)	20.00	July 1, 1994
38 Parts:			
0–17	(869–022–00137–0)	30.00	July 1, 1994
18–End	(869–022–00138–8)	29.00	July 1, 1994
39	(869–022–00139–6)	16.00	July 1, 1994
40 Parts:			
1–51	(869–022–00140–0)	39.00	July 1, 1994
52	(869–022–00141–8)	39.00	July 1, 1994
53–59	(869–022–00142–6)	11.00	July 1, 1994
60	(869-022-00143-4)	36.00	July 1, 1994
61–80	(869–022–00144–2)	41.00	July 1, 1994
81–85	(869–022–00145–1)	23.00	July 1, 1994
86–99	(869–022–00146–9)	41.00	July 1, 1994
100–149	(869–022–00147–7)	39.00	July 1, 1994
150–189	(869–022–00148–5)	24.00	July 1, 1994
190–259	(869–022–00149–3)	18.00	July 1, 1994
260–299	(869–022–00150–7)	36.00	July 1, 1994
300–399	(869–022–00151–5)	18.00	July 1, 1994
400–424	(869–022–00152–3)	27.00	July 1, 1994
425–699	(869–022–00153–1)	30.00	July 1, 1994
700–789	(869–022–00154–0)	28.00	July 1, 1994
790–End	(869–022–00155–8)	27.00	July 1, 1994
41 Chapters:			
1, 1–1 to 1–10		13.00	[3]July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3]July 1, 1984
3–6		14.00	[3]July 1, 1984
7		6.00	[3]July 1, 1984
8		4.50	[3]July 1, 1984
9		13.00	[3]July 1, 1984
10–17		9.50	[3]July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3]July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3]July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3]July 1, 1984
19–100		13.00	[3]July 1, 1984
1–100	(869–022–00156–6)	9.50	July 1, 1994
101	(869–022–00157–4)	29.00	July 1, 1994
102–200	(869–022–00158–2)	15.00	July 1, 1994
201–End	(869–022–00159–1)	13.00	July 1, 1994
42 Parts:			
1–399	(869–022–00160–4)	24.00	Oct. 1, 1994
400–429	(869–022–00161–2)	26.00	Oct. 1, 1994
430–End	(869–022–00162–1)	36.00	Oct. 1, 1994
43 Parts:			
1–999	(869–022–00163–9)	23.00	Oct. 1, 1994
1000–3999	(869–022–00164–7)	31.00	Oct. 1, 1994
4000–End	(869–022–00165–5)	14.00	Oct. 1, 1994
44	(869–022–00166–3)	27.00	Oct. 1, 1994
45 Parts:			
1–199	(869–022–00167–1)	22.00	Oct. 1, 1994
200–499	(869–022–00168–0)	15.00	Oct. 1, 1994
500–1199	(869–022–00169–8)	32.00	Oct. 1, 1994
1200–End	(869–022–00170–1)	26.00	Oct. 1, 1994
46 Parts:			
1–40	(869–022–00171–0)	20.00	Oct. 1, 1994
41–69	(869–022–00172–8)	16.00	Oct. 1, 1994
70–89	(869–022–00173–6)	8.50	Oct. 1, 1994
90–139	(869–022–00174–4)	15.00	Oct. 1, 1994
140–155	(869–022–00175–2)	12.00	Oct. 1, 1994
156–165	(869–022–00176–1)	17.00	[7]Oct. 1, 1993
166–199	(869–022–00177–9)	17.00	Oct. 1, 1994
200–499	(869–022–00178–7)	21.00	Oct. 1, 1994
500–End	(869–022–00179–5)	15.00	Oct. 1, 1994
47 Parts:			
0–19	(869–022–00180–9)	25.00	Oct. 1, 1994
20–39	(869–022–00181–7)	20.00	Oct. 1, 1994
40–69	(869–022–00182–5)	14.00	Oct. 1, 1994
70–79	(869–022–00183–3)	24.00	Oct. 1, 1994
80–End	(869–022–00184–1)	26.00	Oct. 1, 1994
48 Chapters:			
1 (Parts 1–51)	(869–022–00185–0)	36.00	Oct. 1, 1994
1 (Parts 52–99)	(869–022–00186–8)	23.00	Oct. 1, 1994
2 (Parts 201–251)	(869–022–00187–6)	16.00	Oct. 1, 1994
2 (Parts 252–299)	(869–022–00188–4)	13.00	Oct. 1, 1994
3–6	(869–022–00189–2)	23.00	Oct. 1, 1994
7–14	(869–022–00190–6)	30.00	Oct. 1, 1994
15–28	(869–022–00191–4)	32.00	Oct. 1, 1994
29–End	(869–022–00192–2)	17.00	Oct. 1, 1994
49 Parts:			
1–99	(869–022–00193–1)	24.00	Oct. 1, 1994
100–177	(869–022–00194–9)	30.00	Oct. 1, 1994
178–199	(869–022–00195–7)	21.00	Oct. 1, 1994
200–399	(869–022–00196–5)	30.00	Oct. 1, 1994
400–999	(869–022–00197–3)	35.00	Oct. 1, 1994
1000–1199	(869–022–00198–1)	19.00	Oct. 1, 1994
1200–End	(869–022–00199–0)	15.00	Oct. 1, 1994
50 Parts:			
1–199	(869–022–00200–7)	25.00	Oct. 1, 1994
200–599	(869–022–00201–5)	22.00	Oct. 1, 1994
600–End	(869–022–00202–3)	27.00	Oct. 1, 1994
*CFR Index and Findings Aids	(869–026–00053–1)	36.00	Jan. 1, 1995

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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1994. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1994. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period January 1, 1993 to December 31, 1994. The CFR volume issued January 1, 1993, should be retained.

[7] No amendments to this volume were promulgated during the period October 1, 1993, to September 30, 1994. The CFR volume issued October 1, 1993, should be retained.

[8] No amendments to this volume were promulgated during the period April 1, 1994 to March 31, 1995. The CFR volume issued April 1, 1994, should be retained.