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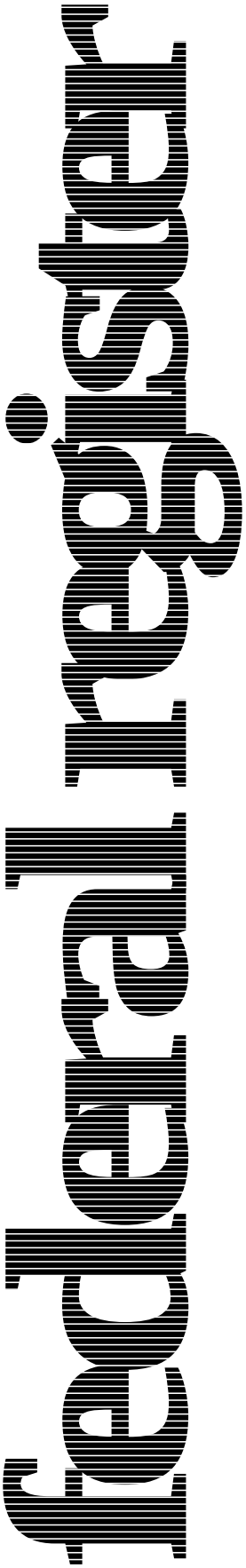

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Rules and Regulations

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

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 457

RIN 0563–AA79

Common Crop Insurance Regulations; Sugarcane Crop Insurance Provisions

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation (''FCIC'') hereby adopts regulations for specific crop provisions to insure sugarcane. These provisions will supplement the Common Crop Insurance Policy (§ 457.8), which contains standard terms and conditions common to most crops. The intended effect of this rule is to move specific crop provisions for insuring sugarcane from the Sugarcane Crop Insurance Regulations (7 CFR 401.133) to the Common Crop Insurance Policy (§ 457.8) for ease of use by the public and conformance among policy terms.

EFFECTIVE DATE: May 12, 1995.

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

SUPPLEMENTARY INFORMATION: This action has been reviewed under United States Department of Agriculture (''USDA'') procedures established by Executive Order 12866 and Departmental Regulation 1512–1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is February 1, 2000.

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

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*), the information collection or record keeping requirements contained in these regulations (7 CFR part 457) have been previously approved by OMB and assigned OMB No. 0563–0016.

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

This regulation will not have a significant impact on a substantial number of small entities. This action does not require any additional reporting burden on the insured farmer and the reinsured company. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605) and no Regulatory Flexibility Analysis was prepared.

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

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

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

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

By separate rule, FCIC will amend 7 CFR 401.133 to restrict the crop years of application to those prior to the crop year for which this rule will be effective and later remove that section.

On Tuesday, February 21, 1995, FCIC published a proposed rule in the **Federal Register** at 60 FR 9629 proposing to revise the Common Crop Insurance Regulations by adding new provisions for sugarcane crop insurance.

Following publication of the proposed rule, the public was afforded 30 days to submit written comments, data, and opinions. The comments received and FCIC responses are as follows:

Comment: One comment received from an insurance association recommended deleting subsection 3.(b) so that sugarcane production reporting would include the most recent crop year, the same as other crops. The ''lag year'' procedure now followed for sugarcane occurs because production records are not available by the production reporting date. The comment noted that procedure permits updating the Actual Production History (APH) records with a ''temporary yield'' when an insured is unable to complete harvesting the crop or production records are unavailable from the processor. Using the ''temporary yield'' for the most recent crop year for sugarcane would eliminate the need for the ''lag year'' and special procedure for sugarcane in the 1995 Crop Insurance Handbook.

Response: Subsection 3.(b) allows producers to delay reporting production for one year because the actual production amount for sugarcane normally is not known until after the production reporting date for all other crops. The ''Temporary Yield'' procedure is intended to be a measure used in extreme circumstances, not as a routine event. Using ''temporary yields'' for reporting sugarcane production would result in additional paperwork to revise the APH once actual records are available. Therefore, FCIC finds that the recommendation would increase rather than reduce paperwork, and is not adopting the comment.

Comment: One comment received from an insurance association questioned the language and intent of subparagraph 8.(a)(3)(ii). Was it the intent of the new language to change the date on which insurance attaches on second year stubble cane in Louisiana?

The current provision states that coverage begins on the later of April 15 or 30 days after harvest after the second crop year of stubble cane. The proposed policy stated that coverage would begin on the later of April 15 or 30 days after harvest for the second crop year. If there is no intent to change this provision, it is recommended that the words ''of stubble cane'' be added to subparagraph 8.(a)(3)(ii).

Response: FCIC agrees with the comment and has amended paragraph 8.(a)(3)(ii) accordingly.

Comment: One comment received from an insurance association recommended that paragraph 11.(c)(1) be revised to count the appraisal of sugarcane cut for seed.

Response: FCIC agrees with the comment and has amended paragraph 11.(c)(1) accordingly.

In addition to the changes indicated in the responses to comments, FCIC has made the following changes:

1. The definition of ''crop year'' has been amended by deleting references made to the length of the insurance period. This language duplicated a portion of the provisions contained in section 8 (Insurance Period).

2. Paragraph 10.(a)(2) of the proposed crop provisions indicated that if notice to cut sugarcane for seed was not given, that an appraisal equal to the production guarantee would be made. Acreage cut for seed normally produces the highest yield of any acreage in the unit. Therefore, FCIC has changed the appraisal amount for such acreage to the APH yield.

Accordingly, the rule, ''Common Crop Insurance Regulations; Sugarcane Crop Insurance Provisions'' published at 60 FR 9629 as revised and as set out below is hereby adopted as a final rule.

List of Subjects in 7 CFR Part 457

Crop insurance; Sugarcane.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation hereby amends the Common Crop Insurance Regulations (7 CFR part 457), effective for the 1996 and succeeding crop years, as follows:

PART 457—[AMENDED]

1. The authority citation for 7 CFR part 457 continues to read as follows:

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

2. 7 CFR part 457 is amended by adding § 457.116 to read as follows:

§ 457.116 Sugarcane crop insurance provisions.

The Sugarcane Crop Insurance Provisions for the 1996 and succeeding crop years are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Sugarcane Crop Provisions

If a conflict exists among the Basic Provisions (§ 457.8), these crop provisions, and the Special Provisions, the Special Provisions will control these crop provisions and the Basic Provisions; and these crop provisions will control the Basic Provisions.

1. Definitions

(a) *Crop year*—The period within which the insured sugarcane is normally grown and designated by the calendar year in which the harvest of sugarcane normally begins in the county.

(b) *CFSA*—Consolidated Farm Service Agency (previously the Agricultural Stabilization and Conservation Service).

(c) *Good farming practices*—The cultural practices generally in use in the county for the insured crop to make normal progress toward maturity and produce at least the yield used to determine the production guarantee and are those recognized by the Cooperative Extension Service as compatible with agronomic and weather conditions in the area.

(d) *Harvest*—Cutting and removing the mature sugarcane from the field.

(e) *Interplanted*—Acreage on which two or more crops are planted in a manner that does not permit separate agronomic maintenance or harvest of the insured crop.

(f) *Irrigated practice*—A method of producing a crop by which water is artificially applied during the growing season by appropriate systems and at the proper times, with the intention of providing the quantity of water needed to produce at least the yield used to establish the irrigated production guarantee on the irrigated acreage planted to the insured crop.

(g) *Local market price*—The price per pound for raw sugar offered by buyers in the area in which you normally market the sugarcane.

(h) *Plant cane*—The insured crop which grows from seed planted for the crop year.

(i) *Production guarantee*—The number of pounds determined by multiplying the approved yield per acre by the coverage level percentage you elect.

(j) *Stubble cane*—The insured crop which grows from the stubble of sugarcane that was harvested the previous crop year.

(k) *Sugarcane*—means either plant cane or stubble cane.

(l) *Written agreement*—Designated terms of this policy may be altered by written agreement. Each agreement must be applied for by the insured in writing no later than the sales closing date and is valid for one year only. If not specifically renewed the following year, continuous insurance will be in accordance with the printed policy. All variable terms including, but not limited to, crop variety, guarantee, premium rate and price election must be contained in the written agreement. Notwithstanding the sales closing date restrictions contained herein, in specific instances a written agreement may be applied for after the sales closing date, and approved if, after physical inspection of the acreage, it is determined that the crop has the expectancy of making at least the guaranteed yield. All applications for written agreements as submitted by the insured must contain all variable terms of the contract between the company and the insured that will be in effect if the written agreement is disapproved.

2. Unit Division

Unless limited by the Special Provisions, a unit as defined in subsection 1.(tt) of the Basic Provisions (§ 457.8), may be divided into optional units if, for each optional unit you meet all the conditions of this section or if a written agreement to such division exists. Basic units may not be divided into optional units on any basis including, but not limited to, production practice, type, variety, and planting period other than as described under this section. If you do not comply fully with these provisions, we will combine all optional units which are not in compliance with these provisions into the basic unit from which they were formed. We may combine the optional units at any time we discover that you have failed to comply with these provisions. If failure to comply with these provisions is determined to be inadvertent, and the optional units are combined, that portion of the premium paid for the purpose of electing optional units will be refunded to you pro rata for the units combined. All optional units must be reflected on the acreage report for each crop year.

(a) You must have records, which can be independently verified, of planted acreage and production for each optional unit for at least the last crop year used to determine your production guarantee.

(b) You must plant the crop in a manner that results in a clear and discernible break in the planting pattern at the boundaries of each optional unit.

(c) You must have records of measurement of stored or marketed production from each optional unit maintained in such a manner that permits us to verify the production from each optional unit or the production from each unit must be kept separate until after loss adjustment under the policy is completed.

(d) Each optional unit must meet one or more of the following criteria as applicable:

(1) Optional Units by Section, Section Equivalent, or Consolidated Farm Service Agency (''CFSA'') Farm Serial Number: Optional units may be established if each optional unit is located in a separate legally identified Section. In the absence of Sections, we may consider parcels of land legally identified by other methods of measure including, but not limited to: Spanish grants, railroad surveys, leagues, labors, or Virginia Military Lands as the equivalent of Sections for unit purposes. In areas which have not been surveyed using the systems identified above, or another system approved by us, or in areas where such systems exist but boundaries are not readily discernible, each optional unit must be located in a separate

farm identified by a single CFSA Farm Serial Number.

(2) Optional Units on Acreage Including Both Irrigated and Non-Irrigated Practices: In addition to or instead of establishing optional units by Section, section equivalent or CFSA Farm Serial Number, optional units may be based on irrigated acreage or non-irrigated acreage if both are located in the same Section, section equivalent or CFSA Farm Serial Number. The irrigated acreage may not extend beyond the point at which your irrigation system can deliver the quantity of water needed to produce the yield on which your guarantee is based and may not continue into non-irrigated acreage in the same rows or planting pattern. Non-irrigated corners of a field in which a center-pivot irrigation system exists that do not qualify as a separate optional unit will be a part of the irrigated unit; however, other non-irrigated acreage within the unit being divided may qualify as a separate optional unit provided all requirements of this section are met.

3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities

(a) In addition to the requirements of section 3 (Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities) of the Basic Provisions (§ 457.8), you may select only one price election for all the sugarcane in the county insured under this policy.

(b) Instead of reporting your sugarcane production for the previous crop year as required by subsection 3.(c) of the Basic Provisions (§ 457.8), there is a lag period of one year and you are required to report production from two crop years previously, e.g., 1994 crop year production must be reported by the required date for the 1996 crop year.

4. Contract Changes

The contract change date is June 30 preceding the cancellation date (see the provisions of section 4 (Contract Changes) of the Basic Provisions (§ 457.8)).

5. Cancellation and Termination Dates

In accordance with subsection 2.(f) of the Basic Provisions (§ 457.8), the cancellation and termination dates are September 30.

6. Insured Crop

In accordance with section 8 (Insured Crop) of the Basic Provisions (§ 457.8), the crop insured will be all the sugarcane in the county for which a premium rate is provided by the actuarial table:

(a) In which you have a share;

(b) That is grown for processing for sugar or for seed; and

(c) That is not interplanted with another crop, unless a written agreement allows otherwise.

7. Insurable Acreage

Paragraph 9.(a)(3) of the Basic Provisions (§ 457.8) is not applicable to the Sugarcane Crop Provisions.

8. Insurance Period

(a) In addition to the provisions of section 11 (Insurance Period) of the Basic Provisions (§ 457.8), insurance attaches:

(1) At the time of planting for plant cane unless we agree in writing to a later date;

(2) On the first day following harvest of the previous crop for stubble cane except as set out in paragraph 8.(a)(3);

(3) On the later of April 15 or 30 days following harvest of the previous crop for stubble cane:

(i) Damaged during the previous crop year in all states (includes Louisiana); and

(ii) In Louisiana, after the second harvest from stubble cane.

(b) In accordance with the provisions of section 11 (Insurance Period) of the Basic Provisions (§ 457.8) the calendar date for the end of the insurance period is:

(1) January 31 in Louisiana; and

(2) April 30 in all other states.

9. Causes of Loss

In accordance with the provisions of section 12 (Causes of Loss) of the Basic Provisions (§ 457.8), insurance is provided only against the following causes of loss that occur within the insurance period:

(a) Adverse weather conditions;

(b) Fire;

(c) Insects, but not damage due to insufficient or improper application of pest control measures;

(d) Plant disease, but not damage due to insufficient or improper application of disease control measures;

(e) Wildlife;

(f) Earthquake;

(g) Volcanic eruption; or

(h) Failure of the irrigation water supply, if applicable, due to an unavoidable cause of loss occurring within the insurance period.

10. Duties in the Event of Damage or Loss or Cutting the Sugarcane for Seed

(a) In addition to your duties under section 14 (Duties in the Event of Damage or Loss) of the Basic Provisions (§ 457.8), in the event of damage or loss:

(1) All sugarcane stubble must remain intact for our inspection; and

(2) You must give us notice at least 15 days before you begin cutting any sugarcane for seed. Your notice must include the unit number and the number of acres you intend to harvest as seed. After we receive such notice we will appraise the sugarcane for its sugar potential. If you do not give us this notice, the production to count for such acreage will be your approved yield.

(b) In accordance with the requirements of section 14 (Duties in the Event of Damage or Loss) of the Basic Provisions (§ 457.8), if you initially discover damage to any insured crop within 15 days of, or during harvest, you must leave representative samples of the unharvested crop for our inspection. The representative samples of the unharvested crop must be at least 10 feet wide and extend the entire length of each field in the unit. The stubble must not be destroyed and the required samples must not be harvested until the earlier of our inspection or 15 days after harvest of the balance of the unit is completed.

11. Settlement of Claim

(a) We will determine your loss on a unit basis. In the event you are unable to provide records of production:

(1) For any optional unit, we will combine all optional units for which acceptable records of production were not provided; or

(2) For any basic unit, we will allocate any commingled production to such units in proportion to our liability on the harvested acreage for each unit.

(b) In the event of loss or damage covered by this policy, we will settle your claim on any unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting from this the total production to count;

(3) Multiplying the remainder by your price election; and

(4) Multiplying this result by your share.

(c) The total production (pounds of sugar) to count from all insurable acreage on the unit will include:

(1) All appraised production as follows:

(i) Not less than the production guarantee for acreage:

(A) That is abandoned;

(B) Put to another use without our consent;

(C) Damaged solely by uninsured causes;

(D) For which you fail to provide records of production that are acceptable to us; or

(E) On which the sugarcane stubble is destroyed within 15 days after harvest is completed without our consent;

(ii) Production lost due to uninsured causes;

(iii) Unharvested production;

(iv) The difference between the production guarantee and the appraised production for acreage that has an inadequate stand. An appraisal for an inadequate stand will be made if the product of the number of stalks per acre multiplied by two and further multiplied by the percentage of sugar contained in the Special Provisions for this purpose does not equal the per-acre production guarantee; and

(v) Potential production on insured acreage harvested for seed (see paragraph 10.(a)(2));

(vi) Potential production on insured acreage you want to put to another use or you wish to abandon and no longer care for, if you and we agree on the appraised amount of production. Upon such agreement, the insurance period for that acreage will end if you put the acreage to another use or abandon the crop. If agreement on the appraised amount of production is not reached:

(A) If you do not elect to continue to care for the crop, we may give you consent to put the acreage to another use if you agree to leave intact, and provide sufficient care for, representative samples of the crop in locations acceptable to us. (The amount of production to count for such acreage will be based on the harvested production or appraisals from the samples at the time harvest should have occurred. If you do not leave the required samples intact, or you fail to provide sufficient care for the samples, our appraisal made prior to giving you consent to put the acreage to another use will be used to determine the amount of production to count.); or

(B) If you elect to continue to care for the crop, the amount of production to count for the acreage will be the harvested production, or our reappraisal if additional damage occurs and the crop is not harvested; and

(2) All harvested production from insurable acreage. Final records of sugar

production will be used to determine the amount of production to count. Preliminary mill estimates will not be used.

(d) Harvested sugarcane may be adjusted for low quality if it is damaged by one or more freezes occurring within the insurance period to the extent that it cannot be processed for sugar by the boiling house operation. The amount of production to count for such sugarcane will be determined by dividing the dollar value of the damaged production by the local market price per pound for raw sugar. The prices used for this adjustment will be determined on the earlier of the date such quality-adjusted production is sold or the date of final inspection for the unit.

Done in Washington, DC, on May 3, 1995.

Kenneth D. Ackerman,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 95–11780 Filed 5–11–95; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–56–AD; Amendment 39–9220; AD 95–10–03]

Airworthiness Directives; Airbus Industrie Model A300, A300–600, and A310 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Industrie Model A300, A300–600, and A310 series airplanes, that requires inspections to detect cracks in the lower spar axis of the pylon between ribs 9 and 10, and repair, if necessary. This amendment is prompted by a report indicating that fatigue cracks have been found on the lower spar of the pylon. The actions specified by this AD are intended to prevent such fatigue cracking, which could result in reduced structural integrity of the lower spar of the pylon.

DATES: Effective June 12, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 12, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stephen Slotte, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Industrie Model A300, A300–600, and A310 series airplanes was published in the **Federal Register** on December 6, 1993 (58 FR 64200). That action proposed to require repetitive internal eddy current inspections to detect cracks in the lower spar axis of the pylon between ribs 9 and 10, and repair, if necessary.

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

Both commenters support the proposed rule.

Since the issuance of the proposed rule, Airbus Industrie issued Revision 1, dated October 15, 1993, of the service bulletins cited in the proposal: Service Bulletin No.'s A300–54–071 (for Model A300 series airplanes), A300–54–6011 (for Model A300–600 series airplanes), and A310–54–2016 (for Model A310 series airplanes). Revision 1 of these service bulletins incorporates certain kit and technical information and revises the work hour estimate associated with repair of the lower spar. The FAA has revised the final rule to reference these latest service bulletin revisions as additional sources of service information for accomplishment of certain actions required by this AD. In addition, the FAA has revised the applicability of the final rule to specify that the AD applies to those airplanes listed in Revision 1 of the service bulletins. (This change adds no new airplanes to those specified originally in the applicability of the proposed rule.)

The service bulletin citation contained in paragraph (b) of the final rule has been revised to correct a typographical error. The correct date of the original issue of Airbus Industrie Service Bulletin No. A300–54–6011 is November 12, 1991 (rather than November 12, 1992, as indicated in the proposal).

Since the issuance of the proposed rule, Airbus Industrie also has issued Service Bulletins A300–54–0079 (for Model A300 series airplanes); A300–54–6019 (for Model A300–600 series airplanes); and A310–54–2022 (for Model A310 series airplanes); all dated October 15, 1993. These service bulletins describe procedures for modification of the lower spar between ribs 9 and 10. This modification involves installation of an outer doubler on the undamaged structure of the lower spars between ribs 9 and 10. For Model A300 and A310 series airplanes, accomplishment of the modification eliminates the need for the internal eddy current inspections specified in the Airbus service bulletins previously described (and proposed in the notice). For Model A300–600 series airplanes, accomplishment of the modification reduces the probability of cracking in the lower spar of the pylon and, thereby, allows an extension of the initial inspection threshold and interval for accomplishing the internal eddy current inspections. The Direction Générale de l'Aviation Civile (DGAC), which is the airworthiness authority for France, issued French airworthiness directive 92–049–130(B)R2, dated March 2, 1994, to reference these service bulletins.

Accordingly, the FAA has revised this final rule to provide operators with the option of accomplishing the modification of the lower spar as terminating action for the repetitive eddy current inspections of Model A300 and A310 series airplanes. The FAA also has revised this final rule to extend the inspection threshold and repetitive inspection intervals of Model A300–600 series airplanes on which the modification of the lower spar is accomplished.

Additionally, the FAA revised the economic impact information, below, to specify the costs associated with modifying the lower spar, should an operator elect to do so. Further, the FAA has recently reviewed the figures it has used over the past several years in calculating the economic impact of AD activity. In order to account for various inflationary costs in the airline industry, the FAA has determined that it is necessary to increase the labor rate used in these calculations from $55 per work hour to $60 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

Subsequent to the issuance of the notice, the FAA discovered that reference to Model A300 B2–203 series airplanes was omitted inadvertently from paragraph (a) of the proposed rule. This airplane model is not operated

currently by U.S. operators and, therefore, is not affected directly by this AD action. However, the FAA considers that revising paragraph (a) of the rule to include Model A300 B2–203 series airplanes is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been added to this final rule to clarify this long-standing requirement.

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

The FAA estimates that 57 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $13,680, or $240 per airplane.

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

Should an operator elect to accomplish the optional terminating action that would be provided by this AD action, it will take approximately 104 work hours to accomplish it, at an average labor rate of $60 per work hour. The cost of required parts will be approximately $1,500 per airplane. Based on these figures, the total cost impact of the optional terminating action is estimated to be $7,740 per airplane.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–10–03 Airbus Industrie: Amendment 39–9220. Docket 93–NM–56–AD.

Applicability: Model A300, A300–600, and A310 series airplanes; as listed in Revision 1 of Airbus Industrie Service Bulletin No.'s A300–54–071, A300–54–6011, and A310–54–2016, all dated October 15, 1993; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the lower spar of the pylon, accomplish the following:

(a) For Model A300 B4–2C, B2K–3C, B2–203, B4–103, and B4–203 series airplanes: Prior to the accumulation of 9,000 total landings, or within 500 landings after the effective date of this AD, whichever occurs later, perform an internal eddy current inspection to detect cracks in the lower spar axis of the pylon between ribs 9 and 10, in accordance with Airbus Industrie Service Bulletin No. A300–54–071, dated November 12, 1991; or Revision 1, dated October 15, 1993.

(1) If no crack is found, repeat the inspection thereafter at intervals not to exceed 2,500 landings.

(2) If any crack is found that is less than or equal to 30 mm: Perform subsequent inspections and repair in accordance with the methods and times specified in the service bulletin.

(3) If any crack is found that is greater than 30 mm, but less than 100 mm: Prior to the accumulation of 250 landings after crack discovery, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(4) If any crack is found that is greater than or equal to 100 mm: Prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113.

(5) Accomplishment of the modification specified in Airbus Industrie Service Bulletin No. A300–54–0079, dated October 15, 1993, constitutes terminating action for the inspections required by paragraph (a) of this AD.

(b) For Model A300–600 B4–620, C4–620, –622R, and –622 series airplanes: Except as provided by paragraph (b)(5) of this AD, prior to the accumulation of 4,000 total landings, or within 500 landings after the effective date of this AD, whichever occurs later, perform an internal eddy current inspection to detect cracks in the lower spar axis of the pylon between ribs 9 and 10, in accordance with Airbus Industrie Service Bulletin No. A300–54–6011, dated November 12, 1991, as amended by Service Bulletin Change Notice O.A., dated July 10, 1992; or Revision 1, dated October 15, 1993.

(1) If no crack is found, repeat the inspection thereafter at intervals not to exceed 2,500 landings.

(2) If any crack is found that is less than or equal to 30 mm: Perform subsequent inspections and repair in accordance with the methods and times specified in the service bulletin.

(3) If any crack is found that is greater than 30 mm, but less than 100 mm: Prior to the accumulation of 250 landings after crack discovery, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113.

(4) If any crack is found that is greater than or equal to 100 mm: Prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113.

(5) Accomplishment of the modification specified in Airbus Industrie Service Bulletin No. A300–54–6019, dated October 15, 1993, increases the threshold and repetitive interval of the inspections required by paragraph (b) of this AD to the threshold and interval specified in paragraph 2.D. of the Accomplishment Instructions of Airbus Industrie Service Bulletin No. A300–54–6011, Revision 1, dated October 15, 1993.

(c) For Model A310–221, –222, –322, –324, and –325 series airplanes: Prior to the accumulation of 25,000 total landings, or within 500 landings after the effective date of this AD, whichever occurs later, perform an internal eddy current inspection to detect cracks in the lower spar axis of the pylon between ribs 9 and 10, in accordance with Airbus Industrie Service Bulletin No. A310–54–2016, dated November 12, 1991; or Revision 1, dated October 15, 1993.

(1) If no crack is found, repeat the inspection thereafter at intervals not to exceed 2,500 landings.

(2) If any crack is found that is less than or equal to 30 mm: Perform subsequent inspections and repair in accordance with the methods and times specified in the service bulletin.

(3) If any crack is found that is greater than 30 mm, but less than 100 mm: Prior to the accumulation of 250 landings after crack discovery, repair in a accordance with a method approved by the Manager, Standardization Branch, ANM–113.

(4) If any crack is found that is greater than or equal to 100 mm: Prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113.

(5) Accomplishment of the modification specified in Airbus Industrie Service Bulletin No. A310–54–2022, dated October 15, 1993, constitutes terminating action for the inspections required by paragraph (c) of this AD.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

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

(f) The actions shall be done in accordance with the following Airbus Industrie service bulletins, as applicable, which contain the specified effective pages:

Service bulletin referenced and date	Page No.	Revision level shown on page	Date shown on page
A300–54–071, November 12, 1991	1–19	Original	November 12, 1991.
A300–54–071, Revision 1, October 15, 1993	1–20	1	October 15, 1993.
A300–54–0079, October 15, 1993	1–16	Original	October 15, 1993.
A300–54–6011, November 12, 1991	1–17	Original	November 12, 1991.
Service Bulletin Change Notice O.A., A300–54–6011, July 10, 1992.	(This document is not numbered).	Original	July 10, 1992.
A300–54–6011, Revision 1, October 15, 1993	1–10, 12–19	1	October 15, 1993.
	11	Original	November 12, 1991.
A300–54–6019, October 15, 1993	1–11	Original	October 15, 1993.
A310–54–2016, November 12, 1991	1–17	Original	November 12, 1991.
A310–54–2016, Revision 1, October 15, 1993	1–10, 12, 17	1	October 15, 1993.
	11, 13–16	Original	November 12, 1991.
A310–54–2022, October 15, 1993	1–11	Original	October 15, 1993.

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 Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on June 12, 1995.

Issued in Renton, Washington, on April 28, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10986 Filed 5–11–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–198–AD; Amendment 39–9222; AD 95–10–05]

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

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Boeing Model 737–300, –400, and –500 series airplanes, that requires replacement of the horizontal stabilizer trim electric actuator. This amendment is prompted by reports of a binding condition in the clutch disk in the horizontal stabilizer trim electric actuator. The actions specified by this AD are intended to prevent reduced controllability of the airplane due to binding of a clutch disk in the horizontal stabilizer trim electric actuator.

DATES: Effective June 12, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 12, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Kenneth W. Frey, Aerospace Engineer, Systems and Equipment Branch, ANM–

132S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2673; fax (206) 227–1181.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Boeing Model 737–300, –400, and –500 series airplanes was published in the **Federal Register** on November 22, 1994 (59 FR 60095). That action proposed to require replacement of the horizontal stabilizer trim electric actuator.

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

One commenter requests that the proposed compliance time of 12 months for replacement of the actuator be extended to 18 months. The commenter states that timely accomplishment of the replacement is dependent upon the ability of BFGoodrich to quickly rework and return a fixed number of rotable actuator units. BFGoodrich has indicated that ''loaner units'' are not available, and that the initial retrofit/production units of the newer configuration will not be available to affected operators in time to allow replacement within the proposed compliance interval. Consequently, retrofit cannot be easily accelerated unless more rotable units are made available.

The FAA does not concur with the commenter's request to extend the compliance time for replacement. The FAA has been advised by Boeing that 75 loaner units have been made available to operators since the end of March 1995. These units are being manufactured to support the compliance time of this AD. (Boeing has advised that operators should contact Boeing Customer Service to arrange for delivery of loaner units.) In addition, the FAA has been advised that some operators have several spare units in-house which can be used as rotable units during the compliance period for the modification. In consideration of these factors, the FAA has determined that an extension of the compliance time is not warranted.

Two commenters request that the compliance time of proposed paragraph (b) be revised to allow installation of the unmodified actuators (having part number 10–62033–3) for a longer period of time after the effective date of the final rule. One of these commenters states that the inability to obtain spare units will be most severe in the early stages of the proposed retrofit; without more time to provide for spare modified units in the fleet, there is a high likelihood that airplanes could be grounded due to lack of airworthy parts. The other commenter states that the current operational procedures provide background information on stabilizer trim coasting, and that the current runaway stabilizer procedures in the Abnormal Procedures section of the Airplane Flight Manual effectively inhibit and limit an out-of-trim condition. In light of this, the commenter considers that the safety of flight would not be compromised by extending the compliance period by an additional 6 months.

The FAA concurs with the commenters' request. Although, as explained above, the FAA is confident that enough modified units will be available to all affected operators for replacement within the 12-month compliance time, there is a possibility that a modified unit may not be available, for example, in a situation where replacement is necessary and the airplane is in a remote location. For this reason, and the fact that adequate operational procedures are currently available to address potential out-of-trim conditions, the FAA considers that allowing unmodified units to be installed for a period up to 6 months after the effective date of the rule will not adversely affect safety. Such an extension also will ensure that no affected airplane will be grounded unnecessarily due to the unavailability of required parts. Accordingly, paragraph (b) of the final rule has been revised to allow installation of unmodified parts for 6 months after the effective date.

One commenter requests that issuance of the final rule be delayed until a new electric motor assembly and accompanying service document is developed and available from the airframe manufacturer. This commenter states that the planned new assembly will do the tasks of the autopilot stabilizer trim servo and the stabilizer trim electric actuator; the motor does not incorporate directional clutches.

The FAA does not concur with the commenter's request to delay the rule. Delaying this action until after the release of the manufacturer's planned modification and service document is unwarranted, since parts are available at this time to address the unsafe condition within the compliance interval. However, the FAA may consider additional rulemaking once the new modification is developed, approved, and available.

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

There are approximately 1,448 Model 737–300, –400, and –500 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 590 airplanes of U.S. registry will be affected by this proposed AD. Accomplishment of the required replacement of the stabilizer trim actuator will take approximately 4 work hours per airplane, at an average labor rate of $60 per work hour. The cost of required parts is approximately $600 per airplane. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $495,600, or $840 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–10–05 Boeing: Amendment 39–9222. Docket 94–NM–198–AD.

Applicability: Model 737–300, –400, and –500 series airplanes; as listed in Boeing Alert Service Bulletin 737–27A1191, Revision 1, dated November 3, 1994; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane, accomplish the following:

(a) Within 12 months after the effective date of this AD, replace the horizontal stabilizer trim electric actuator having part number 10–62033–3 with one that has been modified and re-identified as P/N 10–62033–4, in accordance with Boeing Alert Service Bulletin 737–27A1191, Revision 1, dated November 3, 1994.

(b) As of a date 6 months after the effective date of this AD, no person shall install a horizontal stabilizer trim electric actuator having part number 10–62033–3 on any airplane.

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

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

(d) Special flight permits may be issued in accordance with §§ 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.

(e) The replacement shall be done in accordance with Boeing Alert Service Bulletin 737–27A1191, Revision 1, dated November 3, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on June 12, 1995.

Issued in Renton, Washington, on May 3, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–11354 Filed 5–11–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–239–AD; Amendment 39–9223; AD 95–10–06]

Airworthiness Directives; Bombardier Model CL–600–1A11 (CL–600), –2A12 (CL–601), –2B16 (CL–601–3A, –3R), and –2B19 (Regional Jet Series 100) Series Airplanes, Equipped with Sundstrand Air Driven Generator (ADG) Uplock Assembly

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Bombardier Model CL–600–1A11, –2A12, –2B16, and –2B19 series airplanes, that requires an inspection to verify the proper operation of the uplock latch of the air driven generator (ADG), and replacement of the uplock latch with a serviceable part, if necessary. This amendment also requires replacing the uplock assembly with a modified uplock assembly, and performing a rigging inspection. This amendment is prompted by a report indicating that, upon operation of the manual release system, the ADG did not deploy due to failure of the shaft pin. The actions specified by this AD are intended to prevent failure of the shaft pin, which could lead to the inability of the pilot to manually deploy the ADG when necessary (i.e., when an airplane's primary electrical power sources are lost and the ADG fails to deploy automatically).

DATES: Effective June 12, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 12, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Bombardier, Inc., Canadair Aerospace Group, P.O. Box 6087, Station Centre-ville, Quebec H3C 3G9, Canada. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Wing Chan, Electronics Engineer, Systems and Equipment Branch, ANE–173, FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7511; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Bombardier Model CL–600–1A11, –2A12, –2B16, and –2B19 series airplanes was published in the **Federal Register** on February 17, 1995 (60 FR 9302). That action proposed to require a one-time inspection to verify the proper operation of the uplock latch of the air driven generator (ADG), and replacement of the uplock latch with a serviceable part if the uplock latch cannot be activated. That action also proposed to require replacing the uplock assembly with a modified uplock assembly, and performing a rigging inspection.

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

The commenter supports the proposed rule.

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

The FAA estimates that 194 airplanes of U.S. registry will be affected by this AD, that it will take approximately 6 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be supplied by the manufacturer at no cost to the operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $69,840, or $360 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–10–06 Bombardier Inc. (Formerly Canadair): Amendment 39–9223. Docket 94–NM–239–AD.

Applicability: Model CL–600–1A11 (CL–600) series airplanes, serial numbers 1004 through 1085 inclusive; Model CL–600–2A12 (CL–601) series airplanes, serial numbers 3001 through 3066 inclusive; Model CL–600–2B16 (CL–601–3A, -3R) series airplanes, serial numbers 5001 through 5150 inclusive; Model CL–500–2B19 (Regional Jet Series 100) series airplanes, serial numbers 7003 through 7040 inclusive; equipped with Sundstrand air driven generator (ADG) uplock assembly having part number 721863, 721863A, or 721863B; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the shaft pin, which could lead to the inability of the pilot to manually deploy the air driven generator (ADG) when necessary (i.e., when an airplane's primary electrical power sources are lost and the ADG fails to deploy automatically), accomplish the following:

(a) For Model CL–600–2B19 (Regional Jet Series 100) series airplanes equipped with Sundstrand ADG uplock assembly having P/N 721863B: Accomplish paragraphs (a)(1), (a)(2), and (a)(3) of this AD in accordance with Canadair Alert Service Bulletin S.B. A601R–24–019, Revision 'A', dated August 9, 1994.

(1) Within 600 flight hours after the effective date of this AD, perform an inspection to verify the proper operation of the uplock latch of the ADG, in accordance with the Accomplishment Instructions of the service bulletin. If the uplock latch cannot be activated, prior to further flight, replace the uplock latch with a serviceable part in accordance with the alert service bulletin.

(2) Within 12 months after the effective date of this AD, replace the uplock assembly with a modified uplock assembly, in accordance with the Accomplishment Instructions of the alert service bulletin.

(3) After accomplishment of paragraph (a)(1) or (a)(2) of this AD, perform a rigging inspection in accordance with the Accomplishment Instructions of the service bulletin.

(b) For Model CL–600–2A12, CL–2B16, and CL–600–1A11 series airplanes: Accomplish paragraphs (b)(1), (b)(2), and (b)(3) of this AD in accordance with Canadair Service Bulletin 600–0638, dated April 25, 1994 (for Model CL–600–1A11 series airplanes), or Canadair Service Bulletin 601–0430, dated April 25, 1994 (for Model CL–600–2A12 and –2B15 series airplanes), as applicable.

(1) Within 150 flight hours after the effective date of this AD, perform an inspection to verify the proper operation of the uplock latch of the ADG, in accordance with the Accomplishment Instructions of the applicable service bulletin. If the uplock latch cannot be activated, prior to further flight, replace the uplock latch with a serviceable part, in accordance with the applicable service bulletin.

(2) Within 12 months after the effective date of this AD, replace the uplock assembly with a modified uplock assembly, in accordance with the Accomplishment Instructions of the applicable service bulletin.

(3) After accomplishment of paragraph (b)(1) or (b)(2) of this AD, perform a rigging inspection in accordance with the Accomplishment Instructions of the applicable service bulletin.

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

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

(e) The actions shall be done in accordance with Canadair Alert Service Bulletin S.B. A601R–24–019, Revision 'A', dated August 9, 1994; Canadair Service Bulletin 600–0638, dated April 25, 1994; or Canadair Service Bulletin 601–0430, dated April 25, 1994; 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 Bombardier, Inc., Canadair Aerospace Group, P.O. Box 6087, Station Centre-ville, Quebec H3C 3G9, Canada. Copies may be

inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Engine and Propeller Directorate, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream New York; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on June 12, 1995.

Issued in Renton, Washington, on May 3, 1995.

James V. Devany,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–11355 Filed 5–11–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 94–NM–175–AD; Amendment 39–9219; AD 95–10–02]

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas MD–11 series airplanes, that requires the installation of an electrically controlled slat system. This amendment is prompted by numerous incidents of inadvertent deployment of the slats while the airplane was in flight at cruise altitude. The actions specified by this AD are intended to prevent inadvertent deployment of the slats during flight, which could result in an abrupt pitch up of the airplane and consequent injury to crew and passengers; it could also result in significant vibrations and cause damage to the elevators.

DATES: Effective June 12, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 12, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2–98. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Wahib Mina, Aerospace Engineer, Airframe Branch, ANM–120L, Los Angeles Aircraft Certification Office, FAA, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (310) 627–5324; fax (310) 627–5210.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Model MD–11 series airplanes; as listed in McDonnell Douglas MD–11 Service Bulletin 27–36, Revision 1, dated December 9, 1994 was published in the **Federal Register** on January 6, 1995 (60 FR 2041). That action proposed to require installation of an electrically controlled slat system.

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

One commenter supports the proposed rule.

The other commenter supports the rule, but disagrees with the FAA's estimate of the number of work hours that would be required to accomplish the installation. In the preamble to the proposal, the FAA indicated that the time necessary to perform the installation would be approximately 68 work hours; however, the commenter indicates that a more reasonable estimate is closer to 200 work hours. The FAA does not concur with the commenter's revised estimate, since the commenter provided no additional information to support it. The FAA's original estimate of labor time was based on data provided by the manufacturer at the time the proposal was developed. Upon further review of that data, however, the FAA finds that the most accurate estimate of the time necessary to accomplish the installation is 75 work hours. This number includes 4 work hours to gain access; 8 work hours to remove components; 51 work hours for modification of mechanical and electrical components; 4 work hours for installation; 4 work hours for closing up; and 4 work hours for a functional check. The cost analysis information, described below, has been revised to indicate that 75 work hours are necessary for accomplishment of the required installation. In general, the cost analysis in AD rulemaking actions typically does not include planning time, time for administrative functions, nonproductive elapsed time, or aircraft preparation time.

As a result of recent communications with the Air Transport Association (ATA) of America, the FAA has learned that, in general, some operators may misunderstand the legal effect of AD's on airplanes that are identified in the applicability provision of the AD, but that have been altered or repaired in the area addressed by the AD. The FAA points out that all airplanes identified in the applicability provision of an AD are legally subject to the AD. If an airplane has been altered or repaired in the affected area in such a way as to affect compliance with the AD, the owner or operator is required to obtain FAA approval for an alternative method of compliance with the AD, in accordance with the paragraph of each AD that provides for such approvals. A note has been added to this final rule to clarify this long-standing requirement.

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

There are approximately 124 Model MD–11 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 43 airplanes of U.S. registry will be affected by this AD, that it will take approximately 75 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will be supplied by the manufacturer at no charge to operators. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $193,500, or $4,500 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–10–02 McDonnell Douglas: Amendment 39–9219. Docket 94–NM–175–AD.

Applicability: Model MD–11 series airplanes; as listed in McDonnell Douglas MD–11 Service Bulletin 27–36, Revision 1, dated December 9, 1994, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent inadvertent deployment of the slats during flight, accomplish the following:

(a) Within 24 months after the effective date of this AD, modify the airplane and install an electrically controlled slat control system in accordance with McDonnell Douglas MD–11 Service Bulletin 27–36, Revision 1, dated December 9, 1994.

(b) Accomplishment of the actions required by paragraph (a) of this AD constitutes terminating action for the requirements of the following AD's:

AD No.	Amendment No.	Federal Register citation
92–13–03 .	39–8273	(57 FR 27155, June 18, 1992).
92–14–51 .	39–8325	(57 FR 38264, August 24, 1992).
92–26–03 .	39–8430	(57 FR 57906, December 8, 1992).
93–15–03 .	39–8649	(58 FR 41421, August 4, 1993).

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

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

(e) The installation shall be done in accordance with McDonnell Douglas MD–11 Service Bulletin 27–36, Revision 1, dated December 9, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, P.O. Box 1771, Long Beach, California 90801–1771, Attention: Business Unit Manager, Technical Administrative Support, Dept. L51, M.C. 2–98. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, Transport Airplane Directorate, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on June 12, 1995.

Issued in Renton, Washington, on April 28, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–10987 Filed 5–11–95; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 93–SW–18–AD; Amendment 39–9226; AD 95–10–09]

Airworthiness Directives; Sikorsky Aircraft Model S–58 and S–58T Series Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to Sikorsky Aircraft Model S–58 and S–58T series helicopters, that requires the removal and replacement of the transmission main gear box ring gear (ring gear) within certain time intervals, and establishes a retirement life for the ring gear. This amendment is prompted by reports of failures of the ring gear due to slow-growth fatigue cracks. The actions specified by this AD are intended to prevent failure of the ring gear, failure of the main transmission, and subsequent loss of control of the helicopter.

DATES: Effective June 16, 1995.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 16, 1995.

ADDRESSES: The service information referenced in this AD may be obtained from Sikorsky Aircraft, Commercial Customer Support, 6900 Main Street, Stratford, Connecticut 06601–1381. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Boulevard, Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Francis X. Walsh, Aerospace Engineer, Boston Aircraft Certification Office, FAA, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803–5299, telephone (617) 238–7158, fax (617) 238–7199.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to Sikorsky Aircraft Model S–58 and S–58T series

helicopters was published in the **Federal Register** on June 22, 1994 (59 FR 32144). That action proposed to require the removal and replacement of the ring gear within certain time intervals, and proposed to establish a retirement life for the ring gear.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposal or the FAA's determination of the cost to the public. The FAA has determined that air safety and the public interest require the adoption of the rule as proposed. Since the issuance of the proposed rule, the FAA has revised the average labor rate from $55 per work hour to $60 per work hour, which increases the estimated cost impact on operators to $486,250.

The FAA estimates that 125 helicopters of U.S. registry will be affected by this AD, that it will take approximately 31.5 work hours per helicopter to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $2,000 per helicopter. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $486,250.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–10–09 Sikorsky Aircraft: Amendment 39–9226. Docket No. 93–SW–18–AD.

Applicability: Model S–58 and S–58T series helicopters, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the transmission main gear box ring gear (ring gear), failure of the main transmission, and subsequent loss of control of the helicopter, accomplish the following:

(a) Within the next 25 hours time-in-service (TIS) after the effective date of this AD, accomplish the following:

(1) From component records, determine the TIS for the ring gear, part number (P/N) S1635–20058–2.

(i) If the TIS on the ring gear is 2,400 or more hours on the effective date of this AD, replace it with an airworthy serialized ring gear within the next 100 hours TIS.

(ii) If the TIS on the ring gear is less than 2,400 hours on the effective date of this AD, replace it with an airworthy serialized ring gear at or before reaching 2,500 hours TIS.

(2) If the TIS on the ring gear cannot be determined, replace it in accordance with the time-since-last-overhaul (TSO) as follows:

(i) If the TSO on the ring gear is 1,150 or more hours on the effective date of this AD, replace it with an airworthy serialized ring gear within the next 100 hours TIS.

(ii) If the TSO on the ring gear is less than 1,150 hours on the effective date of this AD, replace it with an airworthy serialized ring gear at or before reaching 1,250 hours TSO.

(3) Create a component log and a serial number and apply the serial number to the ring gear between the ring gear flanges in accordance with Paragraph B of the Accomplishment Instructions of Sikorsky Aircraft Alert Service Bulletin No. 58B35–32 (ASB 58B35–32), dated July 6, 1993.

(b) Create a component log and a serial number for replacement ring gears and apply the serial number to the ring gear between the ring gear flanges in accordance with Paragraph B of the Accomplishment Instructions of the ASB 58B35–32, dated July 6, 1993, prior to installing a replacement ring gear on the helicopter.

(c) This AD establishes a retirement life of 2,500 hours TIS for the ring gear. However, for ring gears with 2,400 or more hours TIS, or if the TIS cannot be determined, 1,150 or more hours TSO on the effective date of this AD, those ring gears need not be retired until on or before the accumulation of an additional 100 hours TIS.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used when approved by the Manager, Boston Aircraft Certification Office, FAA. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Boston Aircraft Certification Office.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Boston Aircraft Certification Office.

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

(f) The removal and replacement shall be done in accordance with Sikorsky Aircraft Alert Service Bulletin No. 58B35–32, dated July 6, 1993. 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 Sikorsky Aircraft, Commercial Customer Support, 6900 Main Street, Stratford, Connecticut 06601–1381. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Boulevard, Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on June 16, 1995.

Issued in Fort Worth, Texas, on May 4, 1995.

Mark R. Schilling,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95–11539 Filed 5–11–95; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[OH–231; Amendment Number 68R]

Ohio Regulatory Program Amendment

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is announcing the approval of a proposed amendment to the Ohio regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment was initiated by Ohio and is intended to make the Ohio program as effective as the corresponding Federal regulations concerning contemporaneous reclamation. Specifically, the amendment defines the terms ''area mining,'' ''auger mining,'' and ''contour mining''; specifies information required in permit operation plans and mining reclamation plans; establishes time and distance schedules for backfilling and grading for mining methods other than area and contour mining; and requires the contemporaneous commencement of augering.

EFFECTIVE DATE: May 12, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Mooney, Acting Director, Columbus Field Office, Office of Surface Mining Reclamation and Enforcement, 4480 Refugee Road, Suite 201, Columbus, Ohio 43232; Telephone: (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program.
II. Discussion of the Proposed Amendment.
III. Director's Findings.
IV. Summary and Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982, **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions of approval and program amendments are identified at 30 CFR 935.11, 935.15, and 935.16.

II. Discussion of the Proposed Amendment

By letter dated May 17, 1994 (Administrative Record No. OH–2018), the Ohio Department of Natural Resources, Division of Reclamation (Ohio), submitted proposed Program Amendment Number 68 (PA 68). In this amendment, Ohio proposed to revise three rules in the Ohio Administrative Code (OAC) at 1501:13–1–02, 1501:13–4–05, and 1501:13–9–13 to make the Ohio program as effective as the Federal regulations concerning contemporaneous reclamation. As part of and in support of proposed PA 68, Ohio also submitted a draft Policy/Procedure Directive (PPD) which provides additional clarification and guidance on the proposed Ohio rule requirements for contemporaneous reclamation.

OSM announced receipt of the proposed amendment in the May 26, 1994, **Federal Register** (59 FR 27253), and, in the same notice, opened the public comment period and provided an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on June 27, 1994.

OSM and Ohio staff met on August 22, 1994, to discuss OSM's questions and concerns about PA 68 (Administrative Record No. OH–2093). In response to OSM's August 22, 1994, questions and comments, Ohio provided Revised Program Amendment Number 68 (PA 68R) by letter dated March 1, 1995 (Administrative Record No. OH–2094). In PA 68R, Ohio proposed further changes to the three rules and to the draft PPD. OSM announced its receipt of PA 68R in the March 17, 1995, **Federal Register** (60 FR 14400). The public comment period ended on April 3, 1995.

III. Director's Findings

Set forth below, pursuant to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are the Director's findings concerning the proposed amendment to the Ohio program. Only substantive changes to Ohio's rules and the new Ohio PPD are discussed below. Rule revisions which are not discussed below concern paragraph notations or editorial or nonsubstantive wording changes intended to improve the clarity and readability of the rules.

1. Area Mining

Ohio is adding new OAC section 1501:13–1–02 paragraph (J) to define the term ''area mining'' to mean a method of surface coal mining that involves making a series of parallel mining cuts against the highwall created from the initial mining cut. Although there is no counterpart Federal definition for this term, the Director finds that the proposed definition is not inconsistent with the requirements of SMCRA and the Federal regulations.

2. Auger Mining

Ohio is revising its definition of the term ''auger mining'' in OAC section 1501:13–1–02 paragraph (K) to mean drilling holes or cutting into an exposed coal seam at a highwall and transporting the coal to the surface along an auger bit, by conveyor, or by other means. The Director finds that this definition is no less effective than the corresponding Federal definition of ''auger mining'' at 30 CFR 701.5.

3. Contour Mining

Ohio is adding new OAC section 1501:13–1–02 paragraph (CC) to define the term ''contour mining'' to mean a method of surface coal mining that involves making an initial mining cut along the contour of a hillside to the maximum highwall height and then making subsequent cuts along the same contour, placing the spoil in the preceding cut where the coal has been removed. Although there is no counterpart Federal definition for this term, the Director finds that the proposed definition is not inconsistent with the requirements of SMCRA and the Federal regulations.

4. Permit Operation Plan

Ohio is adding new OAC section 1501:13–4–05 paragraphs (A)(2)(a) (i) through (iv) to require that the mining operation plan in permit applications shall, at a minimum, identify the mining method to be used, the maximum extent of cover to be mined, the locations where mining will begin and end, and the direction of mining. For mining methods other than area or contour mining, the mining operation plan shall also include other information that demonstrates the orderly and reasonable progression of mining. Such information shall include, but not be limited to, spoil placement plans, proposed locations of haul roads, and the intended timing of the mining operation. Mining operation plans shall specify how the mining operation will meet the time and distance requirements for contemporaneous reclamation established in OAC section 1501:13–9–13.

Ohio's existing rule at OAC section 1501:13–4–05 paragraph (A)(2)(a) is substantively identical to the corresponding Federal regulation at 30 CFR 780.11(a) concerning the general

requirements for mining operation plans. Although there are no corresponding Federal regulations to the new requirements proposed in OAC section 1501:13–4–05 paragraphs (A)(2)(a) (i) through (iv), the Director finds that these new requirements are reasonable and are not inconsistent with the Federal regulations at 30 CFR 780.11(a) and with the revisions which Ohio is making elsewhere in this rule and in other rules.

5. Mining Reclamation Plan

Ohio is revising OAC section 1501:13–4–05 paragraph (D)(2)(a) to require that reclamation plans in permit applications shall contain a detailed timetable for the completion of each major step of the reclamation plan specific to the described mining method and addressing the contemporaneous reclamation requirements of OAC section 1501:13–9–13.

Ohio's existing rule at OAC section 1501:13–4–05 paragraph (D)(2)(a) is substantively identical to the corresponding Federal regulation at 30 CFR 780.18(b)(1) concerning the timetable for completion of each major step in the reclamation plan. Although there are no corresponding Federal regulations to the new requirements proposed in OAC section 1501:13–4–05 paragraph (D)(2)(a), the Director finds that these new requirements are reasonable and are not inconsistent with the Federal regulations at 30 CFR 780.18(b)(1) and with the revisions which Ohio is making elsewhere in this rule and in other rules.

6. Contemporaneous Reclamation

A. Ohio is revising OAC section 1501:13–9–13 paragraphs (A), (A)(1), and (A)(2) and is adding new paragraphs (A)(3) and (A)(4) to clarify the rule language, to specify minimum time and distance requirements for backfilling and grading for mining methods other than contour or area mining, and to require the contemporaneous commencement of augering after the creation of the highwall to be augered.

B. Ohio is adding new OAC section 1501:13–9–13 paragraph (A)(7) to clarify that areas that are backfilled and rough graded shall closely resemble the final ground surface configuration approved in the mining and reclamation plan but that these areas are not necessarily ready for resoiling or eligible for Phase I bond release.

C. Ohio is supplementing the requirements of OAC section 1501:13–9–13 with proposed Policy/Procedure Directive (PPD) Regulatory 94–3, ''Contemporaneous Reclamation.'' This PPD provides clarification and guidance on the requirements in the OAC for contemporaneous reclamation.

The Federal regulations at 30 CFR 816/817.100 provide that reclamation efforts shall occur as contemporaneously as practicable (except where a variance for concurrent surface and underground mining is issued under 30 CFR 785.18). However, the Federal regulations have no counterpart to the specific time and distance requirements for contemporaneous reclamation proposed by Ohio in OAC section 1501:13–9–13 and in the accompanying PPD. On July 31, 1992 (57 FR 33876), OSM suspended in full its specific backfilling and grading time and distance requirements at 30 CFR 816.101. In that notice of suspension, OSM stated that mining operations would continue to be subject to the State-specific contemporaneous reclamation regulations of State and Federal programs which were then in effect. OSM agreed that regulatory authorities could set these State-specific time and distance schedules based on local conditions.

Therefore, there are no corresponding Federal regulations to the new requirements which Ohio has proposed in OAC section 1501:13–9–13 and in the new PPD. The Director finds that Ohio's new contemporaneous reclamation requirements are reasonable and are not inconsistent with the Federal regulations at 30 CFR 816/817.100 and with the revisions which Ohio is making elsewhere in other rules.

IV. Summary and Disposition of Comments

Public Comments

On May 26, 1994, and March 17, 1995, the Director solicited public comments and provided an opportunity for a public hearing on the proposed amendment. OSM received comments on the amendment from the Ohio Mining and Reclamation Association (OMRA) by letter dated April 1, 1995 (Administrative Record No. OH–2106). OMRA made several objections to the amendment:

(1) *Ohio has not held a hearing on the proposed rule changes.* The Director believes that this comment is not immediately relevant to his decision on this amendment. The public hearing mentioned in the comment is part of Ohio's internal rule-filing process. If further rule changes become necessary as a result of comments received during Ohio's rule filing, Ohio will resubmit those proposed changes to OSM for review under the program amendment process.

(2) *The proposed rule changes do not employ normal common sense relative to contemporaneous reclamation in the areas of weather, equipment failure, and multiple seam mining. The time constraints are too restrictive and could result in Ohio issuing violations to mine operators.* The Director does not agree with this comment. As discussed above, the Director has reviewed Ohio's proposed reclamation schedules and found them to be reasonable and not inconsistent with the Federal regulations at 30 CFR 816/817.100.

(3) *The amendment seems to have eliminated the difference between rough and final grading.* The Director does not agree with this comment. The proposed changes in the amendment concerning backfilling and rough grading are not inconsistent with the Federal regulations at 30 CFR 816/817.100.

(4) *The amendment reflects continued overregulation and unreasonable demands by the Federal government.* The Director does not agree with this comment. As discussed above, OSM has deliberately placed the responsibility for developing contemporaneous reclamation standards with the State regulatory authorities most familiar with the mining practices in their areas.

No other public comments were received. No public hearings were held as no one requested the opportunity to provide testimony.

Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from the Regional Director of the U.S. Environmental Protection Agency (EPA) and the heads of four other Federal agencies and one State agency with an actual or potential interest in the Ohio program. Nonsubstantive comments were received from the EPA, the Soil Conservation Service, and the Mine Safety and Health Administration. No other agency comments were received.

V. Director's Decision

Based on the above findings, the Director approves the proposed amendment as submitted by Ohio on May 17, 1994, and revised on March 1, 1995.

The Federal regulations at 30 CFR Part 935 codifying decisions concerning the Ohio program are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to conform their programs with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

Effect of Director's Decision

Section 503 of SMCRA provides that a State may not exercise jurisdiction under SMCRA unless the State program is approved by the Secretary. Similarly, 30 CFR 732.17(a) requires that any alteration of an approved State program be submitted to OSM for review as a program amendment. Thus, any changes to a State program are not enforceable until approved by OSM. The Federal regulations at 30 CFR 732.17(g) prohibit any unilateral changes to approved programs. In the oversight of the Ohio program, the Director will recognize only the approved program, together with any consistent implementing policies, directives, and other materials, and will require the enforcement by Ohio of such provisions.

VI. Procedural Determinations

Executive Order 12866

This final rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12778

The Department of the Interior has conducted the reviews required by section 2 of Executive Order 12778 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15 and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination on whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 935

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 5, 1995.

Ronald C. Recker,

Acting Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal regulations is amended as set forth below:

PART 935—OHIO

1. The authority citation for Part 935 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 935.15 is amended by adding new paragraph (www) to read as follows:

§ 935.15 Approval of regulatory program amendments.

* * * * *

(www) The following amendment (Program Amendment 68R) pertaining to the Ohio regulatory program, as submitted to OSM on May 17, 1994, and revised on March 1, 1995, is approved, effective May 12, 1995: Contemporaneous Reclamation.

[FR Doc. 95–11782 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Part 1

[Docket No. 950411099–5099–01]

RIN 0651–AA52

Amendment to Rules for Extension of Patent Term

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Final rule.

SUMMARY: The Patent and Trademark Office (Office) is revising the rules directed to the extension of patent term to implement the provisions of Pub. L. 103–179, section 5; 107 Stat. 2040 codified at 35 U.S.C. 156(d)(5) and to clarify the requirements for eligibility. The amended rules establish procedures for the Commissioner to issue an interim extension of the term of a patent where the original term would expire before a product covered by the patent has received regulatory approval for commercial marketing or use. The amended rules also clarify that an application for patent term extension must be based on regulatory activities performed by the patent owner or its agent.

EFFECTIVE DATE: July 11, 1995.

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

SUPPLEMENTARY INFORMATION: Patent term extension has been available under 35 U.S.C. 156 for patents that claim certain products that are subject to regulatory review before being commercially marketed or used. Prior to enactment of 35 U.S.C. 156(d)(5), eligibility for patent term extension was dependent on regulatory approval of the product before the original patent term expired. 35 U.S.C. 156(d)(5) has made it possible, under appropriate circumstances, to obtain interim extensions of patent term where the regulatory process is likely to extend beyond the expiration of the patent term.

One purpose of the amended rules is to revise the present regulations contained in 37 CFR part 1, subpart F, to include provisions for interim extension of the patent term prior to regulatory approval of the product that can now form the basis of patent term

extension. The amended rules set forth procedures that govern the content and submission of applications for an interim extension of a patent term, and procedures governing the interim extension determination and issuance of interim patent term extension certificates by the Office.

The initial guidelines directed to the preparation and filing of applications for interim extensions of patent terms as authorized by 35 U.S.C. 156(d)(5), were published as ''Guidelines For Interim Extension Under 35 U.S.C. 156(d)(5) of a Patent Term Prior To Regulatory Approval of a Product For Commercial Marketing or Use—Public Law 103–179 (December 3, 1993)'' in the Official Gazette at 1159 Off. Gaz. Pat. Office 12 (February 1, 1994). The Final Rule supplements these initial guidelines. To the extent that they conflict with the interim guidelines, the Final Rule governs.

It is important to keep in mind the distinction between an interim patent term extension under section 156(e)(2) and the interim patent term extension provided for by 35 U.S.C. 156(d)(5), under section 156(d)(5). The former applies *after* regulatory approval has occurred and is addressed in 37 CFR 1.760. Interim patent term extensions under section 156(e)(2) are not affected by the amendments to the rules. The latter applies *before* regulatory approval has occurred and is addressed in 37 CFR 1.780 and 1.790.

The eligibility criteria for obtaining an interim extension under section 156(d)(5) are substantially the same as for obtaining patent term extension under section 156 after regulatory approval has occurred. Under the provisions of 35 U.S.C. 156(d)(5), a patent owner or its agent may submit an application for an interim patent term extension within six months, but not later than 15 days, of the original expiration date of the patent. At the time the application is submitted, the regulatory review period must have advanced to the approval phase as defined in section 156(g), but must not have ended. For a new drug, for example, the approval phase is defined in section 156(g)(1)(B)(ii) as the period beginning on the date a new drug application was initially submitted for the new drug under § 505 of the Federal Food, Drug and Cosmetic Act.

The content of the application for interim extension is the same as for an application for patent term extension following regulatory review, with certain modifications necessitated by the circumstances. For example, the application for interim term extension will not be required to contain information about regulatory approval since that event has not occurred. A fee is required for each interim extension application filed before regulatory approval occurs—$400.00 for the initial application for interim extension and $200.00 for each supplementary application for interim extension.

The processing of an application for interim patent term extension under 35 U.S.C. 156(d)(5), will not require transmission of a copy of the application to the regulatory agency. However, it is contemplated that the Office will consult with the regulatory agency, as it has been doing for the past 10 years under section 156, on the question of eligibility for patent term extension.

If the patent is eligible for extension but for the fact that it is still under regulatory review, the Office can extend the patent term in one-year increments not to exceed five years from the expiration date. Any such extension would terminate 60 days after market approval. Before the 60-day period expires, the patentee could submit an application for patent term extension, supplying any additional information necessary to obtain any additional extension available under section 156.

The interim extension of patent term available under section 156(d)(5) cannot exceed the extension from the original patent that would be available after regulatory approval. Thus, for example, a patent that was subject to the two-year extension limitation of section 156(g)(6)(C), could not obtain interim extension beyond two years from the original patent term expiration date. However, after an interim extension under section 156(d)(5) has been granted, the amount of patent term extension available after regulatory review is controlled by either section 156(d)(5) or section 156(g)(6) (A) or (B). In no case would the extension go beyond five years from the original expiration date of the patent. However, for those situations falling under section 156(g)(6)(C), where regulatory approval occurs within the two-year period after the original expiration date of the patent, the extension after approval is measured from the date on which the product receives permission for commercial marketing or use. Section 156(d)(5)(E)(ii).

Review of recent applications for patent term extension has revealed that the provisions of 37 CFR 1.785(c) may be read as being inconsistent with 35 U.S.C. 156. The statute further requires that an application for patent term extension be filed by the patent owner or its agent. 35 U.S.C. 156(d)(1). The statute further requires under section 156(d)(1)(D) a description of the activities undertaken by the applicant (i.e., the patent owner or its agent) during the regulatory review period, and specifies in section 156(d)(2)(B)(i) that the lack of due diligence by the applicant during the regulatory review period may be taken into account. Given these statutory requirements, the Office has held that in order to be eligible for patent term extension, the patent owner or its agent must have undertaken the activities that lead to regulatory approval. If a patent owner has not been involved, either directly or indirectly, in the regulatory review process, that patent owner has not lost any effective patent life since it never invested time and resources necessary to obtain approval for commercial marketing or use. Accordingly, to the extent that 37 CFR 1.785 could be interpreted to permit a patent owner to obtain a patent term extension where neither the patent owner nor its agent were responsible for activities leading to regulatory approval, it was misleading and contrary to both the letter and intent of section 156.

A notice of proposed rulemaking relating to Amendment to Rules for Extension of Patent Term was published in the **Federal Register**, 59 FR 56015, (November 10, 1994) and in the Official Gazette, 1169 Off. Gaz. Pat. Office 33 (December 13, 1994). A sole comment was received in response to this notice, but no change has been made in the text of the proposed amendments and additions to the rules.

The comment was directed to the proposed amendment to 37 CFR 1.785(c) when taken in light of 35 U.S.C. 156. The comment suggested that the party in interest before the regulatory agency (e.g., the Food and Drug Administration) should be the party to obtain a patent term extension, whether that party is the patent owner or licensee, and regardless of any ''agency'' relationship which may exist between the two with respect to such regulatory proceedings. This may be accomplished, it was argued, by construing the term ''applicant'' in 35 U.S.C. 156(d)(1)(D) and (d)(2)(B)(i) to mean the ''applicant for regulatory approval.''

In response, it is clear that under 35 U.S.C. 156(a)(3) and (d)(1), the ''applicant'' for the patent term extension shall be either the ''owner of record of the patent'' or the party which may be construed to be ''its agent,'' which requirement is repeated in 35 U.S.C. 156(d)(5)(A) and (d)(5)(C) with regard to interim extensions. Indeed, to hold otherwise in the manner suggested in the comment would violate the plain meaning of 35 U.S.C. 156(c)(1), which requires that the patent term extension

period be reduced by the time that the ''applicant for patent extension did not act with due diligence during such period of the regulatory review period.'' This section not only cites 35 U.S.C. 156(d)(2)(B) but also is consistent with the required description of activities undertaken during the applicable regulatory period set forth in 35 U.S.C. 156(d)(1)(D). The statute thus specifically requires that the application for patent term extension contain a description of the activities performed by the patent owner or its agent before the regulatory agency with regard to such proceedings, 35 U.S.C. 156(d)(1)(D), and further specifies that the lack of due diligence by the patent owner or its agent during the regulatory review period may be taken into account, 35 U.S.C. 156(c)(1) and (d)(2)(B)(i).

In addition to the constraints of the statutory language, the comment fails to identify any justification for granting a term extension on a patent where the patent owner has not, either directly or indirectly, incurred either the significant costs associated with regulatory approval or any delay in the commercial marketing of a product. Since the patent term extension provisions of section 156 are intended to be remedial in nature, providing a patent term extension to a patent owner who has not been harmed by the delay and costs associated with regulatory approval of a product would provide an unintended benefit to such a patent owner. In addition, providing a patent term extension to a patent owner that did not participate in the regulatory review process could also frustrate an important purpose of the statute, that is, to encourage companies to make the significant investment necessary to obtain regulatory approval and distribute the pharmaceutical product to the public rather than placing a non-participating patent owner in a position to keep the product off the market during the extended term, to the detriment of the party that made the significant investment necessary to obtain regulatory approval.

Accordingly, not only does the plain language of the statute prohibit the statutory interpretation suggested in the comment, but also the purpose of the statute would not be fulfilled by construing ''applicant'' to mean the applicant for regulatory review.

Discussion of Specific Rules

Section 1.750 is being amended, as proposed, to provide for an eligibility determination which will be made on applications for interim extension filed in compliance with § 1.790. The section is further modified to limit the mailing of a notice of a final determination to applications filed in compliance with § 1.740 after the regulatory approval process is complete.

Section 1.750 is being amended, as proposed, to require that the title recite that the section is directed to requests for interim extensions of patent term under 35 U.S.C. 156(e)(2), to distinguish in from interim extensions available under 35 U.S.C. 156(d)(5), addressed in § 1.780.

Section 1.765(a) is being amended, as proposed, to change the phrase (two occurrences) ''the Office of the Secretary'' to read ''the Office or the Secretary.'' The change provides that the applicant has a duty of disclosure to both the Patent and Trademark Office and the Secretary of Health and Human Services or the Secretary of Agriculture.

Section 1.780 is being amended, as proposed, to provide that a certificate of interim extension under 35 U.S.C. 156(d)(5) will be issued to the applicant. Section 1.780 also provides for notification of the issuance of the certificate of interim extension under 35 U.S.C. 156(d)(5), including the identity of the product currently under regulatory review, to be published in the **Federal Register**.

Section 1.785 is being amended, as proposed, to require the applicant for extension, i.e., the patent owner or its agent, to also have been the marketing applicant who obtained regulatory approval of the product for commercial marketing or use. While regulatory approval can be obtained by a party other than the patent owner, that other party must have been an agent of the patent owner when obtaining the regulatory approval in order for the patent owner to be eligible to apply for extension of the patent term.

Section 1.790 is being added, as proposed, to provide for one or more interim extensions for periods of up to one year for patents where the applicable regulatory review period described in paragraph (1)(B)(ii), (2)(B)(ii), (3)(B)(ii), (4)(B)(ii), or (5)(B)(ii) of 35 U.S.C. 156(g) that began for the patented product may extend beyond the expiration of the patent term in effect.

Paragraph (a) of added § 1.790 defines the time periods in which the initial interim extension application and each subsequent interim extension application must be filed in the Office. In no event will interim extensions be granted under proposed § 1.790 for a period of extension longer than that to which the applicant would be entitled to under 35 U.S.C. 156(c).

Paragraph (b) of added § 1.790 establishes that the content requirements for the initial interim extension applications are substantially the same as the content requirements for a formal application for extension of patent term under § 1.740 and a complete application under § 1.741, except that the content requirements relate to a product currently undergoing regulatory review. In other words, the interim extension applications contain information available to the patent owner or its agent at the time the application is filed.

Paragraph (c) of added § 1.790 permits each interim extension application after the initial interim extension application to be limited to a request for a subsequent interim extension along with a statement that the regulatory review period has not been completed and any materials or information required under §§ 1.740 and 1.741 not present in the preceding interim extension application.

Section 1.795 is being added, as proposed, to provide that any interim extension granted under 35 U.S.C. 156(d)(5) terminates at the end of the 60-day period beginning on the date on which the product involved receives permission for commercial marketing or use. If within that 60-day period the patent owner or its agent files additional information required under 35 U.S.C. 156(d)(1) not contained in the applications for interim extension, the patent shall be further extended in accordance with the provisions of 35 U.S.C. 156.

Other Considerations

These rule changes are in conformity with the requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq*., Executive Order 12612, and the Paperwork Reduction Act of 1980, 44 U.S.C. 35091 *et seq*.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce has certified to the Chief Counsel for Advocacy, Small Business Administration, that these rules will not have a significant economic impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)), because the rules would affect only a very small number of patents eligible for interim patent term extension.

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

These rule changes contain collection of information requirements subject to

the Paperwork Reduction Act of 1980, 44 U.S.C. 35 U.S.C. 156(d)(5) 3501 *et seq.*, which have previously been approved by the Office of Management and Budget under Control Number 0651–0020. The public reporting burden for this collection of information for Petition Extension is estimated to average 60 hours each, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collections of information. Send comments regarding this burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to Gerald A. Dost, Office of the Deputy Assistant Commissioner for Patent Policy and Projects, Box DAC, Washington, DC 20231, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (ATTN: Paperwork Reduction Act Projects 0651–0020).

List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Authority delegations (government agencies), Conflict of interest, Courts, Inventions and patents, Lawyers.

For the reasons set forth, the preamble, part 1 of title 37 of the Code of Federal Regulations is amended to read as follows:

PART 1—RULES OF PRACTICE IN PATENT CASES

1. The authority citation for 37 CFR part 1, subparts A and F continues to read as follows:

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

2. Section 1.20 is amended by revising paragraph (j) to read as follows:

§ 1.20 Post-issuance fees.

* * * * *

(j) For filing an application for extension of the term of a patent.

(1) Application for extension under § 1.740	$1,030.00
(2) Initial application for interim extension under § 1.790	400.00
(3) Subsequent application for interim extension under § 1.790	200.00

3. Section 1.750 is revised to read as follows:

§ 1.750 Determination of eligibility for extension of patent term.

A determination as to whether a patent is eligible for extension may be made by the Commissioner solely on the basis of the representations contained in the application for extension filed in compliance with § 1.740 or § 1.790. This determination may be delegated to appropriate Patent and Trademark Office officials and may be made at any time before the certificate of extension is issued. The Commissioner or other appropriate officials may require from applicant further information or make such independent inquiries as desired before a final determination is made on whether a patent is eligible for extension. In an application for extension filed in compliance with § 1.740, a notice will be mailed to applicant containing the determination as to the eligibility of the patent for extension and the period of time of the extension, if any. This notice shall constitute the final determination as to the eligibility and any period of extension of the patent. A single request for reconsideration of a final determination may be made if filed by the applicant within such time as may be set in the notice of final determination or, if no time is set, within one month from the date of the final determination. The time periods set forth herein are subject to the provisions of § 1.136.

4. In § 1.760, the heading is revised to read as follows:

§ 1.760 Interim extension of patent term under 35 U.S.C. 156(e)(2).

5. Section 1.765(a) is revised to read as follows:

§ 1.765 Duty of disclosure in patent term extension proceedings.

(a) A duty of candor and good faith toward the Patent and Trademark Office and the Secretary of Health and Human Services or the Secretary of Agriculture rests on the patent owner or its agent, on each attorney or agent who represents the patent owner and on every other individual who is substantively involved on behalf of the patent owner in a patent term extension proceeding. All such individuals who are aware, or become aware, of material information adverse to a determination of entitlement to the extension sought, which has not been previously made of record in the patent term extension proceeding must bring such information to the attention of the Office or the Secretary, as appropriate, in accordance with paragraph (b) of this section, as soon as it is practical to do so after the individual becomes aware of the information. Information is material where there is a substantial likelihood that the Office or the Secretary would consider it important in determinations to be made in the patent term extension proceeding.

6. Section 1.780 is revised to read as follows:

§ 1.780 Certificate of extension of patent term.

If a determination is made pursuant to § 1.750 that a patent is eligible for extension and that the term of the patent is to be extended, a certificate of extension, under seal, or certificate of interim extension under 35 U.S.C. 156(d)(5) will be issued to the applicant for the extension of the patent term. Such certificate will be recorded in the official file of the patent and will be considered as part of the original patent. Notification of the issuance of the certificate of extension will be published in the Official Gazette of the Patent and Trademark Office. Notification of the issuance of the certificate of interim extension under 35 U.S.C. 156(d)(5), including the identity of the product currently under regulatory review, will be published in the Official Gazette of the Patent and Trademark Office and in the **Federal Register**. No certificate of extension will be issued if the term of the patent cannot be extended, even though the patent is otherwise determined to be eligible for extension. In such situations the final determination made pursuant to § 1.750 will indicate that no certificate will issue.

7. Section 1.785 is revised to read as follows:

§ 1.785 Multiple applications for extension of term of the same patent or of different patents for the same regulatory review period for a product.

(a) Only one patent may be extended for a regulatory review period for any product (§ 1.720(h)). If more than one application for extension of the same patent is filed, the certificate of extension of patent term, if appropriate, will be issued based upon the first filed application for extension.

(b) If more than one application for extension is filed by a single applicant which seeks the extension of the term of two or more patents based upon the same regulatory review period, and the patents are otherwise eligible for extension pursuant to the requirements of this subpart, in the absence of an election by the applicant, the certificate of extension of patent term, if appropriate, will be issued upon the application for extension of the patent term having the earliest date of issuance

of those patents for which extension is sought.

(c) If an application for extension is filed which seeks the extension of the term of a patent based upon the same regulatory review period as that relied upon in one or more applications for extension pursuant to the requirements of this subpart, the certificate of extension of patent term will be issued on the application only if the patent owner or its agent is the holder of the regulatory approval granted with respect to the regulatory review period.

(d) An application for extension shall be considered complete and formal regardless of whether it contains the identification of the holder of the regulatory approval granted with respect to the regulatory review period. When an application contains such information, or is amended to contain such information, it will be considered in determining whether an application is eligible for an extension under this section. A request may be made of any applicant to supply such information within a non-extendable period of not less than one (1) month whenever multiple applications for extension of more than one patent are received and rely upon the same regulatory review period. Failure to provide such information within the period for response set shall be regarded as conclusively establishing that the applicant is not the holder of the regulatory approval.

(e) Determinations made under this section shall be included in the notice of final determination of eligibility for extension of the patent term pursuant to § 1.750 and shall be regarded as part of that determination.

8. Section 1.790 is added to read as follows:

§ 1.790 Interim extension of patent term under 35 U.S.C. 156(d)(5).

(a) An owner of record of a patent or its agent who reasonably expects that the applicable regulatory review period described in paragraph (1)(B)(ii), (2)(B)(ii), (3)(B)(ii), (4)(B) (ii), or (5)(B)(ii) of subsection (g) that began for a product that is the subject of such patent may extend beyond the expiration of the patent term in effect may submit one or more applications for interim extensions for periods of up to one year each. The initial application for interim extension must be filed during the period beginning 6 months and ending 15 days before the patent term is due to expire. Each subsequent application for interim extension must be filed during the period beginning 60 days before and ending 30 days before the expiration of the preceding interim extension. In no event will the interim extensions granted under this section be longer than the maximum period of extension to which the applicant would be entitled under 35 U.S.C. 156(c).

(b) A complete application for interim extension under this section shall include all of the information required for a formal application under § 1.740 and a complete application under § 1.741. Sections (a)(1), (a)(2), (a)(4), and (a)(6)–(a)(17) of § 1.740 and § 1.741 shall be read in the context of a product currently undergoing regulatory review. Sections (a)(3) and (a)(5) of § 1.740 are not applicable to an application for interim extension under this section.

(c) The content of each subsequent interim extension application may be limited to a request for a subsequent interim extension along with a statement that the regulatory review period has not been completed along with any materials or information required under § 1.740 and § 1.741 that are not present in the preceding interim extension application.

9. Section 1.791 is added to read as follows:

§ 1.791 Termination of interim extension granted prior to regulatory approval of a product for commercial marketing or use.

Any interim extension granted under 35 U.S.C. 156(d)(5) terminates at the end of the 60-day period beginning on the date on which the product involved receives permission for commercial marketing or use. If within that 60-day period the patent owner or its agent files an application for extension under § 1.740 and § 1.741 including any additional information required under 35 U.S.C. 156(d)(1) not contained in the application for interim extension, the patent shall be further extended in accordance with the provisions of 35 U.S.C. 156.

* * * * *

Dated: May 8, 1995.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 95–11787 Filed 5–11–95; 8:45 am]

BILLING CODE 3510–16–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261 and 302

[SWH–FRL–5206–4]

RIN 2050–AD59

Hazardous Waste Management System; Carbamate Production Identification and Listing of Hazardous Waste; and CERCLA Hazardous Substance Designation and Reportable Quantities; Correction

AGENCY: Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: The U.S. Environmental Protection Agency (EPA) is correcting minor errors in the amendments to the regulations which appeared in the **Federal Register** on April 17, 1995 (60 FR 19165).

EFFECTIVE DATE: August 9, 1995.

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, please contact John Austin, Office of Solid Waste (5304), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 260–4789.

SUPPLEMENTARY INFORMATION: In the February 9, 1995 final rule (60 FR 7824), EPA designated a number of discarded commercial chemical products, off-specification species, container residues, and spill residues as hazardous wastes. EPA subsequently corrected typographical and omission errors in the listing of these chemicals in the notice of April 17, 1995 (60 FR 19165). Today EPA is correcting a typo and an omission to the April document.

The correction notice incorrectly states the Chemical Abstract Number (CAS) for the substance Mexacarbate. The correct CAS number is 315–18–4. The correction notice also fails to include the addition of the substance sodium diethyldithiocarbamate to the Appendix A list of the additions to CERCLA Section 302.4 in numerical sequence of their CAS Registry numbers. The Agency is amending Appendix A to § 302.4 to reflect the additions to § 304.4 that were finalized by the February 9, 1995 document.

Dated: May 8, 1995.

Elliott P. Laws,

Assistant Administrator, Office of Solid Waste and Emergency Response.

Accordingly, the publication on April 17, 1995 of corrections to the final regulations, which were the subject of FR Doc. 95–2983, is corrected as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE [CORRECTED]

1. On page 19165, the CAS number for Mexacarbamate is revised to read 315–18–4.

PART 302—DESIGNATION, REPORTABLE QUANTITIES, AND NOTIFICATION [CORRECTED]

§ 302.4 [Amended]

2. Section 302.4 is amended by adding the following entry in numerical order of the CAS Registry number to Appendix A to § 302.4 to read as follows.

APPENDIX A TO § 302.4.—SEQUENTIAL CAS REGISTRY NUMBER LIST OF CERCLA HAZARDOUS SUBSTANCES

CASRN	Hazardous substance
* * * * * * *	
148185	Carbamodithioic acid, diethyl-, sodium salt (Sodium diethyldithiocarbamate).
* * * * * * *	

[FR Doc. 95–11793 Filed 5–11–95; 8:45 am]
BILLING CODE 6560–50–P

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 821

Aviation Rules of Practice; General Revisions

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: This revision corrects an inadvertent change. By **Federal Register** notice published November 15, 1994 (59 FR 59042), the Safety Board revised a number of its rules of practice, including 49 CFR 821.48(e). The Board inadvertently failed to retain a part of that rule. This notice reinstates the sentence that was dropped.

DATES: The new rule is effective on May 12, 1995.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 382–6540.

SUPPLEMENTARY INFORMATION: Effective January 17, 1995, the Safety Board implemented numerous revisions to its rules of practice. The rule at 49 CFR 821.48(e) was revised to permit the filing, subsequent to briefs, of citations to supplemental authorities. Unintentionally, the paragraph did not retain then-current language prohibiting other briefs, unless authorized on a showing of good cause. To avoid any future misinterpretation, by this notice, that sentence is reinstated.

List of Subjects in 49 CFR Part 821

Administrative practice and procedure, Airmen, Aviation safety.

Accordingly, 49 CFR Part 821 is amended as set forth below.

PART 821—RULES OF PRACTICE IN AIR SAFETY PROCEEDINGS

1. The authority citation for Part 821 continues to read as follows:

Authority: Title VI, Federal Aviation Act of 1958, as amended (49 U.S.C. 40101 *et seq.*); Independent Safety Board Act of 1974, Pub.L. 93–633, 88 Stat. 2166 (49 U.S.C. 1101 *et seq.*), and FAA Civil Penalty Administrative Assessment Act of 1992, Pub.L. 102–345 (49 U.S.C. 46301), unless otherwise noted.

2. Section 821.48 is amended by revising paragraph (e) to read as follows:

§ 821.48 Briefs and oral argument.

* * * * *

(e) *Other briefs.* Subsequent to brief filing, parties may file citations to supplemental authorities. This procedure may be used only for identifying new, relevant decisions, not to correct omissions in briefing or to respond to a reply. No argument may be included in such filings. Parties shall submit, with any decision, a reference to the page of the brief to which the decision pertains. Any response shall be filed within 10 days and shall be similarly limited. With this exception, no further briefs may be filed, except with specific permission of the Board and on a showing of good cause.

* * * * *

Issued in Washington, D.C. on this 2nd day of May, 1995.

Daniel D. Campbell,

General Counsel.

[FR Doc. 95–11252 Filed 5–11–95; 8:45 am]
BILLING CODE 7533–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217, 222, and 227

[Docket No. 950427117–5117–01; I.D. 040395A]

RIN 0648–AH97

Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone

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

ACTION: Interim rule.

SUMMARY: NMFS issues this interim rule to establish all inshore and offshore waters from Cape Canaveral, FL (28°24.6′ N. lat.) to the North Carolina-Virginia border (36°30.5′ N. lat.) as the leatherback conservation zone and to provide for short-term closures of areas in that zone when high abundance levels of leatherback turtles are documented. Upon such documentation, NMFS will prohibit, in the closed areas, fishing by any shrimp trawler required to have a turtle excluder device (TED) installed in each net that is rigged for fishing, unless the TED installed is specified in the regulations as having an escape opening large enough to exclude leatherback turtles. This interim rule is necessary to reduce mortality of endangered leatherback sea turtles incidentally captured in shrimp trawls. In addition, NMFS is publishing a proposed rule elsewhere in this **Federal Register** to establish on a permanent basis the leatherback conservation zone and procedure for imposing short-term

restrictions designed to protect leatherbacks.

EFFECTIVE DATE: This rule is effective on May 9, 1995.

ADDRESSES: Requests for a copy of the environmental assessment (EA) or the contingency plan should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments on the collection-of-information requirement subject to the Paperwork Reduction Act (PRA) in this interim rule should be directed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503, Attention: Desk Officer for NOAA.

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

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act (ESA) of 1973. The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered. The incidental take and mortality of these species, as a result of fishing activities, have been documented in the Gulf of Mexico and along the Atlantic seaboard.

Under the ESA and its implementing regulations, it is prohibited to take sea turtles. The incidental taking of turtles during shrimp fishing in the Atlantic Ocean off the coast of the southeastern United States and in the Gulf of Mexico is excepted from the taking prohibition pursuant to sea turtle conservation regulations specified at 50 CFR 227.72, which include a requirement that shrimp trawlers have a NMFS-approved TED installed in each net rigged for fishing throughout the year. The use of TEDs significantly reduces mortalities of loggerhead, green, Kemp's ridley, and hawksbill sea turtles. Because leatherback turtles are larger than the escape openings of most NMFS-approved TEDs, use of these TEDs is not an effective means of protecting leatherback turtles.

As a result of their primarily pelagic existence, leatherbacks normally occur outside of areas where they would be subject to taking by shrimp trawlers. During most months of the year, leatherbacks are not abundant in shrimping areas, and only isolated incidents of taking by trawlers occur. However, the coastal waters of northern Florida, Georgia, South Carolina, and North Carolina experience relatively high abundance levels of leatherbacks as a periodic winter and spring phenomenon. When leatherback abundance is high and shrimp trawlers are fishing, leatherback stranding pulses have been documented on adjacent beaches. A NMFS Biological Opinion prepared for a revision to the sea turtle conservation regulations, published in the **Federal Register** on December 4, 1992 (57 FR 57348), specifically addressed episodic stranding events from Florida through North Carolina, and required NMFS to develop and implement a contingency plan to solve this problem.

A contingency plan for protection of leatherback turtles on the Atlantic seaboard that can be implemented, if necessary, was prepared in cooperation with State officials from Florida, Georgia, and South Carolina. The necessity for implementation of protective measures for leatherback turtles is expected to be on an annual basis but only for short periods of time in relatively small, specific, areas at any one time. The plan considers several options to provide protection, and any or all of them may be implemented, if necessary. These options include: Closure of areas to all fishing, use of restricted tow times in lieu of TEDs, mandatory observers, and use of NMFS-approved TEDs with escape openings large enough to exclude leatherback turtles.

Aerial surveys have been conducted for sea turtles off the Florida and Georgia coasts since 1988 and off the coast of South Carolina since 1993. Beginning in December or January each year, concentrations of leatherback turtles occur in northeastern Florida waters. During the month of March, leatherbacks begin moving north and usually enter Georgia waters in late March or early April. Peak concentrations occur in Georgia waters during April and May and by mid-June the concentrations have left Georgia. Leatherback concentrations occur in waters off South Carolina from late April generally through the first part of June.

Shrimping occurs year round in northeastern Florida waters, but the activity levels during any given month may vary from year to year. Shrimp fishing is closed in the State waters of Georgia until June 1 of each year, but shrimping begins in Federal waters off Georgia generally in April or early May. The State of South Carolina opens its waters to shrimping between May 15 and June 30, depending upon the presence of shrimp. Shrimping in Federal waters off South Carolina generally begins in early May. Based upon leatherback turtle concentration information and normal shrimp fishing activities, the most likely period for shrimp vessel interactions with leatherbacks in the leatherback conservation zone is January through June each year.

Each spring for the last 2 years, NMFS has issued temporary 30-day restrictions establishing a leatherback conservation zone (58 FR 28790, May 17, 1993; 59 FR 23169, May 5, 1994; 59 FR 29545, June 8, 1994). The only comment received in response to those restrictions is addressed below:

Comment: A mechanism for imposing immediate, short-term gear modifications, closures, and observer requirements in areas of potential high conflict between commercial fisheries and endangered species should be implemented on a systematic basis as part of NMFS fisheries management and protected species programs. A permanent solution should be adopted.

Response: NMFS agrees. Accordingly, by separate notice, NMFS is proposing the permanent establishment of a leatherback conservation zone and a procedure for imposing short-term restrictions designed to protect leatherback sea turtles based on specified criteria. However, this interim rule is being promulgated to address the immediate need to protect leatherbacks this season, and will be superseded upon promulgation of a final rule as a result of comments received upon the proposed rule.

Requirements

This interim rule establishes a framework whereby short-term closures may be instituted on an expedited basis in order to protect leatherbacks. Specifically, the rule establishes all inshore and offshore waters of the Atlantic area from Cape Canaveral, FL (28°24.6′ N lat.), to the North Carolina-Virginia border (36°30.5′ N lat.) as the ''leatherback conservation zone.''

During the months of January through June, NMFS will conduct weekly aerial surveys of the leatherback conservation zone. If sightings of leatherback turtles during such surveys exceed 10 animals per 50 nautical miles (nm) (92.6 km) of trackline, the survey will be replicated

within 24 hours, or as soon as practicable thereafter, to ensure that leatherback turtle presence is persistent in the area. If surveys demonstrate the continued presence of large concentrations of leatherbacks, NMFS will prohibit shrimp fishing in these specific areas by any shrimp trawler required to have a NMFS-approved TED installed in each net rigged for fishing, unless the TED installed is one of the NMFS-approved TEDs described below. These TEDs have been determined to have escape openings large enough to exclude leatherbacks. In addition, owners and operators of vessels operating in closed areas with an allowed TED, described below, must register with the Director, Southeast Region, NMFS (Regional Director) in accordance with 50 CFR 227.72(e)(6)(iv)(A) through (F). Upon written request by the Regional Director, they must carry a NMFS-approved observer aboard such vessel(s). A shrimp trawler in the leatherback conservation zone must comply with the terms and conditions specified in such written request, as well as provide information on trawling hours, gear modifications and turtle captures.

Notice of specific area closures will be published in the **Federal Register** and will be effective upon filing for public inspection at the Office of the Federal Register. Closures will be announced immediately on the NOAA weather channel, in newspapers, and other media. Areas with high leatherback abundance as documented by the aerial surveys will be closed for a period of 2 weeks. A closed area will include all, or a portion of, inshore and offshore waters 10 nm (18.5 km) seaward of the COLREGS demarcation line, bounded by 1° lat. coinciding with the trackline. Shrimp trawlers in the leatherback conservation zone are responsible for monitoring the NOAA weather channel for closure announcements. Shrimp trawlers may also call (813) 570–5312 for updated area closure information.

NMFS-Approved TEDs With Escape Openings Large Enough for Leatherback Sea Turtles

NMFS has approved modifications to the Taylor and the Morrison TEDs, as well as a modification to the single-grid hard TED, that will allow leatherback turtles to escape the trawl. Descriptions of the Taylor and Morrison TED modifications are found at 50 CFR 227.72(e)(4)(iii)(E), and the modified single-grid hard TED is described at 50 CFR 227.72(e)(4)(i)(G)(*2*)(*ii*).

Classification

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

This interim rule establishes a registration program that includes a collection-of-information requirement subject to the PRA, namely, registration by vessels fishing in the leatherback conservation zone from Cape Canaveral, Florida, to the Virginia-North Carolina border. This collection has been approved by OMB under control number 0648–0267. The public reporting burden for this collection of information is estimated to average 7 minutes 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. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be sent to NMFS and OMB (see **ADDRESSES**).

Pursuant to section 553(b)(B) of the Administrative Procedure Act (APA), the Assistant Administrator for Fisheries, NOAA, (AA) finds that there is good cause to waive prior notice and opportunity to comment on this interim rule. Delaying the establishment of the leatherback conservation zone and the mechanism to impose restrictions or closures would be impracticable and contrary to the public interest, because relatively high levels of leatherback turtle abundance have been reported recently in South Carolina waters. Closures and/or restrictions may need to be imposed quickly when shrimp fishing effort increases in that area in early May. This interim rule is needed at this time so that shrimp trawlers will monitor NOAA weather radio and prepare for closures and/or restrictions in specific areas where relatively high leatherback sea turtle concentrations are identified. Comments were solicited and received on the most recent temporary restrictions (59 FR 29565, June 8, 1994). Also, comments were solicited on the temporary rule establishing a leatherback conservation zone last year (58 FR 28790, May 17, 1993). In addition, comments were solicited on potential leatherback conservation measures (57 FR 57348, December 4, 1992), and a summary of the comments received and a response was published (57 FR 40859, September 8, 1992). NMFS also solicited comments in meetings with fishing groups and state officials concerning this problem. Pursuant to section 553(d) of the APA, the AA finds there is good cause to waive the otherwise required 30-day delay in effective date for this action. Such delay is contrary to the public interest because, as stated above, high concentrations of leatherbacks have been reported in nearshore waters where shrimping may occur. In addition, such delay is unnecessary because advance preparation is not necessary to monitor the NOAA weather radio. While time may be needed to make the appropriate modifications to a Taylor, Morrison, or hard grid TED, restricted areas will be relatively small in size and shrimp trawlers should be able to operate in other areas with existing gear.

The AA prepared an EA for the this interim rule and concludes that, with specified mitigation measures, this action will have no significant impact on the human environment.

List of Subjects

50 CFR Part 217

Endangered and threatened species, Exports, Fish, Imports, Marine mammals, Transportation.

50 CFR Part 222

Administrative practice and procedure, Endangered and threatened species, Exports, Imports, Reporting and record keeping requirements, Transportation.

50 CFR Part 227

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: May 5, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 217, 222, and 227 are amended to read as follows:

PART 217—GENERAL PROVISIONS

1. The authority citation for part 217 continues to read as follows:

Authority: 16 U.S.C. 1531–1544; and 742a *et seq.*, unless otherwise noted.

2. In § 217.12, a definition of ''leatherback conservation zone'' is added to read as follows:

§ 217.12 Definitions.

* * * * *

Leatherback conservation zone means all inshore and offshore waters bounded on the south by a line along 28°24.6′ N. lat. (Cape Canaveral, FL), and bounded on the north by a line along 36°30.5′ N. lat. (North Carolina-Virginia border).

* * * * *

PART 222—ENDANGERED FISH OR WILDLIFE

3. The authority citation for part 222 continues to read as follows:

Authority: 16 U.S.C. 1531–1543.

4. In subpart E, Incidental capture of endangered species, § 222.42 is added to read as follows:

§ 222.42 Special prohibitions relating to leatherback sea turtles.

Special prohibitions relating to leatherback sea turtles are provided at § 227.72(e)(2)(iv) of this chapter.

PART 227—THREATENED FISH AND WILDLIFE

5. The authority citation for part 227 continues to read as follows:

Authority: 16 U.S.C. 1531 *et seq.*

6. In § 227.72, paragraph (e)(2)(iv) is added to read as follows:

§ 227.72 Exceptions to prohibitions.

* * * * *

(e) * * *

(2) * * *

(iv) *Gear requirement—leatherback conservation zone*—(A) *Leatherback surveys.* From January 1 through June 30 of each year, weekly aerial surveys will be conducted (contingent upon weather conditions) by NMFS or state agents in the leatherback conservation zone (defined in § 217.12 of this chapter). If sighting rates of greater than 10 leatherback turtles per 50 nautical miles (92.6 km) of trackline are observed, the aerial surveys of that area will be replicated within 24 hours, or as soon as practicable thereafter.

(B) *TED requirements and registration.* If surveys pursuant to (e)(2)(iv)(A) of this section indicate a sighting rate within the leatherback conservation zone of greater than 10 leatherback sea turtles per 50 nautical miles (92.6 km) of trackline, NMFS will close, for a 2-week period, an area of the leatherback conservation zone encompassing all, or a portion of, inshore waters and offshore waters 10 nautical miles (18.5 km) seaward of the COLREGS demarcation line, bounded by 1° lat. coinciding with the trackline, within the leatherback conservation zone. Within such closed area, fishing by any shrimp trawler required to have a NMFS-approved TED installed in each net rigged for fishing is prohibited, unless the TED installed is one described at paragraph (e)(4)(i)(G)(*2*)(*ii*) or paragraph (e)(4)(iii)(E) of this section, and the owner or operator of the shrimp trawler has notified the Director, Southeast Region, NMFS (Regional Director) of his or her intention to fish in that area, in accordance with the procedure provided in paragraphs (e)(6)(iv) (A) through (F) of this section. If requested in writing from the Regional Director, owners and operators of shrimp trawlers in the leatherback conservation zone must carry NMFS-approved observers aboard such vessel(s). A shrimp trawler in the leatherback conservation zone must comply with the terms and conditions specified in such written request, as well as provide information on trawling hours, gear modifications, and turtle captures.

(C) *Notification.* NMFS will immediately announce specific area closures on the NOAA weather radio channel, in newspapers, and other media. Specific area closures will be effective upon filing for public inspection at the Office of the Federal Register. Owners and operators of shrimp trawl vessels in the leatherback conservation zone are responsible for monitoring the NOAA weather radio channel for closure announcements. Shrimp trawlers may also call the Southeast Regional Office at (813) 570–5312 to receive updated area closure information.

* * * * *

[FR Doc. 95–11581 Filed 5–9–95; 11:46 am]

BILLING CODE 3510–22–P

50 CFR Part 672

[Docket No. 950206041–5041–01; I.D. 050895A]

Groundfish of the Gulf of Alaska; Shallow-Water Fishery

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the shallow-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA), except directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock. This action is necessary because the second seasonal allowance of Pacific halibut prohibited species catch (PSC) trawl limit apportioned to the shallow-water species complex in the GOA has been caught.

EFFECTIVE DATE: 12 noon, Alaska local time (A.l.t.), May 8, 1995, until 12 noon, A.l.t., July 1, 1995.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907–586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the GOA exclusive economic zone is managed by NMFS according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 672.

In accordance with § 672.20(f)(3)(i), the shallow-water species fishery, which is defined at § 672.20(f)(1)(i)(B)(*1*), was apportioned 100 mt of Pacific halibut PSC for the second season, the period April 1, 1995, through 12 noon, A.l.t., July 1, 1995 (60 FR 8470, February 14, 1995).

The Director, Alaska Region, NMFS, has determined, in accordance with § 672.20(f)(3)(i), that vessels participating in the trawl shallow-water species fishery in the GOA have caught the second seasonal allowance of Pacific halibut PSC apportioned to that fishery. Therefore, NMFS is prohibiting directed fishing for each species and species group that comprise the shallow-water species fishery by vessels using trawl gear in the GOA, except directed fishing for pollock by vessels using pelagic trawl gear in those portions of the GOA that remain open to directed fishing for pollock. The species and species groups that comprise the shallow-water species fishery are: Pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and ''other species.''

Classification

This action is taken under 50 CFR 672.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 8, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–11734 Filed 5–8–95; 5 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 60, No. 92
Friday, May 12, 1995

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[Docket No. TB–95–08]

Tobacco Fees and Charges for Mandatory Inspection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Tobacco Inspection Act requires the Secretary to fix and collect fees and charges for inspection and certification, the establishment of standards, and other services, including administrative and supervisory costs, at designated tobacco auction markets in all tobacco producing areas. The fees collected must, as nearly as possible, cover the Department's costs of performing these services and also maintain a reserve sufficient to cover at least 4 months of operation. This proposed rule would increase the fee from $.0070 to $.0083 per pound to cover the increased cost of operating the tobacco inspection program and replenish the operating reserve. The last increase in the fee was in 1991.

DATES: Comments are due on or before June 12, 1995.

ADDRESSES: Send comments to John P. Duncan, III, Director, Tobacco Division, Agricultural Marketing Service (AMS), United States Department of Agriculture (USDA), Room 502, Annex Building, P.O. Box 96456, Washington, DC 20090–6456. Comments will be available for public inspection at this location during regular business hours.

FOR FURTHER INFORMATION CONTACT: John P. Duncan, III, Director, Tobacco Division, AMS, USDA, Room 502, Annex Building, P.O. Box 96456, Washington, DC 20090–6456. Telephone (202) 205–0567.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department proposes to amend the regulations governing the mandatory inspection and certification of producer tobacco sold at designated auction markets throughout the tobacco producing areas. The proposed amendment would increase the fees and charges assessed by the Department for providing inspection and certification of tobacco at designated auction markets, establishment of standards, and other services. The new fee would cover the increased cost of operating the program, including administrative and supervisory costs, and replenish the operating reserve which has been drawn down for several years to cover the difference between revenue and obligations and is now below the required level of 4 months. Authority for these regulations is contained in the Tobacco Inspection Act (7 U.S.C. 511–511q).

The current fee of $.0070 per pound has been in effect since July 11, 1991, as published in the **Federal Register** (56 FR 31533–31534).

The Department conducts a yearly review of the financial status of this program to determine whether the fee is sufficient. Obligations incurred during the 1993–94 marketing season were $13,468,000 while revenue, including investments, totaled $13,112,000 resulting in a loss of $356,000. However, there was still an operating reserve of almost 5 months available. With 3 months remaining in the 1994–95 marketing season, obligations are estimated at $12,969,000 but revenues are expected to reach only $11,647,000 resulting in a loss of $1,322,000 and reducing the operating reserve to 3.8 months. At the current level of service and fee structure, obligations for the 1995–96 marketing season are estimated at $13,754,000 with revenue of $12,155,000 for a loss of $1,599,000 and a further reduction in the operating reserve to 2.2 months. If the same level of service and fee structure continues for the 1996–97 season the estimated loss would exceed $2,000,000 and the operating reserve would fall below 1 month.

The major items affecting obligations are increases in salaries, benefits, travel costs and overall administrative costs in each year since 1991. Revenue depends on the amount of tobacco sold on the designated auction markets. Production quotas for flue-cured and burley were relatively stable for the 1992 and 1993 crops; fell sharply in 1994 and were unchanged for burley for 1995 but increased 16 percent for flue-cured. However, the cost of providing the service has continued to rise. An analysis of available data indicates that a fee of $.0083 per pound effective for the 1995 crop would provide sufficient revenue to exceed obligations by $560,000 for the 1995–96 marketing season and bring the operating reserve up to 4 months.

Information on program income and expenses was presented to the National Advisory Committee for Tobacco Inspection Services at a meeting on January 19, 1995, in Lexington, Kentucky, and again on April 6, 1995, in Raleigh, North Carolina. The National Advisory Committee, consisting of 14 members representing tobacco producers, and appointed by the Secretary of Agriculture, was established by law in 1981 to advise the Secretary on the level of services needed and the fees necessary to cover those services. The Committee recommended that the level of services remain unchanged and that the fee be increased to $.0075 per pound.

In considering the Committee's recommendation the Department notes that while a fee of $.0075 per pound will result in smaller losses for the 1995 and 1996 marketing years, the operating reserve will continue to fall and would be below 2 months at the end of the 1996 season.

Furthermore, the difference between $.0075 and $.0083 per pound is only $.80 for every 1,000 pounds; $8.00 for 10,000 pounds; and $80 for 100,000 pounds so the additional yearly cost for an average producer would range between $20.00 and $40.00. Therefore, since the Committee does not recommend a reduction in the level of services, and the recommended fee will not cover the cost of the program, the Department is proposing a fee of $.0083 per pound effective at the start of the 1995 marketing season.

The marketing season for tobacco does not coincide with the Federal fiscal year. Therefore, it is anticipated that any increased fee would be made effective on July 1, 1995.

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

This proposed rule has been reviewed under Executive Order 12778, Civil

Justice Reform. This action is not intended to have retroactive effect. This proposed rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

Additionally, in conformance with the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*) full consideration has been given to the potential economic impact upon small business. Most of the firms which would be affected by the rule are small businesses. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having gross annual receipts of less than $500,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The Administrator, Agricultural Marketing Service, has determined that this action would not have a significant economic impact on a substantial number of small entities. This proposed rule would not substantially affect the normal movement of the commodity in the marketplace. Compliance with this proposed rule would not impose substantial direct economic costs, recordkeeping, or personnel workload changes on small entities, and would not alter the market share or competitive positions of small entities relative to the large entities and would in no way affect normal competition in the marketplace. Furthermore, the Department is required by law to fix and collect fees and charges to cover the Department's cost in operating the tobacco inspection program.

All persons who desire to submit written data, views, or arguments for consideration in connection with this proposal may file them with the Director, Tobacco Division, AMS, USDA, Room 502, Annex Building, P.O. Box 96456, Washington, DC 20090–6456, not later than June 12, 1995.

List of Subjects in 7 CFR Part 29

Administrative practice and procedure, Advisory committees, Government publications, Imports, Pesticides and pests, Reporting and recordkeeping requirements, Tobacco.

Accordingly, the Department is proposing to amend the regulations under the Tobacco Inspection Act contained in 7 CFR Part 29 as follows:

PART 29—TOBACCO INSPECTION

1. The authority citation for Part 29, subpart B continues to read as follows:

Authority: 7 U.S.C. 511m and 511r.

§ 29.123 [Amended]

2. In § 29.123, paragraph (a) is amended by removing the words ''$.0070 per pound'' and adding in its place ''$.0083 per pound''.

Dated: May 5, 1995.

Lon Hatamiya,

Administrator.

[FR Doc. 95–11743 Filed 5–11–95; 8:45 am]

BILLING CODE 3410–02–P

Food and Consumer Services

7 CFR Part 278

RIN 0584–AC00

Food Stamp Program: Revisions in Use and Disclosure Rules Involving the Sharing of Information Provided by Retail and Wholesale Food Concerns With Other Federal and State Agencies

AGENCY: Food and Consumer Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rulemaking proposes to implement certain provisions in two different laws which expand the authority of the United States Department of Agriculture's Food and Consumer Service (FCS) to share information provided by applicants and firms participating as authorized retail food stores or wholesale food concerns in the Food Stamp Program (FSP) with other government agencies. The Food Stamp Act of 1977, as amended, was amended by section 203 of the Food Stamp Program Improvements Act of 1994, and the Social Security Act and the Internal Revenue Code were amended by section 316 of the Social Security Independence and Program Improvements Act of 1994. This proposed rule also includes one technical change to correct an error in regulatory reference that does not change the substance of the affected provision.

The proposed rule would implement the authority for FCS to share such information, excluding employer identification numbers (EINs) and Social Security numbers (SSNs), with Federal and State law enforcement and investigative agencies for purposes of administering and enforcing the Food Stamp Act of 1977, as amended, or any other Federal or State law and regulations issued under this Act or any other Federal or State law. It also would provide new criteria to govern the sharing of such information and criminal penalties for unauthorized use. Finally, this rule would implement the Secretary of Agriculture's new authority to share EIN and SSN information of applicants and firms participating in the FSP with other Federal agencies.

DATES: Comments on the provisions of this rule must be received no later than June 12, 1995, to be assured of consideration.

ADDRESSES: Comments should be addressed to Suzanne Fecteau, Food and Consumer Service, Chief, Coupon and Retailer Branch, 3101 Park Center Drive, Alexandria Virginia 22302–1594. All written comments will be open to public inspection at the office of the Food and Consumer Service during regular business hours (8:30 a.m. to 5 p.m., Monday through Friday) in room 706, 3101 Park Center Drive, Alexandria, Virginia.

FOR FURTHER INFORMATION CONTACT: Questions regarding this rulemaking should be addressed to Suzanne Fecteau at the above address or by telephone at (703) 305–2418.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

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

Executive Order 12372

The Food Stamp Program is listed in the Catalog of Federal Domestic Assistance under No. 10.551. For the reasons set forth in the final rule and related Notice to 7 CFR part 3015 subpart V (48 FR 29115, June 24, 1983), this Program is excluded from the scope of the Executive Order 12372 which requires inter-governmental consultation with State and local officials.

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612). William E. Ludwig, the Administrator of the Food and Consumer Service, has certified that this proposed rule will not have a significant economic impact on a substantial number of small entities. This action may have a significant effect on a limited number of small entities found to be in violation of State or Federal laws.

Paperwork Reduction Act

This rule does not contain reporting or recordkeeping requirements subject to approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is intended to have retroactive effect. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted. In the Food Stamp Program the administrative procedures are as follows: (1) For Program benefit recipients—State administrative procedures issued pursuant to 7 U.S.C. 2020(e)(10) and 7 CFR 273.15; (2) for State agencies—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 276.7 (for rules related to non-quality control (QC) liabilities) or Part 283 (for rules related to QC liabilities); (3) for Program retailers and wholesalers—administrative procedures issued pursuant to 7 U.S.C. 2023 set out at 7 CFR 278.8.

Background

This rule would expand the use and disclosure of information provided by applicants and firms participating as authorized retail food stores or wholesale food concerns in the FSP. The provisions of this rule will be effective retroactively to August 15, 1994, when Pub. L. 103–296 was enacted, and will be implemented 30 days after the final rulemaking is published.

Current regulations restrict FCS' ability to share information provided by retailers and wholesalers participating in the Food Stamp Program. EINs and SSNs may only be shared with Federal employees whose duties or responsibilities require access to those numbers for the administration and enforcement of the Food Stamp Act of 1977, as amended. The use of EINs and SSNs is only allowed for the maintenance of a list of specific individuals and firms that have been sanctioned or convicted of Food Stamp Program violations under sections 12 (Civil Money Penalties and Disqualification) and 15 (Violations and Enforcement) of the Food Stamp Act. Other information provided by retailers (e.g. application information, sales and redemption data) can be shared with other Federal or State agencies only for the purposes of administration or enforcement of the Food Stamp Program, the Special Supplemental Food Program for Women, Infants and Children (WIC), and for audits by the General Accounting Office.

Use and Disclosure of Information Provided by Retail Food Stores and Wholesale Food Concerns

Section 9(c) of the Food Stamp Act of 1977, as amended (the Act) (7 U.S.C. 2018(c)) governs the authorization of retailers and wholesalers to participate in the Food Stamp Program, based on information those retailers and wholesalers provide FCS. Section 203 of the Food Stamp Program Improvements Act of 1994, Pub. L. 103–225 (108 Stat. 106) amends section 9(c) of the Act, to expand the use and disclosure of information provided by applicant and participating retail and wholesale food concerns, such as food stamp redemption data, as well as information about ownership (excluding EINs and SSNs) and sales data included on the initial application, in addition to information required to be submitted for purposes of determining whether a firm continues to qualify. As authorized by the amendment to section 9(c), this rule would allow disclosure of this information to other Federal and State law enforcement and investigative agencies for the purposes of administering and enforcing the Food Stamp Act, as well as the enforcement of any other Federal or State laws and the regulations issued under this Act and such laws.

This rule proposes other safeguards in addition to new penalties for unauthorized use and disclosure of information. It would limit the use and disclosure of this information to the purpose of effectively administering and enforcing the Food Stamp Act or for investigating violations of other State or Federal laws, or enforcement of such laws and regulations. Federal and State agencies authorized to have access to this information would be required to submit a request in writing. The request must set forth specifically which law is being enforced and must also demonstrate how the requested information is relevant to the enforcement of that law. The Department will base its determination whether or not to disclose the requested information upon such a showing by the requesting agency. The Department expects such information to be requested most frequently by taxation authorities such as the Internal Revenue Service and State income and sales tax agencies. The information may also be useful to law enforcement and investigative agencies which seek to verify the income and sources of income of a retailer.

In addition to responding to specific requests from other Federal and State agencies, FCS would periodically initiate cross matches of retailer data against other agencies' files. The purpose of these matches is to allow the verification of information reported by applicants and participating firms, and to assist in the administration and enforcement of the Food Stamp Act and other Federal and State laws.

The Food Stamp Improvements Act of 1994 also amends section 9(c) of the Food Stamp Act to provide criminal penalties for the misuse of any information obtained from retail food stores and wholesale food concerns. This would apply to any person who publishes, divulges, discloses, or makes this information known in any manner or to any extent not authorized by Federal law or regulations. A penalty which includes a fine of not more than $1,000, or imprisonment of not more than one year, or both, is established by law and is reflected in this proposed rulemaking.

Cross-Matching of Social Security Account Number Information and Employer Identification Number Information Maintained by the Department of Agriculture

Section 1735 of the Food, Agriculture, Conservation, and Trade Act of 1990 (Pub. L. No. 101–624, 104 Stat. 3359) amended section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) and added section 6109(f) to the Internal Revenue Code of 1986 (26 U.S.C. 6109(f)) to permit the Secretary of Agriculture to collect the Social Security numbers of individual retailers who apply for FSP authorization and those of the officers of corporate applicants, as well as employer identification numbers assigned by the Internal Revenue Service. Section 316 of the Social Security Independence and Program Improvements Act of 1994 (Pub. L. No. 103–296, 108 Stat. 1464) expands FCS' authority to share the EINs and SSNs of food stamp retailers and wholesalers with other agencies or instrumentalities of the United States for verification purposes to more effectively administer and enforce the Food Stamp Program, as well as other Federal laws.

This rulemaking proposes to permit the Department to share the list of names and identifying numbers of food concerns with other Federal agency personnel who otherwise have access to EINs and SSNs, for the purpose of effectively administering and enforcing the Food Stamp Act or for investigating violations of other Federal laws, or enforcement of such laws. The use of such lists would be limited to cross-matching employer identification number information and Social Security account number information maintained by the Department of Agriculture for the purpose of verifying information provided by applicants and firms participating in the Food Stamp Program.

Under the amendments, the Department must restrict access to officers and employees of the United States government whose duties or responsibilities require access to EINs and SSNs. To obtain such information, a Federal agency must already have access to EINs and SSNs, and must submit a written request that demonstrates the need for such information. The applicable law shall be clearly identified as the relevant basis for a request to assist FCS in determining whether retailer data can be released to the requesting agency. The Department anticipates such information to be requested most frequently by the Internal Revenue Service. The information may also be useful to other Federal agencies which seek to verify the income and sources of income for a given retailer, in conjunction with an EIN or SSN.

In addition to responding to specific requests from other Federal agencies under this proposed rule, FCS would periodically initiate cross matches of retailer data against other Federal agencies' files. The purpose of these matches is to allow the verification of information reported by applicant and participating firms, and to assist in the administration and enforcement of other Federal laws.

The provisions of this rule do not extend to private actions against the authorized entities, either contemplated or ongoing, as private litigants are not law enforcement agencies.

Technical Correction

This rule proposes to implement a technical change to correct a regulatory reference error in § 278.1 (q)(iv), whereby a paragraph dealing with privacy that should have been referenced as ''278.1 (q)'' was mistakenly referenced as ''278.1 (s)''. This correction does not change the intent of this provision.

Finally, it is anticipated that changes to Department of Treasury references used in this proposed rule will be made in the final rule to reflect changes made by the Department of Treasury in a proposed rule dealing with information sharing that was printed in the **Federal Register** on May 10, 1995.

List of Subjects

7 CFR Part 278

Administrative practice and procedure, Banks, Banking, Claims, Food stamps, Groceries—retail, Groceries, General line—wholesaler, Penalties.

Accordingly, 7 CFR part 278 is proposed to be amended as follows:

1. The authority citation for 7 CFR part 278 continues to read as follows:

Authority: 7 U.S.C. 2011–2032.

PART 278—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS AND INSURED FINANCIAL INSTITUTIONS

2. In § 278.1:

a. The introductory text of paragraph (q) is revised;

b. Paragraphs (q)(1) and (q)(2) are redesignated as paragraphs (q)(2) and (q)(3), respectively, and a new paragraph (q)(1) is added;

c. Newly redesignated paragraphs (q)(2)(i), (q)(2)(ii), (q)(3)(i), and (q)(3)(ii) are revised;

d. Newly redesignated paragraph (q)(2)(iii) is amended by adding after the word ''Department'' in the first sentence the words ''or any agency or instrumentality of the United States'' and by removing the designation ''(c)(2)'' following the references to ''§ 301.6109–2'' and ''(26 CFR § 301.6109–2)'';

e. Newly redesignated paragraph (q)(2)(iv) is amended by adding after the word ''Department'' the words ''or maintained by any agency or instrumentality of the United States'', by removing the references to ''§ 278.1(s)(1)(ii)'' and ''§ 278.1 (q)(1)(iv)'' and adding in their place references to ''paragraph (q)(2)(ii) of this section'' and ''paragraph (q)(2)(iv) of this section'', and by removing the designation ''(d)'' following the references to ''§ 301.6109–2'' and ''(26 CFR 301.6109)'';

f. Newly redesignated paragraph (q)(2)(v) is amended by removing the designation ''(e)'' after the references to ''§ 301.6109–2'' and ''(26 CFR 301.6109–2)'';

g. Newly redesignated paragraph (q)(3)(iv) is amended by removing the reference ''§ 278.1(q)(2)(iv)'' and adding in its place the reference ''paragraph (q)(3)(iv) of this section''; and

h. A new paragraph (q)(4) is added. The revisions and additions read as follows:

§ 278.1 Approval of retail food stores and wholesale food concerns.

* * * * *

(q) *Safeguarding privacy.* With the exception of EINs and SSNs, the use and disclosure of the contents of an initial application or other information required to be submitted to determine whether an applicant continues to qualify, including ownership information and sales and redemption data provided by retail food stores and wholesale concerns by Federal and State law enforcement and investigative agencies, is limited to the purposes of administering or enforcing the Food Stamp Act or any other Federal or State law, and the regulations issued under the Food Stamp Act or such other law. Such information may also be disclosed to and used by State agencies that administer the Special Supplemental Food Program for Women, Infants and Children (WIC). Such purposes shall not exclude the audit and examination of such information by the Comptroller General of the United States authorized by any other provision of law. Any person who publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by Federal law or regulations any information obtained under this paragraph shall be fined not more than $1,000 or imprisoned not more than 1 year, or both. Additional safeguards with respect to employee identification numbers (EINs) are contained in paragraph (q)(2) of this section. Additional safeguards with respect to Social Security numbers (SSNs) are contained in paragraph (q)(3) of this section.

(1) *Criteria for requesting information.* Except for EINs and SSNs, information provided by firms participating in the Food Stamp Program may be requested by Federal or State law enforcement or investigative agencies for purposes of administering or enforcing specified Federal or State laws, or regulations issued under those laws. Release of information under this paragraph shall be limited to information relevant to the administration or enforcement of the specified laws and regulations, as determined by FCS. The request must be submitted in writing and must clearly indicate the specific provision of law or regulations which would be administered or enforced by access to requested information and the relevance of the information to those purposes.

FCS may require additional information, if needed to clarify a request. Requests under this paragraph are limited to authorized entities authorized on and after August 15, 1994. However, unauthorized firms redeeming food stamps in violation of the Food Stamp Act, as amended, on and after August 15, 1994 shall be subject to provisions of this Section.

(2) *Employer identification numbers.* (i) The Department may have access to the EINs obtained pursuant to paragraph (b)(5) of this section for the purpose of establishing and maintaining a list of the names and EINs of the stores and concerns for use in determining those applicants who previously have been sanctioned or convicted under sections 9 and 12 of the Food Stamp Act of 1977, as amended, (7 U.S.C. 2018, 2021). The Department may share EINs with other Federal agencies and instrumentalities if the Department determines that such sharing would assist in verifying and matching such information against information maintained by such other agency or instrumentality. Any such information shared pursuant to this paragraph may be used by such other agency or instrumentality for the purpose of effective administration and enforcement of the Food Stamp Act of 1977, as amended, or for the purpose of investigation of violations of other Federal laws or enforcement of such laws. See Treas. Reg. § 301.6109–2 (26 CFR 301.6109–2).

(ii) The only persons permitted access to EINs obtained pursuant to paragraph (b) of this section are officers and employees of the United States who otherwise have access and whose duties or responsibilities require access to the EINs for the administration or enforcement of the Food Stamp Act of 1977, as amended, or for the purpose of investigation of violations of other Federal laws or enforcement of such laws. See Treas. Reg. § 301.6109–2 (26 CFR 301.6109–2).

* * * * *

(3) *Social Security numbers.* (i) The Department may have access to SSNs obtained pursuant to paragraph (b)(5) of this section for the purpose of establishing and maintaining a list of names and SSNs for use in determining those applicants who previously have been sanctioned or convicted under section 12 and 15 of the Food Stamp Act of 1977, as amended, (7 U.S.C. 2021 or 2024). The Department may use this determination of sanctions and convictions in administering sections 9 and 12 of the Food Stamp Act of 1977 (7 U.S.C. 2018, 2021). The Department may share SSNs with other Federal agencies and instrumentalities if the Department determines that such sharing would assist in verifying and matching such information against information maintained by such other agency or instrumentality. Any such information shared pursuant to this paragraph may be used for the purpose of effective administration and enforcement of the Food Stamp Act of 1977, as amended, or for the purpose of investigation of violations of other Federal laws or enforcement of such laws.

(ii) The only persons permitted access to SSNs obtained pursuant to paragraph (b) of this section are officers and employees of the United States who otherwise have access and whose duties or responsibilities require access to the SSNs for the administration or enforcement of the Food Stamp Act of 1977, as amended, or for investigations of violations of other Federal laws or enforcement of such laws.

* * * * *

(4) *FCS initiated matches.* Under the restrictions noted in paragraph (q) of this section, FCS will periodically initiate cross matches of retailer data against other Federal and State agencies' files for the purpose of verifying information provided by applicant and participating firms, and for the purposes of administering and enforcing other Federal or State laws.

* * * * *

William E. Ludwig,

Administrator, Food and Consumer Service.

[FR Doc. 95–11785 Filed 5–11–95; 8:45 am]

BILLING CODE 3410–30–U

Agricultural Marketing Service

7 CFR Part 1099

[Docket No. AO–183–A47; DA–92–11]

Milk in the Paducah, Kentucky, Marketing Area; Referendum Order; Determination of Representative Period and Designation of Referendum Agent

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Referendum order.

SUMMARY: This document orders that a referendum be conducted to determine whether producers favor issuance the order regulating the handling of milk in the Paducah, Kentucky, marketing area, as proposed to be amended in the final decisions issued by the Acting Assistant Secretary on December 2, 1994 (59 FR 64524) regarding the Class II price and on January 27, 1995 (60 FR 7290) regarding the Minnesota-Wisconsin (M–W) price.

DATES: The referendum is to be completed on or before May 30, 1995.

FOR FURTHER INFORMATION CONTACT: John F. Borovies, Branch Chief, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968 South Building, P.O. Box 96456, Washington, DC 20090–6456, (202) 690–1366.

SUPPLEMENTARY INFORMATION: Prior documents in this proceeding:

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

Notice of Hearing (Class II price): Issued December 14, 1993; published December 21, 1993 (58 FR 67380).

Recommended Decision (M–W price): Issued August 3, 1994; published August 8, 1994 (59 FR 40418).

Recommended Decision (Class II price): Issued August 22, 1994; published August 26, 1994 (59 FR 44074).

Final Decision (Class II price): Issued December 2, 1994; published December 14, 1994 (59 FR 64524).

Final Rule (Class II price): Issued January 27, 1995; published February 2, 1995 (60 FR 6606).

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

Proposed Termination of Order: Issued March 3, 1995; published March 9, 1995 (60 FR 12907).

Extension of Time for Filing Comments on Proposed Termination of Order: Issued March 27, 1995; published March 31, 1995 (60 FR 16589).

Final Rule (M–W price): Issued April 6, 1995; published April 14, 1995 (60 FR 18952).

On January 27, 1995, the Acting Assistant Secretary, Marketing and Regulatory Programs, issued a final decision on proposed amendments to all Federal milk orders, including the Paducah, Kentucky, order. When that decision concerning replacement of the Minnesota-Wisconsin price series was issued, a referendum was not conducted for the Paducah, Kentucky, order because a proposed termination of the order had been published (60 FR 12907) as a result of the order failing to be approved by producers in the referendum conducted on the Class II price amendments. A sufficient number of comments were received opposing the termination of the Paducah, Kentucky, order to indicate that another referendum should be conducted concerning approval of the Class II price amendments. Thus, this referendum is being conducted to determine if

producers approve the order as proposed to be amended by proceedings concerning the Class II price (59 FR 64524) and the M–W price (60 FR 7290).

Referendum Order To Determine Producer Approval; Determination of Representative Period; and Designation of Referendum Agent

It is hereby directed that a referendum be conducted to determine whether the issuance of the order regulating the handling of milk in the Paducah, Kentucky, marketing area, as amended by decisions issued on December 2, 1994 (59 FR 64524) and on January 27, 1995 (60 FR 7290), is approved by at least two-thirds of the producers, or by producers who produced at least two-thirds of the total milk produced during the representative period.

The month of February 1995 is hereby determined to be the representative period for the conduct of such referendum.

Donald R. Nicholson is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda (7 CFR 900.300 et seq.).

Such referendum shall be completed on or before 15 days from the issuance of this referendum order.

List of Subjects in 7 CFR Part 1099

Milk marketing orders.

Authority: 7 U.S.C. 601–674.

Dated: May 8, 1995.

David R. Shipman,

Acting Deputy Assistant Secretary, Marketing and Regulatory Programs.

[FR Doc. 95–11791 Filed 5–11–95; 8:45 am]

BILLING CODE: 3410–02–P

Rural Housing and Community Development Service

Rural Business and Cooperative Development Service

Rural Utilities Service

Consolidated Farm Service Agency

7 CFR Parts 1910, 1944, 1951, and 1965

RIN 0575–AA35

Single Family Rural Housing Loans

AGENCIES: Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, Rural Utilities Service and Consolidated Farm Service Agency; USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Housing and Community Development Service (RHCDS) proposes to revise its regulations for Single Family Rural Housing (''RH'') Loans. Under the reorganization of the Department of Agriculture, RHCDS is the successor to the former Farmers Home Administration for the administration of rural housing programs under the Housing Act of 1949. References to RHCDS will also include actions of FmHA prior to the reorganization. Regulations regarding Receiving and Processing Applications, Planning and Performing Site Development Work, Borrower Supervision, Servicing and Collection of Single Family Housing Loan Accounts, and Security Servicing for Single Family Rural Housing Loans are also impacted by the proposed revisions. This action is taken to implement the provisions of section 315 of the Housing and Community Development Act of 1987, Pub. L. 100–242, to improve the delivery of the program to the public, provide for the orderly processing of loan applications, reduce workload of RHCDS field staffs, to conform the section 502 RH program with the Guaranteed Rural Housing Loan program and industry standards, and to notify the public of the Agency's policy.

Note: The Department of Agriculture Reorganization Act of 1994, Pub. L. 103–354, was signed on October 13, 1994. This established a National Appeals Division (NAD) which replaced the FmHA National Appeals Staff. The National Appeals Division is currently in the process of writing new regulations. The Final Rule will be made consistent with any new regulations promulgated by the National Appeals Division.

DATES: Comments must be received on or before July 11, 1995.

ADDRESSES: Submit written comments, in duplicate, to the Office of the Chief, Rural Economic and Community Development, U.S. Department of Agriculture, Ag Box 0743, Room 6348, South Agriculture Building, 14th and Independence SW., Washington, DC 20250. All written comments will be available for public inspection at the above address during normal working hours.

FOR FURTHER INFORMATION CONTACT: Betsy McDaniel, Senior Loan Specialist, Rural Housing and Community Development Service, USDA, Ag Box 0783, Room 5334, South Agriculture Building, 14th and Independence SW., Washington, DC 20250, Telephone (202) 720–1474.

SUPPLEMENTARY INFORMATION:

Classification

This rule has been determined to be significant and was reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

The Administrator of Rural Housing and Community Development Service has determined that this action will not have a significant economic impact on a substantial number of small entities because the regulatory changes affect RHCDS processing of section 502 loans and individual applicant eligibility for the program.

Environmental Impact Statement

This document has been reviewed in accordance with 7 CFR part 1940, subpart G, ''Environmental Program.'' It is the determination of RHCDS that this proposed action does not constitute a major Federal Action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Programs Affected

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.410, Low Income Housing Loans.

Intergovernmental Consultation

For the reason set forth in the final rule related Notice to 7 CFR part 3015, subpart V, 48 FR 29115, June 24, 1983, this program is excluded from the scope of Executive Order (E.O.) 12372 which requires intergovernmental consultation with State and local officials.

Civil Justice Reform

This proposed regulation has been reviewed in light of E.O. 12778 and meets the applicable standards provided in sections 2(a) and 2(b) of that Order. Provisions within this part which are inconsistent with State law are controlling. All administrative remedies pursuant to 7 CFR part 1900, subpart B must be exhausted prior to filing suit.

Paperwork Reduction Act

The information collection requirements contained in these regulations have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB control numbers 0575–0134, 0575–0099, and 0575–0062, in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3507).

This proposed rule does not revise or impose any new information collection or recordkeeping requirement from those approved by OMB, for those mentioned above. The revised information collection contained in 0575–0059 and 0575–0060 will be submitted for approval to OMB. Public reporting for this collection of information is estimated to vary from 5 minutes to 1.5 hours per response, with an average of .41 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Please send written comments on the information collection aspect of the rule to the Office of Information Regulatory Affairs, OMB, Attention: Desk Officer for USDA, Washington, DC 20503. Please send a copy of your comments to Jack Holston, Agency Clearance Officer, USDA, RECD, Ag Box 0743, Washington, DC 20250.

Discussion

Background

Many of Rural Housing and Community Development Service's (RHCDS's) single family housing size and amenity restrictions have been criticized as being too rigid and restrictive to best serve the housing needs of low income families as well as providing adequate security for the Agency. In the past, these restrictions served to limit the size and cost of properties financed, and to control the associated home ownership costs of RHCDS applicants/borrowers. RHCDS feels that a different approach can provide the control necessary to allow applicants the freedom to select the home of their choice which best suits their individual needs and still ensure that RHCDS meets its mission and that its financial interest is adequately secured.

During Fiscal Year (FY) 1991, FmHA published regulations in connection with the Cranston-Gonzales National Affordable Housing Act for its Guaranteed RH program. Those regulations provided that the amount of the RHCDS guaranteed loan may not exceed the maximum dollar limitation of section 203(b) of the National Housing Act (12 U.S.C. 1702). RHCDS now proposes to use 85 percent of the same maximum dollar limitations applicable to the guaranteed program for the direct single family RH program. The Agency has determined that an 85 percent limitation for the direct single family housing program should curtail luxury type amenities, size, and cost, and will generally result in modest housing similar to that presently financed by the Agency under this program. This will greatly simplify and standardize the properties acceptable under the section 502 single family housing program and achieve the balance previously discussed. This change will result in the elimination of specific characteristics, amenities, and restrictions relative to ''modest housing,'' and substitute reliance by the Agency on the percentile of maximum dollar limitation established by the Housing and Urban Development (HUD), hereafter called ''CAPs,'' for determining the type and dollar amount of housing to be financed. In conjunction with this change, the Agency recognizes the need to change the manner in which subsidy is provided on these loans.

In order to provide sufficient subsidy to enable low-income applicants/borrowers to show repayment ability but at the same time make the applicant/borrower the true decision-maker concerning all aspects of the property that meets his or her housing needs, RHCDS proposes to provide subsidy which will result in a reduced payment based on the adjusted family income percentile of the area median income or the minimum percentage of adjusted family income, whichever is greater. The minimum percentage of adjusted family income will be based on the income category the applicant/borrower falls into and will include principal, interest, taxes, and insurance. These percentages are reasonable amounts to pay for housing expenses. This would provide for a maximum rate of subsidy and encourage the family to purchase a modestly priced property within its repayment ability.

At the same time, the Agency desires to move away from the use of a ''budget'' when determining the applicant/borrower's repayment ability and proposes to use payment ratios in the general manner as set forth in its guaranteed housing instructions. This is more in line with industry standards and it is anticipated that this change will remove much of the subjectivity and controversy related to its current method of determining repayment ability. The Agency proposes to use a principal, interest, taxes, and insurance (PITI) ratio of 29 percent and a monthly obligation to income (MOTI) ratio of 41 percent in the direct single family housing program.

In addition to the above changes, RHCDS proposes to revise its application loan processing procedures to provide that State Directors will hold a separate reserve of loan funds for priority loan applications which will be processed immediately upon receipt. Priority applications include hardships, as determined by the State Director on a case-by-case basis, including applications from persons living in deficient housing for more than 6 months; applications for refinancing of non-RHCDS loans, servicing type loan applications including financing for the purchase of Government-owned inventory properties and subsequent loans for essential improvements or repairs, and applications for mutual Self-Help Housing loans. It is anticipated that this will direct loan funds to those applicants with the greatest need, reduce backlogs of applications on hand, and better meet Agency objectives.

The Agency has conducted an in-depth study involving 25 counties in California, Delaware, Florida, Georgia, Iowa, Maine, Maryland, Mississippi, and Nevada. These states were selected because of the volume of loans closed in these states and their geographic diversity, and to provide a diversified range of income ranges and housing costs in order to determine appropriate income ratios, loan limits, and payment assistance to utilize in this proposal. Ninety-four percent of this sample control group would continue to qualify for payment assistance under the proposed terms. The Agency has provided for increased payment assistance in high cost areas, exceptions to published ratios in special situations, increased loan limits for larger or disabled families, and in areas where the applicant is unable to obtain lower cost housing. These provisions will result in assisting applicants who do not qualify within the new parameters, so they can be handled on an individual basis. RHCDS feels confident that the single family housing loan program will continue to serve the same clientele as it has historically served. The data generated as a result of this study supports the proposed revisions, which will result in stimulation economic growth, providing objectivity in the administration of the single family housing program, making the program more equitable to RHCDS applicants and borrowers, and expanding housing choices for RHCDS applicants, based on their repayment ability, so that they can maximize their housing benefits to their individual needs.

The Agency is considering the possibility of implementing a 20 year balloon payment using a 33 or 38 year amortization in the final regulation. This proposal is consistent with the position that the Section 502 program is temporary financing to enable a very

low- or low-income family to obtain affordable housing. The objective of the program is to eventually graduate the borrower to other conventional sources of credit. The majority of RHCDS existing borrowers pay their loans in full within 12 years of loan closing. In additions to this, the provision related to this topic in the text is Section 1944.25 Rates and terms, paragraph (b) Amortization.

Prior Requests for Comments

In order to allow the public an opportunity to voice their concerns regarding the proposed revisions, FmHA published an Advance Notice of Proposed Rule Making in the **Federal Register** on Tuesday, April 28, 1992, (57 FR 17858), which outlined the major issues proposed for revision and provided for a 30-day comment period which ended on May 28, 1992.

Note: At the time of the Advance Notice of Proposed Rule Making, the Agency referred to its ''Interest Credit Assistance'' program for single family housing loans. This rule proposes to rename this program to ''Payment Assistance'' and all future references in this proposal are under that title.

Twenty-five comments were received in response to the Advance Notice of Proposed Rule Making. Fourteen comments were from RHCDS or other Federal Agency personnel. Two comments were received from groups representing public utilities (electric and gas companies). In addition, nine comments were received from individuals and various public interest groups. All of the comments received were considered in the development of this proposed rule. Comments were on the following issues which were addressed in the Advance Notice of Proposed Rule Making:

I. Use of the HUD ''CAPs'' in Defining ''Modest'' Housing

As stated previously, existing RHCDS single family housing regulations have restricted the type of housing financed by limiting the size, design, and amenities of the dwelling. The Advance Notice proposed eliminating all such restrictions relative to ''modest'' housing and proposed that financing be limited to the dollar ''CAP'' established by HUD. Twenty-four respondents commented on this proposal. Fifteen of the respondents submitted comments in support of this revision; five respondents were against the proposal; and four had mixed feelings. Most respondents had both pro and con comments. Those respondents who supported the concept of the proposal, felt that the revision would improve RHCDS's image, remove the stigma of ''subsidized'' housing, provide for flexibility of architectural design, provide freedom of choice for RHCDS applicants, reduce the number of appeals, simplify procedures, provide greater time savings, and provide uniformity in the definition of modest housing nationwide. In addition, these respondents felt that the proposal would provide for appreciation in the market value of RHCDS properties and increased equity for homeowners, and would alleviate problems with local governments and help to promote low-income housing.

Several of the respondents had problems with the use of the HUD ''CAPs'' stating they were not equitable, being too high in some areas and too low in others and that they were inflexible and hard to change, providing bias to existing homeowners and Real Estate Brokers. Based on these comments, the Agency proposes to use 85 percent of the HUD mortgage limits but has incorporated procedures for increasing the CAPs in certain situations. Other respondents felt that the CAPs would result in higher priced housing which, together with market inflation, would result in a need for higher subsidies. One respondent felt that it would force lower income families into older, cheaper units.

Based on the study done by the Agency to measure the effects of the use of HUD CAPs, proposed changes to the payment assistance program, and the use of income ratios for determining repayment ability, the Agency feels that the price of housing financed would be limited not only by the HUD CAP, but by the market value of the property as reflected on a current real estate appraisal, and the applicant's repayment ability based on the proposed income ratios and the revised method of granting payment assistance. The study does not indicate that this change will result in lower-income families being forced into older, cheaper units.

Several respondents expressed concern that RHCDS programs were becoming more like HUD programs and that the use of the CAPs would result in less control for RHCDS. Many of the respondents felt that the use of the HUD CAPs discriminates against ''one person'' and ''large'' households and felt that the use of CAPs would eliminate RHCDS financing in some areas where the CAPs are not in line with the cost of housing in the area. The Agency has revised the proposal to address these concerns in § 1944.17. There was also concern expressed regarding potential size and additional cost items if the definition of modest housing is changed. The Agency feels that increased housing costs will be limited due to the new method of calculating payment assistance.

In accordance with the Energy Policy Act of 1992, Public Law 102–486, the Agency has adopted the Council of American Building Officials (CABO) Model Energy Code, 1992 (MEC–92) for new construction of single family homes other than manufactured homes. The Agency has deleted specific loan approval authorities in the field, relying instead on the established HUD CAP limits adopted. In addition, the Agency has agreed to grant a waiver to allow the loan to exceed market value for handicapped-accessible homes by no more than the cost of the amenities.

RHCDS has decided not to adopt recommendations to restrict financing on housing constructed prior to 1953 in order to avoid problems with lead based paint, provide safeguards describing minimum standards allowed under RHCDS financing, establish RHCDS CAPs based on the State Directors' knowledge of their individual areas, and require 40 percent of very low-income housing on all conditional commitments. However, the Agency has provided for waivers on CAP limits under certain circumstances and has included a requirement that repairs required as a condition of loan approval will be performed, after loan closing, in accordance with HUD Handbook 4905–1, ''1–4 Family Living Units,'' (available in any RHCDS field office). The Agency will continue to adhere to its present requirements contained in subpart A of part 1924 of this chapter regarding new construction and will require all dwellings repaired with RH loan funds to be structurally sound, functionally adequate, and placed in good repair. All dwellings financed must still provide decent, safe, and sanitary housing.

II. The Use of Income Ratios Instead of a Family Budget for Determining Repayment Ability

In the past, RHCDS has utilized a family budget to determine debt repayment. Twenty-one respondents commented on the proposal to eliminate the family budget as a determinant of repayment ability and instead rely on the use of income ratios similar to those used in the single family guaranteed housing program. Ten respondents were in favor of this proposal and ten opposed. The remaining respondent indicated a need for additional information before making a decision.

Those respondents who supported this revision felt that adoption of this proposal would result in considerable

savings in time and effort, would provide for simplification of the eligibility process, would result in fewer appeals, and would eliminate subjectivity. In addition, there were several comments that the family budget is subjective in nature, difficult to defend, and useless without clear guidelines for individual cost items. It was generally felt by these respondents that adopting the use of income ratios as a determinate of an applicant's repayment ability would be consistent with industry standards and a benefit to RHCDS and loan applicants.

Several of the respondents opposed to this measure stated that income ratios were not appropriate for RHCDS clientele. It was felt that the low- and very low-income groups that RHCDS assists live within their TOTAL income and not a percent of their income, and that these were high risk loans requiring a high degree of accuracy when determining repayment ability. Several respondents felt that income ratios would result in loans to people without repayment ability due to their high percentage of living expenses. Another area of concern was the difficulty of developing ratios which would work for households, in all situations, nationwide. They felt that ratios were inflexible and would rule out those who do not fit the mold but who have repayment ability, and it was feared that the use of ratios would eliminate many very low- and low-income families. There were recommendations that flexibility be built into the income ratios for adjustments where projected costs are equal to or less than current rent, that ''non-income'' benefits be incorporated into the calculation, that compensating factors such as used by Fannie Mae be included, and that an allowance be provided for the lower end of the income structure.

Two respondents suggested an in-depth study be made to analyze where the PITI and MOTI ratios should be set, and one respondent suggested combining ratios with the family budget for borderline cases with justification for expenses which are deemed by RHCDS to be abnormally low. In addition, there were several recommendations relative to actual ratios which should be used.

All of these comments were taken under consideration when arriving at the ratios established. The study undertaken by the Agency supports the use of a 29 percent PITI ratio; 94 percent of existing RHCDS borrowers would still qualify using this ratio. The decision to use a 29 percent ratio is supported by the fact that it is the same ratio used in the Agency's guaranteed housing loan program. The Agency proposes to establish the MOTI ratio at 41 percent. Both ratios will be based on the applicant's gross income.

The Agency's experience with income ratios in the guaranteed housing program and the study recently conducted indicates the proposed system should provide consistency in determining repayment ability in a better, less subjective manner that will improve our underwriting criteria and loan portfolio and be consistent with industry standards. Based on the comments received and the results of the study conducted, the Agency has incorporated exceptions to the use of income ratios when repayment ratios do not support adequate repayment ability for the proposed loan, if the applicant can demonstrate a history of meeting equal or greater housing related costs in the past 6 months in similar financial circumstances than projected housing costs, or where the applicant demonstrates that the use of a budget is a better determinant of repayment ability than ratios for their particular circumstances. Income ratios proposed are contained in § 1944.8(a)(3).

Other objections to this proposal included concerns that the Agency would no longer be a source of supervised credit, would lose valuable skills in money management that are still needed for loan servicing, and would require additional training to adapt to the new system. The Agency feels that a supervisory counseling role is fundamental to its mission and does not foresee a change in this regard. RHCDS will continue to be a ''hands on'' Agency and will provide credit and financial counseling to suit each applicant's individual needs to assure the applicant's success as a homeowner. Where the applicant does not demonstrate adequate repayment ability, or otherwise meet loan making criteria, RHCDS is prepared to discuss and advise the applicant regarding other alternatives such as reducing amenities, increasing sources of income, reduction of debt load, obtaining a cosigner, or constructing the home by the self-help method.

III. Revision of the Payment Assistance Calculation

RHCDS proposes to revise their method of providing ''payment assistance'' on new loans. As noted previously, this program was formerly known as ''interest credit assistance.'' Under this proposal, only procedures for payment assistance that will be processed in connection with loan processing will be included in subpart A of part 1944. All other payment assistance and deferred mortgage payment actions, including renewals and other servicing actions are transferred to subpart G of part 1951.

(a) Existing Payment Assistance System

Currently, RHCDS calculates the amount of payment assistance needed based on a formula which takes into consideration the annual real estate taxes and property insurance premiums to be paid by the applicant/borrower and their adjusted family income. Under the current program, a borrower pays 20 percent of the borrower's adjusted family income for PITI (but never less than the loan amortized at a 1 percent interest rate). This procedure has given the applicant little incentive to look for an inexpensive home since the payment by the borrower generally did not increase drastically as a result of a higher loan amount. Under this program, an applicant/borrower must have a very low- or low-adjusted income to initially receive payment assistance. However, many applicants/borrowers with acceptable income levels who obtain small loans, will often not qualify for payment assistance under the present procedure since their PITI is less than 20 percent. This has resulted in inequities in the system.

(b) Proposed Payment Assistance System

As explained above, under the current method of providing payment assistance, many families attempting to purchase inexpensive homes are denied assistance if the formula does not indicate that PITI will exceed 20 percent of adjusted family income. Conversely, many other applicants, purchasing homes in the higher cost ranges, receive maximum payment assistance even though their incomes are often in the higher ranges allowable under the program. To eliminate these inequities, the proposed method will provide a range of equivalent rates of interest for all new loans (including assumptions), and subsequent loans of existing borrowers based on area median income, regardless of the amount of the loan. The chart for determining the appropriate interest rate paid by RHCDS applicants/borrowers on loans closed after this rule becomes effective, is defined in § 1944.34(c). Exceptions have been incorporated which will provide for additional assistance where needed to allow very low- and low-income applicants to obtain or retain housing or to allow very low-, low-, or moderate-income RHCDS borrowers to retain housing.

The proposed payment assistance system includes floors which are

minimum percentages of adjusted gross income. The floor for very low-income is 22 percent and for low-income is 26 percent of adjusted family income. A new borrower will pay PITI at the minimum percentage floor of adjusted gross income or at the equivalent interest rate, whichever is greater. For loans closed under the proposed system, the borrower will never pay more than the note interest rate for the monthly installment.

It is intended that this proposal will encourage applicants to shop for a home within their repayment ability instead of relying on the higher cost of a home to drive the equivalent interest rate down to 1 percent which often results under the current system of payment assistance.

The interest rates established for each income level were based on the results of a study conducted by the Agency. The Agency ran a comparison between the proposed system and the old system on a control group in nine states. The new system will result in slightly higher payments for new borrowers in the higher range of income. Existing RHCDS borrowers who are currently receiving payment assistance, will continue under the system in effect prior to the effective date of this rule.

Under the current system, the payment assistance agreement is effective for a 12-month period based on the applicant/borrower's projected, verified income. The Agency proposes to revise the renewal period for self-employed borrowers to coincide with the borrower's business fiscal year. The Agency also proposes to eliminate the limit on the amount of net family assets an applicant/borrower may have when qualifying for payment assistance.

(c) Responses to the Advance Notice of Proposed Rule Making

Nineteen respondents commented on this proposal. Five of these comments supported the proposal, eight were opposed, and six respondents indicated they needed more information before deciding. Those respondents who supported this concept stated they felt the proposal would save considerable effort and time, would simplify the process, would be more fair, would be easier to define and defend, would provide an incentive to seek less costly housing, would stimulate the rural economy and save on subsidy, and would provide the applicant/borrower a means to see the range of payments up front so they could budget future costs accordingly.

Of those respondents who were not in support of this proposal, several felt that the lowest-income families would be penalized since they pay the largest portion of income toward housing costs and this method could result in families paying more than 30 percent for their housing costs. One respondent felt that the system would be ineffective in their area since median income is skewed due to a large population of low-income college students. Several respondents felt that the proposed system would be nonresponsive to individual applicant/borrower's needs, would exclude more families than it includes, did not provide for an applicant/borrower's future loss of income, and could result in more loan failures. There were also comments that there would be high costs involved in retraining RHCDS employees in the new system.

The original proposal provided that applicants/borrowers whose homes were located in a high cost area as established by HUD would automatically qualify for a reduction in their equivalent interest rate of 1 percent. One respondent felt that the Agency was experiencing problems in high cost and high real estate tax areas in the single family housing guaranteed program which would be intensified in the section 502 loan program. Several respondents were not clear how the additional 1 percentage point subsidy in a high cost area would help. The Agency has re-examined this issue and has decided to revise this provision by providing exception authority for a reduction in the equivalent rate of interest by 1 percentage point, when applicants in high cost areas lack repayment ability without additional payment assistance.

In addition to the above, there were two recommendations for specific subsidy rates to be utilized. There was also a suggestion to calculate annual income on the basis of past earnings rather than on projected income. The Agency is mandated to utilize the same calculations for annual income as are used by HUD, therefore, this suggestions was not adopted. There appeared to be an opinion that once the equivalent interest rate was set based on the family's income at the time of loan approval it could never be changed downward, and that only applicants/borrowers living in high cost areas would be eligible for an equivalent interest rate of 1 percent. Neither of these assumptions are correct.

There was a recommendation that RHCDS allow a change in payment assistance when a borrower's income increases; this will be handled under the sliding scale, the same as a loss of income. One respondent suggested a change in the recapture calculation and this regulation is in the process of being revised. There was a recommendation that the payment assistance agreement, deferral, and recapture forms be consolidated. The Agency has partially accepted this recommendation by use of a separate payment assistance/deferral/repayment form for applicants/borrowers receiving deferral assistance.

We urge all readers to thoroughly review this proposal and provide us with their detailed recommendations for any changes suggested.

IV. Revision of the Method Used for Selection and Processing of Applications

The Agency intends to streamline its method of selecting and processing loan applications. When this section was revised, ''Fund Allocation'' was included under § 1944.26 and ''Application Processing'' was completely revised and transferred to § 1944.27. Those instructions for application processing located in subpart A of part 1910 which were exclusive to Single Family Housing applications have been moved to subpart A of part 1944, which already contained some application processing instructions. This section now contains a clear definition of a complete RH application and guidance for dealing with an incomplete RH application.

In the past, RHCDS has often required that an application package include a credit report fee as well as information on the house to be financed at the time of application, despite the fact that there were often large backlogs of applications on hand or a lack of loan funds. This resulted in delays to prospective sellers of property and the need for reverification of information, sometimes at additional cost. Under the proposed rule, RHCDS will access HUD's Credit Alert Interactive Voice Response System (CAIVRS) to determine if the applicant is delinquent on a Federal debt. If a delinquent Federal debt is identified through CAIVRS, processing on the application will be suspended and the applicant notified to contact the appropriate Federal agency to resolve the delinquency. An outstanding judgment obtained by the United States in a Federal Court (other than the United States Tax Court), which has been recorded, shall cause the applicant to be ineligible for loan assistance until the judgment is paid in full or otherwise resolved. When the delinquency has been paid in full or otherwise resolved, processing of the application will be continued; RHCDS loan funds may not be used to satisfy an outstanding judgment. If a judgment remains outstanding or the applicant is unable to resolve a Federal debt delinquency, the

application will be rejected and the applicant notified of the rights of appeal. In addition, RHCDS will order an on-line profile credit report, where available, on each application received. Derogative credit reported will be discussed with the applicant and information on the address and telephone number of the credit repository provided so that the applicant may resolve potential credit problems. Applicants will not be rejected on the basis of the on-line credit report; this service is provided for the primary purpose of allowing the applicant to identify potential credit problems prior to paying a fee for a credit report and to clarify the difference between eligibility for program assistance and loan approval. RHCDS will make a preliminary determination of eligibility upon receipt of an application based on the information provided on the application form and the information received as a result of the CAIVRS inquiry and on-line credit report. A final determination of eligibility will be made after the application is selected for processing and all information necessary to determine eligibility for the RH program has been verified.

Under current regulations, the Agency assigns a processing priority to each application. The County Supervisor selects a number of applications to be processed each quarter based on assigned priority and availability of loan funds. The Agency has determined that this system does not adequately serve the neediest applicants and facilitate efficient loan processing.

The Agency proposes to provide for a separate reserve of loan funds to be held by the State Director for priority applications. This reserve will include hardship cases as determined by the State Director, including applicants living in deficient housing, applications for refinancing of debts, servicing type loans to existing RHCDS borrowers for essential improvements or repairs, loans for the purchase of Government-owned inventory properties, subsequent loans in connection with assumptions of existing RHCDS loans, and mutual self-help housing loans. These priority applications as well as applications for the purchase of Government-owned inventory property or assumption of existing RHCDS loans, will be processed immediately, and will not compete for the same pool of funds as other applications. All other applications will be considered for processing in date order.

If an applicant is clearly not eligible, an applicant may be rejected upon receipt of the application. Applications received from persons who appear to meet basic eligibility requirements for the program will be held until funding is available. Each quarter the County Supervisor, with guidance from the District Office, will select enough applicants/borrowers to potentially fund 175 percent of the anticipated quarterly allotment. This figure is an administrative determination based on information available for applications on hand, percent of applications rejected and withdrawn, and number of loans closed per quarter. It is anticipated that almost half of the applications selected for processing will not be processed to the point of loan closing due to ineligibility, marital changes, lack of interest, and other reasons.

Applicants/borrowers selected will be advised in writing that they have 30 days to supply information needed for verifying data submitted on their applications, including any fees for credit reports, so a final determination of eligibility can be made. Detailed guidance is provided regarding the means of verifying data. The proposed regulation continues RHCDS's general policy that written income verification is the preferred method of income verification. When an applicant/borrower's eligibility for an RH loan is determined, the income verification must not be more than 90-days old. In addition, RHCDS will continue to require a copy of the applicant/borrower's most recently filed income tax return and will randomly spot-check reported wages through wage matching sources, where available, for 5 percent of all applications where all adult members of the household are employed full-time. Income for all other applicants/borrowers, including those with non-taxable income, will be confirmed through this source where it is available. Applicants/borrowers who are supposed to receive court ordered alimony or child support but who actually do not receive it, may certify that they have exhausted all efforts to collect same, and in such cases, the alimony/child support will not be included in the applicant/borrower's annual income. The applicant interview section has been expanded to include discussion of all new requirements such as income ratios, HUD CAPs, and penalties connected with providing false information.

Once a final determination of eligibility has been made, the Agency will issue a ''Certificate of Eligibility,'' valid for 90 days, to eligible RH applicants who have been selected for processing. The applicant may take the certificate to real estate agents, builders, and sellers to verify eligibility for an RHCDS loan. The certificate will not guarantee that adequate funds are available, but is intended to assist applicants in locating an adequate home within their repayment ability and reduce application processing time. The applicant will be required to submit information on the dwelling to be financed within 90 days or the application will be withdrawn unless an extension is granted. There will be a maximum of two 60-day extensions allowed if the applicant is actively working on supplying the requested information.

Time guidelines for RHCDS actions have been added. Appraisals will generally be completed within 30 days of submission of information requested by RHCDS. After the appraisal is completed and required loan approval information has been received, a loan will usually be approved within 30 days. If no funding is available, it will be held as an approved loan until the next quarter's funding becomes available.

Sixteen comments were received as a result of the summary of proposed revisions published as a Notice of Proposed Rule Making; eight supported the proposal, three opposed it, and five indicated they did not have enough information to make an evaluation. Those who supported the proposal felt it was a positive approach, would reduce and help manage backlogs of applications, would address the most urgent cases according to need, would result in considerable time savings and be less difficult to explain, and would result in greater assurance of fund availability for Self-Help Housing applications.

Of those respondents who did not support this proposal, several felt the proposed system had potential for discrimination, that it would extend the selection/approval period by an additional 30 days and there was no provision for people living in substandard housing to be handled as a priority. It should be noted that the hardship reserve established by the State Director does include applicants living in substandard housing and there has been no extension of the application selection/approval time. The Agency finds no basis for the comment regarding the potential for discrimination.

There were also comments that the Certificate of Eligibility would create a lot of extra work for RHCDS with little or no benefit and was valueless since RHCDS was the lender. The certificate will provide information on the maximum loan limit, the repayment

ratios, and the effective interest rate based on the applicant's projected income. It will be the responsibility of the Real Estate Broker, contractor, or packager to work with the applicant to find a suitable home that fits within the repayment parameters of the certificate. RHCDS feels there is little extra work created by this form, that it will encourage Real Estate Brokers and contractors to work with an applicant in finding suitable housing, and would provide for the orderly processing of loan applications.

One respondent felt that 175 percent of the allocation for loan processing was too restrictive, and another felt that the number of applications processed should be left to the discretion of the State Director based on local conditions. The Agency states that 175 percent is the minimum required and is, therefore, not restrictive. It was also decided to make this a nationwide requirement in order to provide consistency in the program.

A recommendation was made to retain the National Office's annual ''pooling'' of loan funds; there is no plan to eliminate this provision. Another recommendation was made to provide for sufficient funds in the priority reserve pool; the proposal allows the State Director to determine the amount retained in this pool based on historical or other data available. Other suggestions included restricting the Certificate of Eligibility to applicants who have submitted all information necessary for loan processing, requiring a sales agreement for a completed application, and limiting the Certificate of Eligibility renewal to one 90-day period.

Restricting the certificate as requested, would negate the purpose for the form. The information on the Certificate will assist the applicant to find suitable housing at a price the applicant can afford. Once the house is found, data necessary for an appraisal and loan processing is submitted to the RHCDS field office. Extensions to this 90-day period will only be granted when the applicant presents evidence that the applicant is actively working on supplying the information requested. There will be a maximum of two 60-day extensions allowed.

One respondent requested a definition of hardship so as to eliminate politics, and to include persons living in substandard housing as a hardship. The definition of hardship is left to the discretion of the State Director on a case-by-case basis but will include persons living in deficient housing as defined in § 1944.2 for more than 6 months. The Agency feels that it would be too restrictive to place a definition on what constitutes a hardship since it is impossible to address every situation, but a new definition for deficient housing has been included.

The last comment was a suggestion to separate low- and very low-income application processing. The Agency feels this would be too cumbersome and has not included this suggestion in the proposed rule.

Other Changes Proposed

In addition to the four issues addressed in the Advance Notice of Proposed Rule, the Agency proposes to make the following changes in subpart A of part 1944 regarding single family housing loans:

General

The section dealing with denial of loans and services on a discriminatory basis has been revised to include the term ''familial status'' as required under the Fair Housing Amendments Act of 1988. This section has also been revised to provide that applicants for assistance are required to identify any known relationship or association with an RHCDS employee and provides for reasonable accommodations for applicants with developmental disabilities as required under the 1988 amendments to the Fair Housing Act and the Americans with Disabilities Act of 1990. This revision also provides for the collection of fees for real estate appraisals.

Definitions

Several new definitions have been added and some existing definitions have been revised to more clearly describe annual payment borrowers, certificate of eligibility, conditional commitment, cosigners, deficient housing, elderly family, existing dwellings, household or family, income, insurance, live-in aides, median income, minors, monthly payment borrowers, net family assets, payment assistance, and real estate taxes.

Loan Purposes

The proposed change incorporates the provisions of § 315 of the Housing and Community Development Act of 1987, Pub.L. 100–242, which added § 501(i) of the Housing Act of 1949; loan funds may be used to pay loan packaging fees when the application is packaged by qualified public or private nonprofit organizations exempt under the Internal Revenue Code of 1986. Packaging fees are not authorized for inventory property sales. In addition, the cost of personal liability insurance for Self-Help Housing applicants/borrowers has been added as an authorized loan purpose. A section has also been included to allow the purchase of single family housing units located in Planned Unit Developments (PUDs) under certain conditions.

Loan Restrictions

The restriction against income-producing property has been revised to more clearly define those types of home-based operations that will be allowed under certain conditions, such as the production of crafts, child care facilities, etc. Small businesses which are run from the home which do not require specifically designed features to accommodate the enterprise will not be restricted; however, housing related expenses which are claimed as business expense deductions for income tax purposes, such as real estate taxes, mortgage interest, etc., will not be allowed when determining income eligibility for RHCDS assistance.

The restriction against packaging fees has been lifted as it pertains to public and private non-profit organizations. Restrictions regarding loans to former RHCDS borrowers who sold their homes within the last 2 years have been deleted. Restrictions regarding applicants/borrowers who have demonstrated an inability to carry out the required obligations of the loan have been removed and transferred to the section dealing with other eligibility requirements.

The Agency has further clarified that funds may not be used to refinance debts on a manufactured home and that loan funds may not be used to pay off existing RHCDS debts in lieu of an assumption.

Income

RHCDS is required by the Housing Act of 1949, as amended, to use income definitions established by HUD; however, several definitions have been revised or added for clarification purposes. Income definitions have been revised to include cost of living allowances (COLAs) or other proposed increases in income expected to take place on or before loan approval, loan closing, or the effective date of the payment assistance agreement. Clarification has been added regarding allowance of deductions for verified business related expenses which are not reimbursed for salaried employees. Revisions have been made to allow the applicant/borrower to certify that court awarded alimony and/or child support is not being received after all reasonable efforts for enforcing same have been exhausted. Amounts received for educational scholarships and allowable

deductions have been more clearly defined. Income which a Federal statute exempts has been removed from this section and transferred to exhibit J (available in any RHCDS field office). Income of live-in aides is defined.

The 6-month waiting period is being removed where the spouse is living apart from the household and separation or divorce proceedings have not been initiated. The proposal clarifies that medical expenses anticipated for an elderly family may be for any household member.

Income Eligibility Requirements

As noted previously, the Agency has moved from determining repayment ability on the basis of a budget and is relying on income ratios. As a result of the study conducted by the Agency, where ratios do not support adequate repayment for the proposed loan, exceptions to the use of ratios have been added where the applicant can present evidence of meeting similar costs in similar circumstances over the past 6 months or where the use of a budget is a better method of determining repayment ability for a particular applicant/borrower's circumstances. Income ratios have been defined in § 1944.8(a)(3). The proposal also clarifies the responsibilities of a cosigner on an RHCDS loan.

Other Eligibility Requirements

The Agency has included a provision that applicants will be expected to utilize nonessential liquid assets to reduce the amount of loan needed. Information on verification of alien status has been transferred to exhibit B (available in any RHCDS field office).

Credit history standards have been slightly liberalized to allow up to two debt payments more than 30 days late within the last 12 months and to allow one rent payment paid 30 days or more past due within the last 2 years. In addition, the section dealing with outstanding collection accounts has been rewritten to clarify that collection accounts paid off within 3 months of filing an application for RHCDS assistance will be considered as an indicator of an unacceptable credit history unless there is a record of regular payments maintained prior to the final payment. This clarification was necessary to prohibit persons with unsatisfactory credit from paying off this indebtedness for the sole purpose of obtaining an RHCDS loan.

Pursuant to the Federal Debt Collection Act of 1990, Pub. L. 101–647 (Nov. 29, 1990), prohibits making a loan to an applicant/borrower who has a judgment which is or could become a lien against the debtor's property for a debt owed to the United States Government until the judgment is paid in full or otherwise satisfied. The RHCDS Administrator may waive this requirement upon making a determination that it is in the best interest of the Government to do so.

In addition to referral for criminal prosecution, RHCDS plans to debar applicants/borrowers who have falsified applications and/or income information submitted to RHCDS for program eligibility purposes. Applicants/borrowers who have a documented history of inability to carry out the required obligations of a RHCDS RH loan will be denied assistance.

Rural Areas

This section has been revised to require a ''buffer'' zone of open space incorporated as an ineligible area when new boundaries are drawn. Rapid growth areas and eligible areas within an Metropolitan Statistical Area (MSA) will be reviewed for eligibility every 3 years or more often as needed, instead of the 5-year review required for other areas. In addition, RHCDS is now required to consult with local planning boards, where available, at the time of each review to assure that open spaces identified are not scheduled for development in the near future. These changes are a direct result of recommendations made by the Office of Inspector General (OIG) during past audits.

Site Requirements

Currently, RHCDS generally restricts financing to sites of 1 acre or less. Due to the large number of exceptions which have been requested, the Agency proposes to broaden its definition of an adequate site to include those sites which cannot be subdivided into two or more sites under current zoning ordinance requirements for the area. In addition, the proposal clarifies the requirements for other than central waste and water disposal systems, and requires a legally binding agreement which allows interested third parties to enforce the obligation of the owner/operator of privately owned water and waste/water disposal systems to provide satisfactory service at reasonable rates.

Ownership Requirements

Buyers and sellers under a recorded land purchase contract must convert the purchaser's interest to a deed/mortgage or trust deed situation prior to loan closing.

Conditions for allowable leases are simplified and changed to require that unless the loan is guaranteed by a public agency or Indian housing authority, the remaining term of the lease must be at least 150 percent greater than the term of the RHCDS loan. If the loan is guaranteed by a public agency or Indian housing authority, the remaining term must be at least 2 years longer than the repayment period of the RHCDS loan. In no case may the remaining term of the lease be less than 15 years.

Dwelling Requirements

All references to modest housing, characteristics of new dwellings, dwelling designs and materials, prohibited features and amenities, and permitted features have been removed. Homes financed must still provide decent, safe, and sanitary housing but loan amounts will be limited to 85 percent of the HUD established mortgage limits unless an exception is granted. In-ground swimming pools and income producing properties are still prohibited except as discussed under loan restrictions. The section on existing dwellings has been revised to provide for inspections by RHCDS or disinterested third parties. Repairs to existing dwellings will be done after loan closing and performed in accordance with HUD Handbook 4905.1, ''1–4 Family Living Units.''

Maximum Loan Amounts

RHCDS recognizes that the revision allowing fees for appraisals as an authorized loan purpose will likely result in the need for loan funds in excess of the purchase price of the dwelling. Most applicants/borrowers would not be expected to have the resources to pay this additional cost. RHCDS believes it is necessary to allow the financing of this fee. The Agency proposes a revision to permit loans in excess of the appraised value or the purchase price of the dwelling (whichever is less) for most program type loans.

The loan amount may not exceed 85 percent of the maximum dollar limitation of section 203(b) of the National Housing Act (12 U.S.C. 1702), unless authorized by the State Director or RHCDS Administrator. These amounts are the HUD established CAPs and are available from any HUD office. Exceptions to these loan limits are provided for where the existing HUD mortgage limit is insufficient to provide adequate housing for RHCDS applicants/borrowers or where different mortgage limits exist in adjoining areas of the same community. Exceptions have also been provided for the needs of larger families or to accommodate a disabled or disabled household member.

Security Requirements

The section on mortgage insurance has been revised to clarify what is needed in State supplements when financing is provided to a holder of possessory rights on an American Indian reservation or State-owned land.

The section on best mortgage obtainable has been revised to provide that title clearance and legal services required under subpart B of part 1927 are waived when taking a real estate mortgage to secure a subsequent loan to an existing RHCDS borrower for minimal essential repairs which are necessary to preserve the Government's security.

The proposed regulation contains a new provision regarding the amount of attorney fees permitted for foreclosures on prior mortgages when RHCDS is requested to take a subordinate lien position. The current regulation prohibits the charge of a flat fee of more than 5 percent; the proposal will limit these costs to that customary for the area.

The section on life estates has been revised to provide for a guardian or conservator for the remainder interests of a person who is not legally competent. Land purchase contracts must be converted to a deed/mortgage situation to be considered for financing.

Refinancing Non-RHCDS Debts

This section has been renamed and the section dealing with refinancing of RHCDS debts has been moved to the section dealing with loan restrictions. This section has been revised to clarify that refinancing of non-RHCDS debts is not permitted on manufactured homes. In addition, this section has been broadened to permit refinancing of a debt that is not currently delinquent when it is clear that the applicant will be unable to continue to maintain payments for reasons beyond the applicant's control, and this will likely result in the applicant's loss of the dwelling at an early date if the debt is not refinanced. The Agency has removed its restriction on the use of loan funds to refinance non-RHCDS debts on building sites without a dwelling under certain conditions.

Loans to Farm Ownership (FO), Individual Soil and Water (SW) and Recreation (RL) Borrowers

This section has been removed from subpart A of part 1944 as being unnecessary. There are no restrictions on such loans.

Technical Services

As noted previously, there will be an appraisal fee charged for each application involving an appraisal. Sales of a Government-owned inventory property do not require an appraisal, and, therefore, no appraisal fee will be charged in these cases. This fee will be the applicant/borrower's responsibility and may be included as a loan cost if the applicant/borrower chooses. Appraisals will generally be completed within 30 days of receipt of the information requested when the Certificate of Eligibility is issued to the applicant.

The collection of appraisal fees has been waived for appraisals done for subsequent loans being made to existing RHCDS borrowers for minimal essential repairs necessary to protect the Government's security.

The limit on total indebtedness necessitating a real estate appraisal has been raised from $7,500 to $15,000. There has also been a change to indicate that a real estate appraisal is not required when making a loan to an existing RHCDS borrower where the existing real estate appraisal indicates the property value is sufficient to secure the total real estate indebtedness when the total debt, including the planned loan, does not exceed the amount of the original loan.

Rates and Terms

This section has been revised to remove the paragraph regarding the source of funds, reword the section on eligibility for 38-year terms, and remove the section dealing with Repair and Rehabilitation loans. Under the revised payment assistance method, there is no benefit in making these loans and the authority for same is removed.

Preparation of Loan Docket

This section has been removed from the body of the instruction and transferred to exhibit E (available in any RHCDS field office).

Loan Approval

Time guidelines have been included to provide that loans will generally be approved within 30 days of receipt of information needed to complete the loan docket.

Loan Closing

This section has been revised to require that all new loans will be closed on a monthly basis with the exception of existing RHCDS borrowers who have annual payment promissory notes.

Deferred Mortgage Payments

This section has been revised to clarify the provisions of the program. The Agency has increased the percentage of PITI used in the calculation to determine eligibility for deferred mortgage payments from 20 percent of adjusted family income to 29 percent of gross annual income. Applicants whose PITI ratio exceeds 29 percent of gross annual income will be considered for a longer term loan; if the PITI ratio, calculated at a 1 percent equivalent rate of interest for the maximum loan term still exceeds 29 percent of gross annual income, the applicant will qualify for additional subsidy in the amount of .25 percent of the payment at the 1 percent equivalent rate of interest.

Subsequent Loans

A requirement that a new credit report will be obtained for all applicants for subsequent loans has been included. Reference has been made to the waiver of title clearance and appraisal fees for subsequent loans made for essential repairs as provided in § § 1944.18 and 1944.24.

Mutual Self-Help Housing

This section has been rewritten for clarification.

Housing Demonstration Programs

Section 1944.41 has been added to this subpart to authorize demonstration housing programs. In the past, demonstration programs have been utilized to study the effects of various ways to provide housing to meet the objectives of the RHCDS RH program in ways that could not have been accomplished otherwise based on existing regulations. Demonstration programs will be announced prior to implementation.

Conditional Commitments

A conditional commitment is assurance by the Agency to an owner, qualified builder, or dealer-contractor that a dwelling offered for sale will be acceptable for purchase by a qualified RH loan applicant under specified limited conditions. In the past, commitments has been limited to the construction of new housing or the rehabilitation of existing housing. The Agency has revised this section to allow a conditional commitment on an existing house, with or without repairs. This will allow a seller of a home to obtain a conditional commitment prior to finding a buyer for the property.

The loan limit for a conditional commitment is currently the appraised value of the property, less closing costs. Based on the revision of the maximum loan amount discussed previously, the Agency proposes to remove the requirement that the commitment amount be reduced by the amount of

loan closing costs. In addition, the Agency proposes to increase the charge for a conditional commitment fee to cover the cost of a real estate appraisal and required inspections. The holder of the conditional commitment will be reimbursed for the appraisal portion of the fee at the time of loan closing in an amount equal to the appraisal fee charged to the RHCDS loan applicant.

Existing houses will be eligible for conditional commitments to address the needs in those areas with an abundance of existing, eligible housing. The restriction on 15 outstanding conditional commitments in any one County has been removed.

An exception has been incorporated under certain conditions to allow construction to begin prior to obligation of loan funds for a qualified loan applicant. These exceptions will generally be limited to situations where it is necessary to begin construction because of impending weather conditions, and it is likely that funding will be forthcoming shortly. Under this type of exception, sales agreements must be modified to outline the circumstances under which the loan has been approved, and provide an option for the contractor to terminate the sales agreement if the loan is not funded and closed within 90 days. In these situations, the conditional commitment issued on the property to be constructed will be honored by RHCDS for the remaining commitment period to allow the commitment holder the opportunity of finding another eligible loan applicant. The prior RHCDS loan applicant will be issued a Certificate of Eligibility so that the applicant may locate another suitable dwelling.

Rural Housing Disaster Loans and Construction Financing for Builders by Private Credit Sources

These sections have been deleted from this subpart.

Exhibits to Subpart A of Part 1944.

The exhibits to this regulation are not required to be published. They contain administrative requirements and will be available at any RHCDS field office upon publication of the regulation.

Other Affected Regulations

Conforming changes which are necessary to other regulations as a result of revisions proposed to subpart A of part 1944 will be done at publication of the Final Rule. Revisions were necessary to the following regulations as noted, due to the revisions proposed to subpart A of part 1944:

Subpart A of Part 1910—Receiving and Processing Applications

Section 1910.4 has been revised to remove information on what constitutes a completed RH application and verification of information supplied with the application and to make minor editorial changes. This information is now contained in subpart A of part 1944 of this chapter. Other revisions made to conform with revisions to subpart A of part 1944 of this chapter.

Subpart J of Part 1944—Section 504 Rural Housing Loans and Grants

This section has been revised to provide a definition of ''owner-occupant,'' allow payment of environmental and tax monitoring expenses as an authorized loan purpose, limit packaging fees to $300, and provide for the use of a guardian or conservator for incompetent applicants. When evaluating an applicant's personal resources to meet their housing needs, the Agency proposes to increase the limit for liquid assets from $5,000 to $7,500; however, excess real estate must be included in this evaluation. In addition, subsequent loans in areas where the designation has recently changed from rural to nonrural, will be limited to essential repairs.

Due to the increased cost of materials and labor, the Agency has found it difficult to remove all major health and safety hazards under existing loan and grant limits. For this reason, the maximum amount of section 504 loan and grant assistance has been raised; the maximum loan outstanding to any owner/occupant may not exceed $20,000 and the maximum lifetime grant assistance to any owner/occupant may not exceed $7,500. In addition, the Agency has increased the amount of total indebtedness where a real estate appraisal is required to $20,000.

Subpart G of Part 1951—Borrower Supervision, Servicing, and Collection of Single Family Housing Loan Accounts

A new section has been added for payment assistance. Corrections, renewals, and cancellations of payment assistance agreements and payment assistance granted as a servicing action on existing loans will be handled under this section.

Clarification has been added regarding the preparation of payment assistance agreements for applicants/borrowers who claim to have no income and situations where the coapplicant/coborrower has left the dwelling due to domestic discord.

While loans may be made only to low- or very low-income applicants who will receive payment assistance, this assistance will also be available to existing RHCDS borrowers with incomes that do not exceed the moderate income limit. Corrections on existing agreements will be processed when information is available to indicate a change in family income that would change the amount of authorized payment assistance in accordance with § 1944.34(c). Applicants/borrowers will be required to present a copy of their most recently filed federal income tax return unless exempted from filing a return.

Subpart C of Part 1965—Security Servicing for Single Family Rural Housing Loans

Minor changes have been made to bring this instruction into line with proposed changes to subpart A of part 1944 relative to minimum adequate sites and modest housing.

List of Subjects in 7 CFR Parts 1910, 1944, 1951, and 1965

Accounting servicing, Administrative practice and procedure, Aged, Applications, Credit, Grant programs—Housing and community development, Home improvement, Loan programs—Housing and community development, Housing standards, Low- and moderate-income housing, Low- and moderate-income housing—rental, Low- and moderate-income housing—Servicing, Marital status discrimination, Mobile homes, Mortgages, Nonprofit organizations, Rural areas, Rural housing, Sex discrimination, Subsidies.

Therefore, as proposed, Chapter XVIII, Title 7, Code of Federal Regulations is amended as follows:

PART 1910—GENERAL

1. The authority citation for part 1910 continues to read as follows:

Authority: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301.

Subpart A—Receiving and Processing Applications

2. Section 1910.4 (a) is revised to read as follows:

§ 1910.4 Processing applications.

* * * * *

(a) *Completed RH applications.* Completed applications are those as described in § 1944.27 of subpart A of part 1944 (copies available in any RHCDS field office), and all applications for Rural Housing loans will be processed as outlined in that instruction.

* * * * *

3. Section 1910.5 is amended by revising the reference ''1944.4(c)'' to read ''1944.9.'' in the last sentence of paragraph (c)(6) and by adding a new paragraph (e) to read as follows:

§ 1910.5 Evaluating applications.

* * * * *

(e) *Delinquency on a Federal debt.* The Department of Housing and Urban Development's Credit Alert Interactive Voice Response System (CAIVRS) will be used to help determine if an applicant is delinquent on any Federal debt.

§ 1910.6 [Amended]

4. Section 1910.6(g) is amended in the first sentence by revising the words ''Rural Housing'' to read ''RH'' and by revising the reference ''§ 1944.26'' to read ''§ 1944.27.''

PART 1944—HOUSING

7. The authority citation for part 1944 continues to read as follows:

Authority: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301.

8. Subpart A of part 1944 is revised to read as follows:

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

Sec.

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Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

§ 1944.1 General.

This Subpart sets forth the policies and procedures and delegates authority for making section 502 Rural Housing (''RH'') loans to individuals under title V of the Housing Act of 1949, as amended. The objective of section 502 RH loans is to provide eligible persons who will live in rural areas with an opportunity to own adequate but modest, decent, safe, and sanitary dwellings and related facilities. The requirements of subpart E of part 1901 will be applied as appropriate. Loans and services provided under this subpart shall not be denied to any person or applicant based on race, sex, national origin, color, religion, marital status, familial status, age, physical or mental disabled (applicant must possess the capacity to enter into a legal contract for services or have a court appointed guardian/conservator empowered to obligate the applicant in real estate matters), receipt of income from public assistance, or because the applicant/borrower has, in good faith, exercised any right under the Consumer Protection Act.

(a) In compliance with the 1988 amendments to the Fair Housing Act and the Americans with Disabilities Act of 1990, reasonable accommodations must be given to individuals who are developmentally disabled so that they have the opportunity to become successful homeowners. When an applicant or an applicant's representative indicates the existence of a disability during the loan process, e.g. by requesting the Rural Housing and Community Development Service (RHCDS) disability deduction to income due to mental or physical disability or through verification of income from a Federal or state government source because of mental or physical disability, RHCDS must ask the applicant or the applicant's representative what reasonable accommodations should be made in order for the loan to be processed. The reasonable accommodation request must be provided to RHCDS by the applicant or the applicant's representative. Reasonable accommodations can include allowing a court appointed guardian or conservator to execute appropriate loan making and loan closing documents on behalf of the applicant; the court order must show that the guardian/conservator has the power and responsibility to obligate the applicant in real estate matters and a copy of the court order must be made a part of the loan docket.

(b) Any processing or servicing activity conducted pursuant to this subpart involving authorized assistance to RHCDS employees, members of their families, known close relatives, or business or close personal associates, is subject to the provisions of subpart D of part 1900. Applicants for this assistance are required to identify any known relationship or association with an RHCDS employee.

(c) RHCDS will collect fees for credit reports, real estate appraisals, and conditional commitment applications when appropriate. RHCDS may use its own employees or other agents or institutions in carrying out its responsibilities under this subpart.

§ 1944.2 Definitions.

The following definitions apply to this subpart:

Annual payment borrowers. Borrowers who signed promissory notes providing for annual payments, including borrowers converted to monthly payments through the use of Form FmHA 1951–34, ''Direct Payment Plan Change.''

Certificate of Eligibility. Certificate issued by RHCDS to applicants who have received a final determination of eligibility after verification of all income. Applicants can present this to real estate agents, builders and sellers to provide their eligibility documentation.

Conditional Commitment. Assurance from RHCDS, in exchange for a specific fee, to an owner, qualified builder, or dealer-contractor that a dwelling offered for sale will be acceptable for purchase by a qualified RH loan applicant under specified limited conditions.

Cosigner. A party who joins in the execution of a promissory note to compensate for any deficiency in the borrower's repayment. The cosigner becomes jointly liable to comply with the terms of the note in the event of the borrower's default, but is not entitled to any interest in the security or borrower rights. If the security is transferred to the cosigner, the cosigner may assume the RHCDS indebtedness on program or nonprogram terms, as applicable.

Deficient housing. A dwelling which meets one or more of the following conditions:

(1) Lacks complete plumbing; i.e. no bathtub or shower, wash basin, flush toilet, or hot running water for the exclusive use of the occupant;

(2) Lacks adequate heating;
(3) Is physically deteriorated or structurally unsound; i.e. roof leaks, falling plaster or sheetrock, extensive termite or wood rot damage, dangerous electrical service; or
(4) Overcrowding situations which will be corrected after loan closing; i.e. more than 2 persons per bedroom.

Disabled person. A person who is unable to engage in any substantially gainful activity by reason of any medically determinable physical or mental impairment expected to result in death or which has lasted or is expected to last for a continuous period of not less than 12 months. The disability is expected to be of long or indefinite duration; substantially impede his/her ability to live independently; and is of such a nature that the person's ability to live independently could be improved by more suitable housing conditions. In the case of an individual who has attained the age of 55 and is blind, disability is defined as inability by reason of such blindness to engage in any substantially gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity over a substantial period of time. Receipt of veteran's benefits for disability, whether service-oriented or otherwise, does not automatically establish disability. A disabled person also includes a person with a developmental disability. A developmental disability means a severe, chronic disability of a person which:
(1) Is attributable to a mental or physical impairment or combination of mental and physical impairments;
(2) Is manifested before the person attains age 22;
(3) Is likely to continue indefinitely;
(4) Results in substantial functional limitations in three or more of the following areas of major life activity:
(i) Self-care,
(ii) Receptive and expressive language,
(iii) Learning,
(iv) Mobility,
(v) Self-direction,
(vi) Capacity for independent living,
(vii) Economic self-sufficiency; and
(5) Reflects the person's need for a combination and sequence of special care, treatment, or other services which are of lifelong or extended duration, and are individually planned and coordinated.

Elderly family. An elderly family consists of one of the following:
(1) A person who is the head, spouse or sole member of a family and who is 62 years of age or older, or who is disabled and is the applicant/borrower or the coapplicant/coborrower; or
(2) Two or more persons who are living together, at least one of whom is age 62 or older, disabled and who is the applicant/borrower or coapplicant/coborrower; or
(3) In the case of a family where the deceased borrower, coborrower, or spouse, was at least 62 years old, disabled, the surviving household member shall continue to be classified as an ''elderly family'' for the purpose of determining adjusted income even though the surviving member or members may not meet the definition of elderly family on their own, provided:
(i) They occupied the dwelling with the deceased family member at the time of the death; and,
(ii) If one of the surviving family members is the spouse of the deceased family member, the surviving family shall be classified as an elderly family only until the remarriage of the surviving spouse; and,
(iii) At the time of the death of the deceased family member, the dwelling was financed under title V of the Housing Act of 1949.

Equivalent interest rate. The interest rate charged under payment assistance. It is determined by a comparison of the borrower's adjusted annual income to the median income for the area where the security property is located, based on income figures published by the Department of Housing and Urban Development (''HUD'') as reflected in exhibit C (available in any RHCDS field office).

Existing dwelling. A dwelling which is:
(1) More than 1 year old; or
(2) Less than 1 year old but the dwelling is covered by an approved 10-year warranty plan as described in subpart A of part 1924 and the contractor provides complete plans and specifications, together with a certification that construction was completed in compliance with said plans and specifications, applicable building codes, and thermal performance standards (''TPS'') for new construction. In addition, the contractor must provide evidence that the contractor meets any licensing requirements in the state and is an approved builder in good standing under the approved 10-year warranty plan.

Extended family. A family unit comprised of adult relatives who live together with the other members of the household, for reasons of physical dependency, economics, and/or social custom, who, under other circumstances, could maintain separate households. A typical example would be parents living with their adult children.

Farm. Includes the total acreage of one or more tracts of land which:
(1) Is owned by the applicant/borrower;
(2) Is operated as a single unit;
(3) Is in agricultural production; and
(4) Annually will produce agricultural commodities for sale and home use with a gross annual value equivalent to $400 in 1944.

Full-time student. A person who is carrying a subject load that is considered full-time for day students (excluding correspondence courses) under the standards and practices of the educational institution attended. An educational institution includes a vocational school with a diploma or certificate program, as well as an institution offering a college degree.

Household or family. The applicant/borrower, coapplicant/coborrower, and all other persons who will make the applicant/borrower's dwelling their primary residence for all or part of the next 12 months (excluding foster children placed in the home and live-in aides). Children who are members of the family, but have been removed and placed in foster care, will be counted as residents of the household. Children who are subject to a joint custody agreement and live in the unit at least 50 percent of the time are considered to be household members.

Income. Income limits (the definitions of which are included below in order from the lowest to the highest) are contained in exhibit C (available in any RHCDS field office).
(1) *Very-low income.* An adjusted annual income that does not exceed the very low-income limit according to size of household as established by HUD for the county or Metropolitan Statistical Area (''MSA'') where the property is or will be located.
(2) *Low-income.* An adjusted annual income greater than the very low-income limit but that does not exceed the low income limit according to size of household as established by HUD for the county or MSA where the property is or will be located.
(3) *Moderate-income.* An adjusted annual income greater than the low-income limit but that does not exceed the maximum limit for moderate-income households.
(4) Above moderate-income. An adjusted annual income that exceeds the maximum limit for moderate-income households.

Insurance. The insurance required by RHCDS as a condition of loan approval, including fire and extended coverage

insurance and flood insurance when applicable.

Live-in aides. Persons living in the household for the sole purpose of providing essential care and well being for an elderly, or disabled household member. Live-in aides cannot be related to a household member and would not be living in the unit except to provide essential supportive services.

Median income. An adjusted median annual income for the size of household as established by HUD for the county or MSA where the property is or will be located.

Metropolitan Statistical Area (MSA). MSAs are defined according to a set of detailed standards prepared by the Federal Committee on MSAs. An area qualifies as an MSA if it contains a city of at least 50,000 population or an urbanized area of at least 50,000 with a total metropolitan population of at least 100,000. MSAs are defined in terms of entire counties, except in the six New England states where they are defined in terms of cities and towns. An MSA may also include additional counties having strong economic and social ties to the central county. The term Standard Metropolitan Statistical Area (SMSA) was in use prior to the June 30, 1983, effective date of the MSA terminology.

Minor. For the purposes of determining adjusted annual income, this definition is restricted to persons under 18 years of age. Neither the head of household nor spouse may be counted as a minor. Foster children are not counted as minors for determining annual or adjusted annual income.

Monthly payment borrowers. Borrowers who signed promissory notes providing for payment of monthly installments.

Net family assets. Include:

(1) The value of equity in real property (other than the dwelling or site); cash on hand; savings; checking accounts; demand deposits; and the market value of stocks, bonds, and other forms of capital investments, including voluntary retirement plans that are accessible to the applicant/borrower such as individual retirement accounts (IRAs), 401(k) plans, and Keogh accounts, as well as amounts that can be withdrawn from other retirement and pension funds without retiring or terminating employment, but *exclude*:

(i) Interests in American Indian trust land,

(ii) Cash on hand which will be used to reduce the amount of the loan,

(iii) The value of necessary items of personal property such as furniture and automobile,

(iv) The assets that are a part of the business, trade, or farming operation in the case of any member of the household who is actively engaged in such operation, and

(v) The value of a trust fund that has been established where the trust is not revocable by, or under the control of, any member of the household, so long as the fund continues to be held in trust.

(2) The value of any business or household assets disposed of by a member of the household for less than fair market value (including disposition in trust, but not in a foreclosure or bankruptcy sale) during the 2 years preceding the date of application, in excess of the consideration received therefor. In the case of a disposition as part of a separation or divorce settlement, the disposition shall not be considered to be for less than fair market value if the household member receives important consideration not measurable in dollar terms.

Nonfarm tract. A parcel of land that is not a farm and is located in a rural area, or a building site that is part of a farm, and which secures an RH loan in accordance with § 1944.18(b)(10).

Place. An area containing a concentration of inhabitants within a determinable unincorporated area.

Real estate taxes. Real estate taxes mean the amount of real estate taxes and assessments estimated to be due and payable on the dwelling and the dwelling site, reduced by the amount of any tax exemption available to the borrower, regardless of whether such an exemption is actually claimed. Tax exemptions may include such things as homestead exemptions, special exemptions for low-income families, senior citizens, veterans, and others.

Rehabilitation. Major repairs and improvements to existing dwellings such as the installation or completion of bathroom facilities, installation of major items of equipment, additions, or structural changes.

Senior citizen. Is a person who is 62 years of age or older.

Town. Is a municipality similar to a city but does not include a New England-type town which resembles a township or county in most States.

Urban area. Either a town, village, city, place, or any associated combination thereof which, with the immediately adjacent densely settled areas, has a population in excess of the limits prescribed in 1944.10 (a)(2)(i) and (ii).

§ 1944.3 Loan purposes.

(a) A loan may be made to an eligible applicant/borrower for the following purposes:

(1) To buy, build, rehabilitate, improve, or relocate a dwelling and provide related facilities for use by the applicant/borrower as a permanent residence.

(2) To buy, build, rehabilitate, improve, or relocate a dwelling, and provide related facilities for a farm owner to provide housing to be occupied by the farm manager, tenants, sharecroppers, or farm laborers.

(3) To refinance secured debts or unsecured debts as provided in § 1944.22, except for manufactured homes.

(b) A loan made under paragraph (a)(1) or (2) of this section may be used to:

(1) Purchase, in fee title, a minimum adequate site, as outlined in § 1944.11 on which the improvements are or will be located, if the applicant/borrower does not own an adequate site.

(2) Pay reasonable acquisition costs for a leasehold interest in a minimum adequate site at the time of making the initial RH loan.

(3) Provide an adequate and safe water supply or an adequate waste/water disposal facility.

(4) Provide site preparation, including grading, foundation plantings, seeding or sodding of lawns, trees, walks, yard fences, and driveways to building sites.

(5) Purchase and install essential equipment in the dwelling including items such as a range, refrigerator, clothes washer or clothes dryer, if these items are normally sold with dwellings in the area, and if purchase of these items is not the primary purpose of the loan.

(6) Provide special design features or equipment when necessary because of physical disability of the applicant/borrower or of a member of the household.

(7) Purchase and install approved energy saving measures and approved furnaces and space heaters which use a type of fuel that is commonly used, and is economical and dependably available.

(8) Provide storm cellars and similar protective structures.

(9) Pay incidental expenses such as legal fees, costs of title clearance, and loan closing services; appraisal, surveying, environmental, tax monitoring, and other technical services; personal liability insurance fees for self-help housing borrowers; and incidental expenses authorized in exhibit G (available in any RHCDS field office).

(10) Pay lender fees and points in connection with participation loans, (except as provided in § 1944.4), which are customary, reasonable, and do not exceed the amount typical for the area.

(11) Pay reasonable connection fees for utilities such as water, sewer, electricity and gas, which are required

to be paid by the borrower and which cannot be paid from other funds.

(12) Pay the borrower's share of Social Security taxes for labor hired by the borrower in connection with making the planned improvements.

(13) Pay real estate taxes which are due and payable on the building and site owned by the applicant at the time of closing an initial loan, if this amount is not a part of the loan.

(14) Establish escrow accounts for the payment of real estate taxes or property insurance premiums in those States where the use of escrow accounts is authorized by the National Office.

(15) Provide living area for all members of the applicant/borrower's household, including ''extended family.''

(16) Finance the purchase of single family housing units located in a Planned Unit Development with a Homeowners' Association that has employed professional management, with prior National Office approval.

(17) Pay fees for the development and packaging of loan applications and related actions to public and private nonprofit organizations which are tax exempt under the Internal Revenue Code of 1986 (except when restricted under § 1944.4) when:

(i) The loan has been packaged in accordance with exhibit A to FmHA instruction 1944–A (available in any RHCDS field office) and the limitations of § 1944.17, and

(ii) The charges are reasonable considering:

(A) The amount and purpose of the assistance,

(B) The repayment ability of the recipient, and

(C) The cost of similar services in the same or a similar rural area.

(iii) The State Director may issue a State Supplement outlining what is considered a reasonable amount for his/her jurisdiction.

§ 19 44.4 Loan restrictions.

Loan funds may not be used to:

(a) Make a new loan to pay off existing RHCDS debts in lieu of a transfer with assumption.

(b) Refinance:

(1) RHCDS debts, except as authorized under § 1951.318.

(2) Debts on a manufactured home.

(c) Purchase or improve income-producing land, or buildings to be used principally for income-producing purposes, or buildings not essential for RH purposes, or buy or build buildings which are either largely, or in part, specifically designed to accommodate a business or income-producing enterprise. (Home based operations such as child care, home/beauty product sales, the production of crafts, etc., that do not require specifically designed features to accommodate the enterprise, are not restricted under this subpart; however, housing related expenses such as mortgage interest, real estate taxes, and insurance, which may be claimed as business expense deductions for income tax purposes, will not be allowed when determining annual income for RHCDS assistance.)

(d) Pay fees, charges, or commissions, such as finders' fees, fees for packaging the application (except as provided in § 1944.3), or placement fees for the referral of a prospective applicant to RHCDS.

(e) Pay packaging fees (as provided under § 1944.3) for the purchase of an RHCDS inventory property or where the packager is receiving a grant under subpart B of part 1944.

(f) Improve the entry of a homestead entryman or desert entryman prior to receipt of patent.

(g) Finance manufactured homes which are not constructed and installed in accordance with exhibit F to FmHA instruction 1944–A and exhibit J of subpart A of part 1924. (Both exhibits are available in any RHCDS field office.)

§ 1944.5 Annual income.

Annual income determinations will be thoroughly documented in the case file. Historical data based on the past 12 months or last fiscal year may be used if a determination of expected income cannot logically be made. Annual income will be calculated as follows:

(a) Current verified income, either part-time or full-time, received by the applicant/borrower and all adult members of the household including the spouse is derived by multiplying:

(1) An hourly wage by 2080 hours (for part-time employment use anticipated annual hours); or

(2) A weekly wage by 52 weeks; or

(3) A biweekly wage by 26 weeks; or

(4) A monthly wage by 12 months.

(b) If the spouse or any other adult member of the household is not presently employed but there is a recent history of such employment, that person's income will be projected unless the applicant/borrower or the person involved signs a statement that the person is not presently employed and does not intend to resume employment in the foreseeable future, or, if payment assistance is involved, during the term of the payment assistance agreement.

(c) Income from such sources as seasonal work of less than 12 months duration, commissions, overtime, bonuses, and unemployment compensation will be computed as the estimated annual amount of such income for the ensuing 12 months. Temporary income such as unemployment benefits, worker's compensation, etc., will be projected over 12 months when computing payment assistance on an annual basis. Historical data based on the past 12 months may be used if a determination of expected income cannot logically be made.

(d) The following *are* included in annual income:

(1) The gross amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses, and other compensations for personal services of all adult members of the household. If a cost of living allowance or a proposed increase in income has been estimated to take place on or before loan approval, loan closing, or the effective date of the payment assistance agreement, it will be included as income.

(2) The *net* income from the operation of a farm, business, or profession. The following provisions apply:

(i) Expenditures for business or farm expansion, capital improvements, or payments of principal on capital indebtedness shall not be used as deductions in determining income. A deduction is allowed in the manner prescribed by Internal Revenue Service (IRS) regulations only for interest paid in amortizing capital indebtedness.

(ii) Farm and nonfarm business losses are considered ''0'' in determining annual income.

(iii) A deduction, based on straight line depreciation, is allowed in the manner prescribed by IRS regulations for the exhaustion, wear and tear, and obsolescence of depreciable property used in the operation of a trade, farm, or business by a member of the household. The deduction must be based on an itemized schedule showing the amount of straight line depreciation actually claimed for Federal income tax purposes.

(iv) Any withdrawal of cash or assets from the operation of a farm, business, or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by a member of the household.

(v) A deduction is allowed for verified business expenses, such as lodging, meals, and fuel, for overnight business trips made by salaried employees, such as long-distance truck drivers, who must meet these expenses without reimbursement.

(vi) Housing related expenses for the property being financed such as

mortgage interest, real estate taxes, and insurance, which may be claimed as business expense deductions for income tax purposes, will not be deducted from annual income.

(3) Interest, dividends, and other net income of any kind from real or personal property, including:

(i) The share received by adult members of the household from income distributed from a trust fund.

(ii) Any withdrawal of cash or assets from an investment except to the extent the withdrawal is reimbursement of cash or assets invested by a member of the household.

(iii) Where the household has net family assets, as defined in § 1944.2, in excess of $5,000, the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by RHCDS.

(4) The full amount of periodic payments received from Social Security (including Social Security received by adults on behalf of minors or by minors intended for their own support), annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts. Amounts received from the United States Government which are attributable to underpayment of benefits for one or more prior months shall be excluded in the calculation of annual income as provided in 42 U.S.C. 1382b.

(5) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay.

(6) Public assistance except as indicated in exhibit J to FmHA instruction 1994–A (available in any RHCDS field office).

(7) Periodic allowances, such as:

(i) Alimony and child support awarded in a divorce decree or separation agreement, unless the applicant/borrower certifies the payments are not received, and the applicant/borrower provides documentation to RHCDS that a reasonable effort has been made to collect the payments through the official entity responsible for enforcing such payments; or

(ii) Recurring monetary gifts or contributions from someone who is not a member of the household.

(8) Any amount of educational grants or scholarships or Veterans Administration (VA) benefits available for subsistence after deducting expenses for tuition, fees, books, and equipment.

(9) All regular pay, special pay (except for persons exposed to hostile fire), and allowances of a member of the armed forces who is the applicant/borrower or spouse, whether or not that family member lives in the home.

(e) The following *are not* included in annual income but will be considered in determining repayment ability:

(1) Income over $1,000 from employment of minors (including foster children) under 18 years of age. The applicant/borrower, coapplicant/coborrower, or spouse may never be considered minors.

(2) Payments received for the care of foster children.

(3) The income of an applicant/borrower's spouse, when the spouse has been living apart from the applicant/borrower (for reasons other than military or work assignment), or court proceedings for divorce or legal separation have been commenced.

(4) Casual, sporadic, or irregular cash gifts.

(5) Lump-sum additions to family assets such as inheritances, capital gains, insurance payments included under health, accident, hazard, or worker's compensation policies, and settlements for personal or property losses (except as provided in paragraph (d)(5) of this section).

(6) Amounts which are granted specifically for, or in reimbursement of, the cost of medical expenses.

(7) The full amount of student financial assistance paid directly to the student or to the educational institution;

(8) Reparation payments paid by a foreign government arising out of the Holocaust. If an applicant for an RHCDS loan was deemed ineligible because the applicant's income exceeded the low income (moderate income for guaranteed loans) because of the applicant's Nazi persecution benefits, the RHCDS approval official should notify the applicant to reapply for a loan.

(9) Any earned income tax credit will not be counted as part of annual income, but will remain part of the applicant's income for purposes of repayment ability.

(10) Any other revenue which a Federal statute exempts shall not be considered income or used as a basis for determining eligibility for an RHCDS loan, payment assistance, or denying or reducing Federal financial assistance or benefits to which the recipient would otherwise be entitled. For information on additional financial assistance which is considered exempt income under Federal statutes, refer to exhibit J (available in any RHCDS field office).

(f) Income of live-in aides as described in § 1944.2, will not be counted when calculating annual income and will not be considered in determination of repayment ability.

§ 1944.6 Adjusted annual income.

Adjusted annual income is annual income as determined in § 1944.5 less the following:

(a) A deduction of $480 for each member of the family residing in the household, as defined by § 1944.2, other than the applicant/borrower, coapplicant/coborrower, or spouse who is:

(1) Under 18 years of age; or

(2) Eighteen years of age or older and is disabled as defined in § 1944.2; or

(3) A full-time student aged 18 or older.

(b) A deduction of $400 for any elderly family as defined in § 1944.2.

(c) A deduction for the care of minors 12 years of age or under, to the extent necessary to enable a member of the applicant/borrower's family to be gainfully employed or to further his/her education. The deduction will be based only on monies reasonably anticipated to be paid for care services and, if caused by employment, must not exceed the amount of income received from such employment. Payments for these services may not be made to persons whom the applicant/borrower is entitled to claim as dependents for income tax purposes.

(d) A deduction of the amount by which the aggregate of the following expenses of the household exceeds 3 percent of gross annual income:

(1) Medical expenses for any elderly family as defined in § 1944.2. This includes medical expenses, for any household member, the applicant/borrower anticipates incurring over the ensuing 12 months which are not covered by insurance. Examples of medical expenses are dental expenses, prescription medicines, medical insurance premiums, eyeglasses, hearing aids and batteries, the cost of home nursing care, the costs of transportation to and from medical treatment, monthly payments on accumulated major medical bills, and cost of full-time nursing or institutional care which cannot be provided in the home for a member of the household; and

(2) Reasonable attendant care and auxiliary apparatus expenses for each disabled member of any household to the extent necessary to enable any member of such household (including such disabled member) to be employed.

§ 1944.7 [Reserved]

§ 1944.8 Income eligibility requirements.

(a) *Repayment Ability.* An applicant/borrower is eligible for a section 502 RH

loan only if the following requirements are met:

(1) *Income limit.* The adjusted annual income as defined in § 1944.6 at the time of loan approval does not exceed the applicable income limit in exhibit C to FMHA instruction 1944–A (available in any RHCDS field office).

(2) *Adequate and dependable income.* The applicant/borrower (and coapplicant/coborrower, if applicable), has adequate and dependably available income. The determination of income dependability will include consideration of the applicant/borrower's past history of annual income and/or the history of the typical annual income of others in the area with similar types of employment. Such income must be sufficient to meet the income ratios described in § 1944.8(a)(3), as modified by § § 1944.34 and 1944.35.

(3) *Determining repayment ability.* In considering whether the applicant/borrower has adequate repayment ability, RHCDS must calculate the principal, interest, taxes, and insurance (PITI) and monthly obligation to income (MOTI) ratios. The PITI ratio is calculated by dividing the monthly PITI for the proposed loan (less any payment assistance for which the applicant/borrower may qualify) by the gross monthly family income. The MOTI ratio is calculated by dividing the applicant/borrower's monthly obligations by total gross monthly family income.

(i) Monthly obligation consists of the PITI for the proposed loan (less any payment assistance for which the applicant/borrower may qualify), homeowner and other assessments, and long term obligations. Long term obligations include those obligations such as alimony, child support, child care, and other obligations with a remaining repayment period of more than 6 months, other shorter term obligations that are considered to have a significant impact on repayment ability, plus 5 percent of the current balance on all revolving credit cards.

(ii) Income, for the purpose of determining these ratios, includes the total gross monthly income of the applicant/borrower, coapplicant/coborrower, and any other member of the household who will be a party to the note, including any income that may be excepted under § 1944.5.

(iii) The applicant/borrower is considered to have repayment ability when the proposed PITI and MOTI ratios are less than or equal to a PITI ratio of 29 percent and a MOTI ratio of 41 percent as defined in § 1944.8(a)(3). Applicants whose PITI ratio exceeds the ratio shall be considered for deferred mortgage assistance as provided in § 1944.35.

(iv) When the ratios do not support repayment of the proposed loan, at the applicant/borrower's request, RHCDS may make an exception to the above income ratio calculations under the following circumstances or compensating factors:

(A) When the applicant presents documented evidence of having met housing related costs in the past 6 months that are equal to or greater than the projected housing costs after approval of the proposed loan. These housing costs must have been maintained when the applicant's household income was equal to or less than the current annual income, and the applicant's household debt load was equal to or greater than the current debt load. Projected housing costs will include the RHCDS monthly payment after application of any payment assistance for which the applicant may qualify, projected real estate taxes and assessments, premiums for required property and/or flood insurance, estimated utility and maintenance costs, and any other costs expected to be incurred with home ownership.

(B) When the applicant/borrower presents evidence that, due to unusual circumstances a budget form should be utilized to determine repayment ability in lieu of repayment ratios. In these circumstances, a budget will be prepared jointly between RHCDS and the applicant/borrower to determine the applicant/borrower's repayment ability.

(b) *Additional coapplicant.* Applicants/borrowers applying who do not meet the requirements of paragraph (a)(2) of this section will be considered ineligible unless other adults in the household have adequate income and wish to join in the application as a coapplicant. The combined incomes and obligations shall then be considered in determining repayment ability.

(c) *Cosigner.* RHCDS will also consider the use of a cosigner when the applicant/borrower applying for assistance does not meet the requirements of paragraph (a)(2) of this section. Cosigners must have adequate and dependably available income sufficient to repay any deficit in the applicant/borrower's repayment ability. Cosigners are subject to the same determination of repayment ability outlined in paragraph (a)(3) of this section as the applicant/borrower, with the amount of the applicant/borrower's repayment deficiency considered as part of the cosigner's PITI ratio. The cosigner may be an individual or an entity but may not be a member of the applicant/borrower's household.

§ 1944.9 Other eligibility requirements.

In addition to the income eligibility requirements of § 1944.8 the applicant/borrower must:

(a) Qualify as one of the following:

(1) A person who does not own a dwelling (except for refinancing purposes), or owns a dwelling which is not structurally sound, functionally adequate, or large enough to accommodate the needs of the applicant/borrower, or,

(2) A farmowner without decent, safe, and sanitary housing for the farmowner's own use or for the use of farm tenants, sharecroppers, farm laborers, or farm manager.

(b) Be without sufficient resources to provide the necessary housing or related facilities, and be unable to secure the necessary credit from other sources upon terms and conditions which the applicant/borrower could reasonably be expected to fulfill. If the applicant/borrower has only an undivided interest in the land to be improved, those co-owners whose execution of the mortgage is required under § 1944.18(b)(8) must also be unable to provide the improvement with their own resources or obtain the necessary credit elsewhere, either individually or jointly with the applicant/borrower. Applicants/borrowers are expected to reduce the need for loan funds by utilizing available nonessential assets and/or cash on hand; however, IRAs, SEPs, 401(k) plans, and similar personal retirement accounts do not have to be liquidated when considering other resources. Reasonable reserves may be retained for unforeseen events.

(c) Be a natural person (individual) who resides as a citizen in any of the 50 states, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Marianas, the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands, or a noncitizen who resides in one of the foregoing areas after being legally admitted for permanent residence or on parole. An applicant who indicates that the applicant is not a United States citizen on the application is required to submit evidence that the applicant has been lawfully admitted to the country as a permanent resident. Exhibit B (available in any RHCDS field office) provides additional information for evaluating alien status for these applicants. Verification is *only* required when the applicant indicates the applicant is not a U.S. citizen.

(d) Possess legal capacity to incur the loan obligation (or have a court appointed guardian/conservator who is

empowered to obligate the applicant in real estate matters), and have reached the legal age of majority in the state, or have had the disability of minority removed.

(e) Have the potential ability to personally occupy the home on a permanent basis. Due to the probability of moving after graduation, full-time students will not be granted loans unless:

(1) The applicant intends to make the home a permanent residence and there are reasonable prospects that employment will be available in the area after graduation and

(2) An adult member of the household will be available to make inspections if the home is being constructed and to sign checks for work performed.

(f) Have a credit history which indicates a reasonable ability and willingness to meet obligations as they become due.

(1) Any or all of the following are indicators of an unacceptable credit history unless RHCDS determines that the cause was beyond the applicant/borrower's control (except for Federal judgments described in paragraph (f)(1)(i) of this section), and satisfies the criteria in paragraph (f)(3) of this section:

(i) An outstanding judgment obtained by the United States in a Federal Court (other than the United States Tax Court), which has been recorded, shall cause the applicant to be ineligible for any loan or grant until the judgment is paid in full or otherwise satisfied. RHCDS loan or grant funds may not be used to satisfy the judgment. Questions regarding whether or not a judgment is still outstanding should be directed to the Office of the General Counsel. The Administrator may waive the rejection of an application based on verification of an outstanding Federal judgment upon specific determination that it is in the best interest of the Government to do so. Verification of delinquent Federal debt and processing of applications with such debt must comply with § 1944.27(b)(4).

(ii) Incidents of more than two secured or unsecured debt payments being more than 30 days late if the incidents have occurred within the last 12 months. This includes more than two late payments on a single account. Instances of more than two late payments may be waived in the event that the RHCDS loan will result in a significant reduction in shelter costs, which will contribute to improved debt payment ability.

(iii) Loss of security due to a foreclosure if the foreclosure has been completed within the last 36 months.

(iv) An outstanding IRS tax lien.

(v) Other outstanding tax liens with no satisfactory arrangements for payments.

(vi) A court-created or affirmed obligation (judgment), caused by non-payment, that is currently outstanding or has been outstanding within the last 12 months, not including hospital or state motor vehicle liens described under § 1944.17.

(vii) Two or more rent payments paid 30 days or more past due, that have occurred within the last 2 years. Notwithstanding the previous sentence, if there have been no other credit problems in the applicant's last two year's general credit history, only the past rental year will be considered. Instances of more than two late payments may be waived in the event that the RHCDS loan will result in a significant reduction in shelter costs, which will contribute to improved debt payment capability.

(viii) Accounts which have been converted to collections within the last 12 months (utility bills, medical debts, etc.).

(ix) Collection accounts outstanding with no satisfactory, reasonable arrangements for repayment, or collection accounts which have been outstanding within the last 12 months which were paid in full within 3 months of filing an application for RHCDS assistance, where there is no record of regular payment being maintained on the account prior to receipt of the final payment.

(x) Non-RHCDS debts written off within the last 36 months.

(xi) RHCDS debts which were debt settled pursuant to subpart B of part 1956, or by release from personal liability under subpart A of part 1955 or subpart C of part 1965, or debt settlement is being considered except where the conditions of § 1944.9(g) can be met.

(2) The following will not indicate an unacceptable credit history:

(i) ''No history'' of credit transactions by the applicant/borrower.

(ii) A bankruptcy in which the applicant received a discharge more than 36 months before the date of application.

(iii) A satisfied judgment, or foreclosure with no monetary loss which was completed more than 12 months before the date of application.

(3) When an applicant/borrower has an unacceptable credit history, an exception may be considered by the loan approval official (except for Federal judgments described in paragraph (f)(1)(i) of this section) when the applicant/borrower provides documentation that:

(i) The circumstances were of a temporary nature, were beyond the applicant/borrower's control, and have been removed. Examples: loss of job; delay or reduction in benefits, or other loss of income; increased expenses due to illness, death, etc.

(ii) The adverse action or delinquency was the result of a refusal to make full payment because of defective goods or services or as a result of some other justifiable dispute relating to the goods or services purchased or contracted for.

(4) Applicants will be advised of adverse credit which is discovered as a result of an on-line profile credit report at the time of application and will be provided the telephone number and address of the credit repository so that the applicant may contact the repository directly to correct the negative or incorrect information or discuss the circumstances of the credit problem with the RHCDS staff. Applicants will not be rejected on the basis of information contained in an on-line credit report; however, once a full written credit report is received by RHCDS, it will be the responsibility of the applicant/borrower to work directly with the credit repository to correct any erroneous credit bureau records. The credit history cannot be determined satisfactory until:

(i) The credit repository issues a corrected report, showing that the error has been removed, or

(ii) The credit repository has not issued a corrected report within 30 days of the applicant's submission of disputed credit information but the applicant/borrower submits conclusive proof, acceptable to RHCDS, that the report is in error, such as creditor correspondence, court documents, etc.

(g) Meet the following conditions if the applicant had any previous RHCDS debt settled pursuant to subpart B of part 1956, or by release from personal liability under subpart A of part 1955 or subpart C of part 1965, or debt settlement is being considered:

(1) RHCDS must determine that failure to pay the debt was the result of circumstances beyond the applicant's control, or the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been or will be removed by making the loan, and

(2) Before causing the applicant to incur any expense in connection with the loan, with the exception of the cost of a credit report, RHCDS must determine the applicant's eligibility and notify the applicant of same.

(h) Have the ability to carry out the required obligations of the loan. If the applicant has demonstrated inability to do so by recent failure to maintain a former residence in a habitable and responsible manner, or by unauthorized conversion or alteration of the structure, or by creating a public nuisance in or around a former residence, RHCDS must determine that the reasons contributing to such inability have been removed and are not likely to recur.

(i) Provide accurate and truthful application and financial information to RHCDS at the time of application. Applicants who have failed to fully disclose financial and application information will be denied program assistance.

§ 1944.10 Rural area designation.

(a) For the purposes of this subpart, a rural area is:

(1) Open country which is not part of or associated with an urban area.

(2) Any town, village, city, or place, including the immediately adjacent densely settled area, which is not part of or associated with an urban area and which:

(i) Has a population not in excess of 10,000 if it is rural in character, or

(ii) Has a population in excess of 10,000 but not in excess of 20,000, and

(A) Is not contained within an MSA, and

(B) Has a serious lack of mortgage credit for low- and moderate-income households as determined by the Secretary of Agriculture and the Secretary of HUD.

(3) An area classified as a rural area prior to October 1, 1990, (even if within an MSA), with a population exceeding 10,000, but not in excess of 25,000, which is rural in character, and has a serious lack of mortgage credit for low- and moderate-income families. This is effective through receipt of census data for the year 2000.

(b) A determination that open country, or any town, village, city, or place is not part of or associated with an urban area must include a finding that any densely populated section of the area in question is separated from the densely populated section of any adjacent urban area by open spaces. Open spaces include undeveloped, agricultural, or sparsely settled areas. Other spaces such as physical barriers (e.g., rivers, canals), public parks, commercial and industrial developments, small areas reserved for recreational purposes, recognized open spaces for which development is planned, and similar nonresidential areas, are not considered open spaces for the purpose of this program. RHCDS files must contain documentation that local planning boards, where available, were contacted at the time of each review to verify that areas considered as open spaces are not scheduled for development in the next 5 years.

(c) Two or more towns, villages, cities, and places may have contiguous boundaries, and each be considered separately if they are not otherwise associated with each other, and their densely populated areas are not contiguous, as determined after consideration of paragraphs (a) and (b) of this section.

(d) Population count in any area will be taken from the decennial U.S. Census of Population, national population updates published by the Bureau of the Census, any special population census conducted by the Bureau of the Census, and the following:

(1) Significant new development on the periphery of ineligible areas which requires a change in boundaries.

(2) Redesignation of corporate limits by local authorities which affects the eligibility status of an area.

(e) In determining population count for area eligibility, consideration must be given to developed areas in counties or states which are contiguous to, and, therefore, a part of developed areas in other counties or states. This determination must be made in agreement between the State Directors concerned.

(f) In order to ensure that the RH program is limited to eligible areas, RHCDS will periodically review areas under their jurisdiction. If the review shows that an area is not rural, RHCDS will limit the RH program in that area after the date of the decision, to the loan purposes prescribed in paragraph

(i) of this section.

(g) [Reserved]

(h) [Reserved]

(i) If an area designation is changed from rural to nonrural, loans may be made only in the following instances:

(1) Applications received by RHCDS prior to the change of designation may be processed.

(2) New conditional commitments may be issued and existing conditional commitments will be honored only in conjunction with the approval of RH loan applications which were received prior to the date the area was designated nonrural.

(3) Inventory property sales and transfers by assumption may be processed in such areas as authorized by § 1955.103(q) or § 1965.126, respectively.

(4) Subsequent loans may be made on property in an area where the designation was changed from rural to nonrural after the initial loan was made:

(i) To make necessary repairs.

(ii) To pay equity in connection with an assumption and transfer of an RH loan.

§ 1944.11 Site requirements.

(a) *Location.* The property on which the loan is made must be located on a farm, or in a designated rural area as defined in § 1944.10, or in an area where the designation has been changed as provided in § 1944.10(i) and must also meet the requirements of subpart G of part 1940. A nonfarm tract to be purchased or improved with loan funds must not include farm service buildings.

(b) *Access.* The property must be contiguous to and have direct access from a street, road, or driveway that meets the applicable requirements of § 1924.115(b) (Site access).

(c) *Minimum adequate site.* A nonfarm tract on which a loan is to be made must have an adequate water and/or wastewater disposal system, other related facilities, and a yard, or those items must be provided with loan funds. The site must be of a size that it cannot be subdivided into two or more adequate sites under existing zoning ordinance requirements for the area.

(1) When the site is served by a centrally owned and operated water and/or wastewater disposal system, the system must meet the applicable water and wastewater disposal system requirements of subpart C of part 1924 as well as the design requirements of the state Department of Health or comparable reviewing and regulatory agency.

(2) Written verification must be obtained from the regulatory agency that the wastewater disposal systems comply with the Safe Water Drinking Act and the Clean Water Act, respectively. There must be assurance of continuous service at reasonable rates for central water and wastewater disposal systems. A system owned or operated by a private party must have a legally irrevocable agreement which allows interested third parties to enforce the obligation of the operator to provide satisfactory service at reasonable rates.

§§ 1944.12–1944.14 [Reserved]

§ 1944.15 Ownership requirements.

(a) After the loan is closed, the borrower must have an interest in the property to be purchased, improved, or refinanced, which qualifies as one of the following:

(1) Full marketable title.

(2) The buyer and the seller will convert the purchaser's interest under a

recorded land purchase contract to a deed/mortgage situation with full marketable title prior to loan closing.

(3) An undivided fee interest if the co-owners meet the security requirements imposed by § 1944.18(b)(8).

(4) A life estate interest with rights of present possession, control, and beneficial use of the property if the remaindermen meet the security requirements imposed by § 1944.18(b)(9).

(5) Leasehold interest if all of the following conditions are met:

(i) The applicant/borrower is unable to obtain fee title to the property and the rent charged for the lease does not exceed the rate being paid for similar leases.

(ii) The lessor owns the fee simple title. This paragraph does not apply to American Indians with leasehold interests on tribal allotted or trust land.

(iii) Neither the leasehold nor the fee simple title is subject to a prior lien, unless RHCDS authorizes acceptance of the prior lien prior to approval of the loan. The amount of the RH loan plus any prior liens shall not exceed the market value of the leasehold.

(iv) The written lease contains the following provisions:

(A) The lessor's consent to the RH mortgage.

(B) Reasonable security of tenure. The borrower's interest must not be subject to summary forfeiture or cancellation.

(C) The right of RHCDS to foreclose the RH mortgage and sell without restrictions that would adversely affect the market value of the security.

(D) The right of RHCDS to bid at foreclosure sale or to accept voluntary conveyance of the security in lieu of foreclosure.

(E) The right of RHCDS, after acquiring the leasehold through foreclosure or voluntary conveyance in lieu of foreclosure, or in event of abandonment by the borrower, to occupy the property or sublet it, and to sell for cash or credit. In case of an inventory property sale of the leasehold, the right of RHCDS to take a mortgage with rights similar to those under the original RH mortgage.

(F) The right of the borrower, in the event of default or inability to continue with the lease and the RH loan, to transfer the leasehold, subject to the RH mortgage, to an eligible transferee with assumption of the RH debt.

(G) Advance written notice of at least 90 days to RHCDS of lessor's intention to cancel or terminate the lease.

(H) Negotiated provisions as to the liability of RHCDS for unpaid rentals or other charges accrued at the time RHCDS acquires possession of the property or title to the leasehold, and those which become due during RHCDS's possession or ownership, pending further servicing or liquidation.

(I) [Reserved]

(v) An unexpired term which is at least 150 percent of the term of the RHCDS loan, unless the RHCDS loan is guaranteed by a public authority, Indian tribe, or Indian Housing Authority, in which case the unexpired term of the lease must be at least 2 years longer than the repayment period of the loan; *provided that:* in no case may the unexpired term of the lease be less than 15 years.

(6) Possessory rights on an American Indian reservation or State-owned land if the security requirements imposed by § 1944.18 are met.

(7) The interest of an American Indian in land held in severalty under trust patents or deeds containing restrictions against alienation if the security requirements imposed by § 1944.18(b)(3) are met.

(b) If an applicant's title to any part of the property does not qualify as an ownership interest under paragraph (a) of this section, an RH loan may nevertheless be made, if:

(1) The defect cannot be cured at a reasonable cost, and

(2) No improvements to be constructed or repaired with loan funds will be located on the parcel to which title is defective, and

(3) No security value will be accorded to the parcel to which title is defective.

§ 1944.16 Dwelling Requirements.

Dwellings financed must provide decent, safe, and sanitary housing. Costs of dwellings financed cannot exceed 85 percent of the maximum dollar limitation established under section 203(b) of the National Housing Act (12 U.S.C. § 1702) (available from any HUD office) unless authorized by RHCDS under § 1944.17(g). Loans shall not be approved for dwellings containing in-ground swimming pools or structures designed for income-producing facilities or purposes.

(a) *New dwellings.* Construction must meet the requirements contained in subpart A of part 1924 as well as the thermal performance standards for new construction outlined in exhibit D of subpart A of part 1924.

(b) *Existing dwellings.* Consideration should be given to financing existing dwellings in areas with a good supply of competitively priced, suitable housing. Homes financed should be affordable to the applicant/borrower, including operating and maintenance costs.

(1) Loans will not be made on an existing manufactured home unless it is already financed by RHCDS or is being sold from RHCDS inventory.

(2) Existing homes, including those already in the program, must be inspected by RHCDS or by a disinterested third party inspector to determine that the dwelling meets the criteria outlined in paragraphs (b)(2)(i), (ii), and (iii) of this section. The sales agreement must identify the party (i.e., purchaser or seller) who has accepted responsibility for obtaining and paying for these inspections and certifications. Inspections are not required on public water and wastewater disposal systems. RHCDS inventory property will be inspected and repaired in accordance with the subpart B of part 1955. The inspector will:

(i) Determine that the dwelling is structurally sound, functionally adequate, in good repair, or will be placed in good repair with loan funds, and meets the ''General'' requirements in Guide 2 of subpart A of part 1924 (available in any RHCDS field office).

(ii) Certify that the dwelling meets thermal performance standards for existing dwellings required in exhibit D of subpart A of part 1924.

(iii) Certify that the dwelling has adequate electrical, heating, plumbing, water, and wastewater disposal systems, and is free of termites and other wood damaging pests and organisms.

(c) *Repairs.* Any dwelling repaired with RH funds must be structurally sound, functionally adequate, and be placed in good repair with loan funds. If the loan is not more than $7,500 and is scheduled for repayment in not more than 15 years from the date of the note, the dwelling may lack some equipment or features such as a complete bath, kitchen cabinets, closets, or completed finished interior in some rooms. Such dwellings must meet the housing needs of the applicant/borrower and provide decent, safe, and sanitary living conditions when the improvements financed with the loan are completed. Repairs required as a condition of loan approval will be performed in accordance with HUD Handbook 4905.1, ''1–4 Family Living Units'' (available in any RHCDS field office), after loan closing. Repairs on manufactured homes are limited to those financed by a subsequent loan for existing homes currently financed with a section 502 RH loan, inventory property sales, and transfers.

(d) *Improvements.* Improvements financed with loan funds must be on land which, after loan closing, is part of a tract owned by the borrower in

accordance with § 1944.15(a), or on an easement appurtenant to such a tract.

(e) *Manufactured homes.* Exhibit F to FMHA instruction 1944–A (available in any RHCDS field office) contains supplemental information concerning construction requirements for manufactured homes.

§ 1944.17 Maximum loan amounts.

The amount of the loan may not exceed 85 percent of the maximum dollar limitation of section 203(b) of the National Housing Act (12 U.S.C. § 1702) (available from any HUD office) unless authorized by RHCDS as an exception. A loan may exceed the market value or the equity value in the security property by the appraisal fee. Applicants/borrowers are expected to reduce the need for loan funds by using available non-essential assets including cash on hand as outlined under § 1944.9.

(a) The maximum loan amount will be the lesser of the cost of:

(1) The acquisition and any necessary development or

(2) The market value of the security, less the unpaid principal balance and past-due interest of any other liens against the security property, plus an appraisal fee, for the following types of dwellings:

(i) An existing dwelling, as described in § 1944.2, including one being financed by transfer or inventory property sale, except as provided in exhibit F (available in any RHCDS field office).

(ii) A new dwelling when any one of the following conditions exist:

(A) A conditional commitment was issued in accordance with § 1944.45.

(B) The RH loan will be closed prior to the start of construction, and construction conforms to the requirements contained in subpart A of part 1924.

(C) The required construction inspections were made by the Federal Housing Administration (FHA) or Veterans Administration (VA). If qualified under this paragraph, a complete set of plans and specifications must be submitted together with copies of construction phase inspection reports or certification by FHA or VA indicating the dwelling was built in accordance with approved plans and specifications. The builder will also furnish a certification of compliance with RHCDS thermal standards for new construction as required by exhibit D of subpart A of part 1924 (available in any RHCDS field office).

(D) The manufactured home and site meet the requirements in exhibit F and exhibit J of subpart A of part 1924 of this chapter. (These exhibits are available in any RHCDS field office.)

(b) A loan will be limited to 90 percent of the market value of the security, plus an appraisal fee, for any dwelling that does not meet the requirements of paragraph (a) of this section, with the exception of manufactured housing units.

(c) Notwithstanding the provisions of paragraph (a) of this section, a loan on a dwelling which causes the total secured indebtedness to exceed the requirements of paragraph (a) of this section, may be made when the excess indebtedness is all or part of a lien held by a public body (except for a lien arising out of a judgment against the applicant/borrower in favor of the United States in a Federal Court other than the United States Tax Court), hospital, or welfare institution for advances made for medical bills, welfare payments, or state motor vehicle judgments provided:

(1) The applicant/borrower is unable to settle or compromise such lien sufficiently to avoid exceeding the market value;

(2) The lien securing the excess amount will at all times be inferior to the RHCDS mortgage securing the initial loan and any subsequent loan or advances determined by the RHCDS to be reasonably necessary to carry out the purpose of the initial loan or to protect the Government's financial interest;

(3) The existence of the excess lien will not jeopardize the security or servicing so as to preclude the making of a sound RH loan;

(4) The applicant/borrower has the ability to meet any payments on the excess debt as they become due or are likely to become due.

(d) Notwithstanding the provisions of paragraph (a) of this section, when a subsequent loan for closing costs only is made simultaneously with an inventory property sale (as provided in § 1955.117(f) or a transfer, the total indebtedness may exceed the sale price or market value of the security property, whichever is less, by no more than 1 percent.

(e) Notwithstanding the provisions of paragraph (a) of this section, when RHCDS is refinancing the loan of an existing RHCDS borrower in accordance with § 1951.318, the debt may exceed the market value of the security property to the extent necessary to refinance the borrower's outstanding indebtedness plus closing costs required in connection with the refinancing.

(f) Notwithstanding the provisions of paragraph (a) of this section, when a subsequent loan is needed for repairs essential to protect the Government's security interest, the total RHCDS indebtedness may exceed the market value of the security by no more than the amount of the subsequent loan consisting of the cost of essential repairs and reasonable closing costs.

(g) RHCDS may grant exceptions to allow the amount of the loan to exceed 85 percent of the maximum dollar limitation of section 203(b) of the National Housing Act (12 U.S.C. § 1702) may be granted under the following conditions:

(1) RHCDS may increase the loan amount in selected areas when the existing mortgage limit is insufficient to provide adequate housing for RHCDS applicants and modest housing costs in the area exceed maximum loan limits or where different maximum loan limits exist in adjacent areas of the same community, for example: One limit on one side of the street compared to a higher limit on the other side.

(2) RHCDS may increase the loan amount where necessary to accommodate the specific needs of the family such as a larger home to correct overcrowding situations for exceptionally large households and reasonable accommodations for a disabled household member. When the request is to allow reasonable accommodations for a disabled household member, the additional loan amount will not exceed the cost of the special features provided and the amount of the appraisal fee.

§ 1944.18 Security requirements.

(a) *Adequate security.* Except as provided below, to protect the interests of RHCDS, all loans must be adequately secured. Except as provided in § 1944.17(c) and paragraph (b) of this section, a loan is adequately secured only when all of the following requirements are met:

(1) RHCDS obtains at closing a mortgage on all ownership interests in the entire tract.

(2) No liens prior to the RHCDS mortgage exist at the time of closing, and no junior liens are likely to be taken immediately subsequent to or at the time of closing.

(3) The provisions of subpart B of part 1927 regarding title clearance and the use of legal services are complied with.

(4) The property improvements and proposed improvements are totally on the site and do not encroach on adjoining property. RHCDS may require a survey, at the buyer's or seller's expense.

(b) *Exceptions.* Exceptions to the usual security requirements will be made only as follows:

(1) *Note only.* A loan of $2,500 or less, scheduled for repayment in not more than 10 years from the date of the note, that is not subject to recapture of subsidy in accordance with subpart I of part 1951, may be secured by the borrower's promissory note alone when RHCDS determines that:

(i) The applicant/borrower has a credit history which indicates an ability and willingness to pay debts when they are due;

(ii) The applicant/borrower will have sufficient income to readily meet all obligations; and

(iii) The applicant/borrower's equity in the real estate as improved, equals, or exceeds the amount of the proposed loan.

(2) *Mortgage insurance.* When the applicant/borrower is the holder of possessory rights on an American Indian reservation or State-owned land, adequate security is required. This may include mortgage insurance guaranteeing payment from a state agency or American Indian tribe. States will issue a state supplement covering special security and title clearance requirements needed for loans of this type.

(3) *American Indian land.* American Indian land in trust or restricted status acquired with an RH loan will remain in trust or restricted status. These mortgages must be approved by the Secretary of the Department of the Interior. A State Supplement will be issued to prescribe the actions to be taken by RHCDS personnel to implement the making of loans under such conditions.

(4) *Best mortgage obtainable.* Loans of $7,500 or less scheduled for repayment in not more than 15 years from the date of the note and subsequent loans made for minimal essential repairs necessary to preserve the Government's security must be secured by a mortgage, except as provided in paragraph (b)(1) of this section, but title clearance and the use of legal services in accordance with subpart B of part 1927 are not required unless the loan approval official determines that the procedures in subpart B of part 1927 are necessary to assure repayment or accomplish the objective of the loan. Evidence of ownership must be in accordance with § 1944.24(d)(2).

(5) *Leasehold.* When the applicant/borrower owns only a leasehold interest will treat the lessee's interest like any other type of ownership interest in determining whether a mortgage on the leasehold is required. The lease must meet the requirements of § 1944.15(a)(5)(iv) and (v). In any state in which applicants/borrowers are likely to own a leasehold interest, the State Director will issue a State Supplement outlining the technical requirements for making such loans.

(6) *Security by junior lien.* RHCDS may take a junior mortgage as security for an RH loan if the tract, which will secure the RHCDS mortgage, provides adequate security for the entire prior lien debt and the RH loan, and

(i) The prior mortgage does not contain provisions that may jeopardize RHCDS's security position or the applicant/borrower's ability to repay the loan, such as provisions for future advances, forfeiture, cancellation, foreclosure without adequate notice to junior lienholders, attorney's fees exceeding those customary for the area in cases of foreclosure; or

(ii) Such provisions are satisfactorily limited, modified, or waived; and

(iii) The conditions set forth in subpart B of part 1927 are met.

(7) *Liens junior to RHCDS lien.* Liens junior to the RHCDS lien will be allowed at closing or immediately subsequent to closing only when:

(i) The junior lien will not interfere with the purpose or repayment of the RH loan, and

(ii) The total amount of the RH loan, the junior lien, and any prior liens will not exceed the market value of the security except as provided in § 1944.17(c), and

(iii) The conditions set forth in subpart B of part 1927 are met.

(8) *Undivided interest.* When the applicant/borrower owns an undivided interest in the property, the co-owners' interests need not be included in the mortgage in the following instances:

(i) When one or more of the co-owners are not legally competent (and there is no representative who can legally consent to the mortgage) or cannot be located, or the ownership rights are divided among such a large number of co-owners that it is not practical for all their interests to be mortgaged, the mortgaging of interests not exceeding 50 percent may be excluded from the security requirements upon prior approval by RHCDS. All legally competent co-owners using or occupying the property will be required to sign the mortgage. Co-owners will be required to sign the note when necessary for a sound loan or to obtain the required security. The loan may not exceed the value of the percentage of the market value of the property represented by the interests of the owners who sign the mortgage. In determining such value, consideration will be given to any adverse effect which might result from sale of the mortgaged interests separately from the nonmortgaged interests.

(ii) When the applicant/borrower owns only an undivided interest in a building site which will be a part of the farm, the interest of the applicant/borrower's co-owners may be excluded from the security requirements upon approval by RHCDS if:

(A) The market value of the jointly owned tract is at least equal to the debts against it (including the RHCDS loan), and

(B) The applicant/borrower's participation in the joint ownership of part of the farm and its operations has been and is likely to continue to be successful.

(9) *Life estate.* When the applicant/borrower owns a life estate interest in the property, the remainder interests need not be included in the mortgage if one or more of the persons holding remainder interests are not legally competent (and there is no representative who can legally consent to the mortgage) or cannot be located, or if the remainder rights are divided among such a large number of people that it is not practicable to obtain the signatures of all the remainder interests. In the instance of numerous heirs, the mortgaging of remainder interests, not exceeding 50 percent of the total remainder interest may be excluded from the security requirements upon prior approval by RHCDS. In such cases, the loan may not exceed the value of the property owned by the persons executing the mortgage.

(10) *Farm dwelling.* When the applicant/borrower is the owner of a farm, a mortgage may be taken only on the dwelling and dwelling site provided the following conditions can be met:

(i) The tract to be mortgaged must not include farm service buildings, must be in a good residential location, be otherwise suitable as a residential type of nonfarm tract, provide adequate security for the loan, be contiguous to and have direct access to a public road, or

(ii) The tract to be mortgaged must contain at least enough land to clearly provide adequate security for the loan and to make the tract readily saleable in the area.

(11) *Land purchase contract.* When the ownership interest is by virtue of a land purchase contract (as described in § 1927.52), the transaction must be converted to a deed/mortgage situation prior to loan closing and meet the conditions of § 1944.22(b)(6) prior to loan closing.

(c) *Additional security.* When necessary to supplement the applicant/borrower's equity in the farm or

nonfarm tract on which the dwelling is located, or to facilitate servicing the loan, RHCDS may also require a mortgage on other real estate owned by the applicant/borrower.

(d) *Assignment of income from real estate to be mortgaged.* Income to be received by the borrower from royalties, leases, or other existing agreements under which the value of the real estate security will be depreciated will be assigned and disposed of in accordance with applicable portions of subpart C of part 1965, and the provisions for written consent of any prior lienholder. In small nonfarm tract cases, RHCDS may authorize withholding transmittal of assignments to lessees for execution until production begins.

§§ 1944.19–1944.21 [Reserved]

§ 1944.22 Refinancing non-RHCDS debts.

(a) Loan funds may be used for refinancing non-RHCDS debts on a dwelling (except for manufactured homes) if the debt was incurred by the applicant prior to the date the application was filed and the following conditions can be met:

(1) The debt was incurred for purposes for which a section 502 RH loan could be made or is a protective advance by the mortgagee for items covered by the mortgage to be refinanced, including accrued interest, insurance premiums, real estate tax advances, or preliminary foreclosure costs.

(2) The debt must be a lien against the property which will be security for the RH loan. The promissory note and security instrument for the debt to be refinanced must represent rates and terms that were typical and customary for long-term residential financing in the area at the time the debt was incurred.

(3) A loan to refinance a qualified secured debt may also include short-term or unsecured debts, if necessary to establish a sound repayment ability, if such short-term or unsecured debts were incurred for authorized section 502 RH loan purposes and are not a significant portion of the loan.

(4) Payments on the debt are so seriously delinquent or, if not delinquent, it must be evident that the applicant will be unable to continue to maintain payments, for reasons beyond the control of the applicant, and the applicant is likely to lose the dwelling at an early date if the debt is not refinanced. Such delinquency must be due to loss of employment or household income, illness, or other such similar events or unforeseen circumstances.

(5) A statement must be obtained from the creditor for each debt to be refinanced showing the purpose for which the debt was incurred, the date on which it was incurred, the final due date, interest rate, amount and frequency of installments, unpaid principal and accrued interest, and amount of delinquency, if any.

(6) Refinancing such debts will not jeopardize the required priority of the RHCDS security instrument.

(b) Loan funds may be used for refinancing non-RHCDS debts on a building site without a dwelling when the applicant is unable to pay the debt from personal resources and failure to authorize the use of RH funds to pay such costs would prevent the applicant from acquiring decent, safe, and sanitary housing and the following conditions can be met:

(1) The site meets the conditions prescribed in § 1944.11(c).

(2) The debt was incurred prior to the date of application for the sole purpose of purchasing the site.

(3) The debt is a lien against the property which will be used as security for the RH loan. The promissory note and security instrument for the debt represent rates and terms that were typical and customary for short-term residential financing in the area at the time the debt was incurred.

(4) The refinancing loan will include adequate funds for constructing a modest dwelling on the site for the use of the applicant, which conforms with the requirements of § 1944.16(a).

(5) A statement must be obtained from the creditor for each debt to be refinanced showing the purpose for which the debt was incurred, the date on which it was incurred, the final date due, interest rate, amount and frequency of installments, unpaid principal and accrued interest, and amount of delinquency, if any.

(6) Refinancing such debts will not jeopardize the required priority of the RHCDS security instrument.

(c) If a loan of $5,000 or more is necessary for repairs to correct major deficiencies and make the dwelling decent, safe, and sanitary, an existing lien which meets the requirements of paragraphs (a)(1), (2), (3), and (5) of this section may be refinanced regardless of delinquency, if necessary for the applicant to have repayment ability for the existing loan and the requested loan for repairs.

(d) Debts or costs incurred after the date of application may be refinanced if the costs were incurred for:

(1) Fees for legal, architectural, and other technical services, or

(2) Materials, construction, or site acquisition.

(e) RHCDS may authorize the use of RH funds to pay costs provided for in paragraphs (d)(1) and (2) of this section only when RHCDS retains the same lien priority as the debt to be refinanced and all of the following conditions exist:

(1) The costs were incurred after the applicant filed a written application for a loan but before the loan was closed. In the event of a subsequent loan to complete improvements previously planned, the costs must have been incurred after the initial loan was closed.

(2) The applicant is unable to pay such costs from personal resources or to obtain credit from other sources and failure to authorize the use of RH funds to pay such costs would jeopardize the applicant's capability of repaying the loan.

(3) The construction or repair work conforms to that shown on the building plans and specifications or the RHCDS Development Plan, when applicable, and the costs were incurred for authorized Section 502 RH loan purposes.

§ 1944.23 [Reserved]

§ 1944.24 Technical services.

(a) *Planning and performing construction work.* Any construction work will be planned and completed in accordance with subpart A of part 1924 or a lesser standard as may be prescribed by RHCDS for demonstration type loans.

(b) *Planning and performing site development work.* Any site development will be planned and completed in accordance with subpart C of part 1924, except as provided for manufactured homes in exhibit J of subpart A of part 1924. Subdivisions will be accepted by RHCDS without further processing when the developer provides written evidence of current subdivision acceptance by HUD or VA and the developer provides proof of compliance with exception conditions established by HUD or VA.

(c) *Appraisals.* Appraisals will be required as follows:

(1) When a mortgage will be taken to secure a total indebtedness of more than $15,000, an appraisal of the security property will be made. The loan can exceed the market value of the security by the amount of an appraisal fee. A fee will be charged for each application for a section 502 RH loan when an appraisal is needed for initial and subsequent loans and assumptions. Fees will be waived for appraisals done for subsequent loans to existing RHCDS

borrowers for minimal essential repairs that are necessary to protect Government security property. The fee will be collected at loan closing by the closing agent.

(2) When the total indebtedness will be $15,000 or less, an appraisal of the real estate or leasehold interest is not required, unless RHCDS is uncertain as to the adequacy of the security.

(3) Real estate mortgaged as additional security will be appraised when it represents a substantial portion of the security for the loan or when requested by the loan approving official.

(d) *Title clearance and legal services.* (1) When real estate will be taken as security (including a mortgage on a leasehold), except on a best mortgage obtainable basis, title clearance and legal services for making and closing the loan will be provided in accordance with subpart B of part 1927. Title clearance and legal services will not be requested until the loan is approved.

(2) When real estate will not be mortgaged or when the best real estate mortgage obtainable is taken as security without title clearance or use of legal services, the applicant will be required to submit evidence of ownership of the farm or nonfarm tract. When RHCDS is uncertain as to whether or not the applicant is a qualified owner, such action will be taken as RHCDS considers necessary, such as requiring the applicant to furnish additional information. No loan will be made if RHCDS has actual knowledge that the applicant does not have valid title to the property.

§ 1944.25 Rates and terms.

(a) *Interest rate.* The interest rate charged by RHCDS will be the lower of the rates in effect at the time of loan approval or loan closing. Interest rates are specified in exhibit B of FmHA Instruction 440.1 (available in any RHCDS field office) for the type of assistance involved.

(b) *Amortization.* Loans will be scheduled for repayment over a period that will not exceed the expected useful life of the property as a dwelling. Only one of the amortization periods listed in this paragraph may be used for a borrower. Each loan will be scheduled for repayment from the date of the promissory note, for a period not to exceed one of the following as applicable:

(1) Thirty-three years for initial and subsequent loans.

(2) Thirty-eight years for initial loans (subsequent loans may be made for a period not to exceed the remaining years of the initial loan) when the following conditions are met:

(i) Adjusted annual income does not exceed 60 percent of the median income for the area as reflected in exhibit C, (available in any RHCDS field office), and

(ii) The longer term is necessary to show repayment ability, with or without mortgage payment deferral.

(3) Thirty years for manufactured homes.

(4) Ten years for loans not exceeding $2,500 which are not secured by a real estate mortgage.

(c) *Payment Assistance.* Borrowers may be eligible for a non-cash credit which may reduce the borrower's scheduled payment to a level equivalent to amortizing the loan to as low as 1 percent. The policies and procedures for granting and servicing payment assistance are set forth in § 1944.34 and subpart G of part 1951, respectively.

§ 1944.26 Fund allocation.

State Directors will maintain an adequate reserve to fund hardship applications, servicing type loans, and the state's portion of funds for Mutual Self-Help Housing loans. Reserve funds will be used for:

(a) *Hardship applications.* (1) Hardships as determined by the State Director on a case-by-case basis, including applications from persons living in deficient housing as defined in § 1944.2, for more than 6 months.

(2) Refinancing non-RHCDS debts in accordance with § § 1944.22(a) and 1951.315.

(b) *Servicing type loans.* (1) Financing for the purchase of Government-owned inventory properties;

(2) Subsequent loans for essential improvements or repairs;

(3) Subsequent loans in connection with inventory property sales or transfers with assumption of the RHCDS indebtedness.

(c) *Mutual Self-Help Housing Loans.* Homes must be located in an RHCDS approved self-help project.

§ 1944.27 Application processing.

(a) *Accepting applications.* RHCDS will accept completed applications in accordance with subpart A of part 1910.

(1) *Complete applications.* A completed application will consist of Form FmHA 410–4, ''Application for Rural Housing Assistance (Nonfarm Tract) Uniform Residential Loan Application'' (hereafter called URLA) and an RHCDS form for verifying employment, for each employer, all of which are available in any RHCDS field office.

(2) *Incomplete applications.* If the application is not dated and signed or sections are not properly completed, it may be returned for completion.

(3) *Packaged applications.* Builders, brokers, contractors, the applicant/borrower, and others, including not-for-profit organizations, may package loan applications in accordance with exhibit A (available in any RHCDS field office). Builders and sellers holding conditional commitments may also assist applicants/borrowers in applying for an RH loan.

(b) *Processing steps.* (1) [Reserved]

(2) Complete applications will be processed in the order received, in accordance with subpart A of part 1910 and subpart E of part 1901, except that preference will be given to applications for Mutual Self-Help Housing loans, loan servicing purposes, purchase of an inventory property, assumption of an existing RHCDS loan, and to applicants who qualify as a hardship, as outlined in § 1944.26; veterans preference, as outlined in subpart A of part 1910, will apply.

(3) [Reserved]

(4) If HUD's Credit Alert Interactive Voice Response System (CAIVRS) identifies a delinquent Federal debt, RHCDS will immediately suspend processing of the application and the applicant will be notified in writing of the suspension and will be asked to contact the appropriate Federal agency, at the telephone number provided by CAIVRS, to resolve the delinquency. When the applicant provides RHCDS with official documentation that the delinquency has been paid in full or otherwise resolved, processing of the application will be continued. After 30 days from the suspension notification, if CAIVRS indicates the existence of an unsatisfied judgment in the favor of the United States, or if the applicant remains delinquent on a Federal debt and is unable to resolve the delinquency, the applicant will be rejected. The RHCDS Administrator may grant an exception to this requirement if it is in the best interest of the Government to do so.

(5) If an on-line profile credit report, where available, reveals adverse credit information, the applicant will be given the opportunity to correct the adverse information. Applicants will not be rejected or withdrawal encouraged based on information provided in the on-line credit report. This service is provided for the sole purpose of providing assistance to the applicant by identifying any credit problems at the beginning of the loan process and to clarify the difference between eligibility for program assistance and loan approval.

(c) *Determination of eligibility and notification to applicant.* Eligibility determination will be made regardless

of ranking or funding levels. If an applicant/borrower is determined ineligible because the applicant's income is too high, RHCDS may advise the applicant/borrower that applicant may qualify for the purchase of a Government inventory property or the assumption of an existing RHCDS borrower's loan on nonprogram terms and may be counseled regarding the RH guaranteed loan program. If an applicant/borrower is given an adverse decision, the applicant/borrower will be given appeal rights as provided in subpart B of part 1900. The letter will contain the Equal Credit Opportunity Act (ECOA) paragraph set forth in subpart A of part 1910.

(1) *Delayed processing.* When available loan funds are not adequate to complete the processing of all applications as they are received, or a large backlog of applications exists which prohibits immediate processing of the application, a preliminary determination of eligibility may be made based on the information provided by the applicant/borrower.

(i) If available funds are not adequate, applicants/borrowers who appear eligible at the time of application will be advised in writing within 30 days of filing of the application of their preliminary eligibility determination and the estimated waiting period. They should be further advised that a final determination of eligibility will be made when loan funds are available for the processing of their application.

(ii) Where there are more than 50 unprocessed applications on hand, RHCDS will inform each applicant/borrower, at least every 6 months, of the current funding status and provide an estimate of when the loan is anticipated to be processed. At that time, the applicant/borrower should be advised to contact RHCDS if they are still interested in funding, and that the application will be withdrawn in 30 days if there is no response.

(2) *Immediate processing.* Where there is no backlog, available loan funds are adequate, and the application can be processed in a timely manner, RHCDS shall make a preliminary determination of eligibility based on information submitted by the applicant/borrower and will request additional information as necessary to make a final determination of eligibility.

(i) On-line profile credit reports may be used to allow a means for the applicant to determine if there is adverse credit information on the applicant's record prior to payment of the credit report fee.

(ii) The age of the applicant/borrower will not be considered except as provided in § 1944.9.

(iii) Repayment ability will be evaluated in accordance with § 1944.8.

(iv) RHCDS will apply the objective standards of credit evaluation, outlined in § 1944.9, for each applicant/borrower. All applications will be considered under the same standards.

(v) [Reserved]

(d)*Selection for processing.* (1) Completed applications for a reserve funding category, as outlined in § 1944.26, as well as applications for the assumption of an existing RHCDS loan, will be processed upon receipt.

(2) All other completed applications will be selected for processing in the order received, as funding becomes available. Selected applicants/borrowers have 30 days to provide information required under paragraph (e) of this section (including any fees for credit reports) for a final determination of eligibility. Selected applicants/borrowers who do not respond to this 30-day notice will be rejected. Applications selected will be funded in the order that information is received, until all available loan funds are exhausted. Selected applicants/borrowers who respond affirmatively to the first notice, but who are not funded within the quarter will be held over and counted as a selected applicant for the next quarterly allotment. If all requested information is not received within 45 days after the second written selection notification, the application will be rejected.

(e) *Verification of information.* (1) *Income verification.* All applicants/borrowers will be required to submit a complete, legible copy of their most recently filed Federal income tax return (showing the applicant's signature) unless exempted from filing a return. The return shall be stored in a secure place separate from the loan docket to prevent any wrongful release of the tax return information. In cases where a tax preparer has provided the applicant with copies of the return, one of the copies which has the original signature of the tax preparer should be signed by the applicant and submitted. In Puerto Rico applicants/borrowers must submit a signed photocopy of the most recently filed state income tax returns. Applicants who do not have signed photocopies of their Federal returns should contact their Regional Internal Revenue Service. In addition to copies of tax returns, other income verification may be required.

(i) Applicant/borrowers will complete such forms as required by RHCDS. A form will be used to verify employment income of each borrower/applicant except for self-employment.

(ii) RHCDS may confirm reported wages and earnings, including ''non-taxable income'' with the Department of Labor or similar agency where this information is available.

(iii) Applicants/borrowers deriving their income from a farming or business enterprise, must provide current documentation of income and expenses. This information must not be older than the previous fiscal year.

(iv) Applicants must provide a copy of the most recent award or benefit letter prepared and signed by the authorizing agency to verify Social Security, pension, and disability income. In addition, the Cost-of-Living (COLA) in Social Security Benefits and Supplemental Security Income Payments Notice, Social Security Benefit Statement, Forms SSA–1099 and SSA–1042, or Notice of Change in Benefits may be required for documentation of Social Security and/or Supplemental Security Income.

(v) The applicant must provide a copy of the divorce decree or other legal document indicating the amount of the payments to verify alimony and/or child support payments. When the applicant/borrower states that less than the amount awarded is received, RHCDS may request documentation from the official entity through which payments are received, or other third parties capable of providing the verification when payment is not made through an official entity, indicating the dates and amounts of payments made to the applicant/borrower during the previous 12 months.

(vi) Income information that cannot be obtained by use of RHCDS forms will be obtained in writing from knowledgeable third parties to the extent possible. When it is not feasible to verify income through third parties, RHCDS may accept an affidavit from the applicant/borrower; in the case of child support or alimony, the affidavit must state the effort made to collect the amount awarded, and the amounts and dates of payments received during the previous 12 months.

(2) *Verification of alien status.* Aliens are required to present documentation of their status. Exhibit B (available in any RHCDS field office) outlines the acceptable forms of documentation.

(3) *Verification of disability or handicap.* Form FmHA 1944–4, ''Certification of Disability or Handicap,'' is used to verify disability or handicap in cases where State Review Boards or Social Security records are not available. When Form FmHA 1944–4 contains information

which could affect the applicant/borrower's eligibility, the applicant/borrower may be required to furnish his/her physician's written opinion regarding the applicant/borrower's capacity to incur the loan obligation.

(4) [Reserved]

(5) [Reserved]

(f) *Applicant interview.* After verification of all information necessary for making a final determination of eligibility but prior to issuance of the Certificate of Eligibility, the borrower/applicant will submit to a personal interview with RHCDS. The applicant/borrower may be accompanied by an advisor but the applicant/borrower or court appointed guardian/conservator must be personally responsive to all questions or issues during the interview. During the interview, RHCDS and the applicant/borrower will:

(1) Verify information concerning persons who will occupy the dwelling and on whose income eligibility for the loan and payment assistance is based. Applicants/borrowers who may be able to obtain other credit will be expected to apply for same from a lender making loans for similar purposes. If requested, the applicant/borrower will have the lender indicate the amount, interest rate, and terms of housing credit the lender would be willing to extend to the applicant/borrower.

(2) Reach an understanding that failure of the applicants/borrowers to fully disclose financial and application information or material falsification or concealment of such information will result in a denial of assistance and possible penalties.

(3) [Reserved]

(4) [Reserved]

(5) [Reserved]

(6) [Reserved]

(g) *Issuance of ''Certificate of Eligibility.''* Once all information has been verified and eligibility has been determined, a ''Certificate of Eligibility'' will be issued to all applicants/borrowers selected for further processing. The certificate will be valid for a period not to exceed 90 days. The certificate will not be issued to applicants/borrowers who have submitted packaged applications that already contain information necessary to complete a real estate appraisal.

(1) *Appraisals.* After the Certificate of Eligibility is issued the applicant/borrower has 90 days to provide information needed to complete the real estate appraisal on the property to be financed.

(i) Information requested will include a copy of the option or sales agreement; a legal description of the property; a direction map; certified building plans and specifications or repair estimates as appropriate; copies of existing surveys, title information, and tax bills; and other information deemed necessary by the appraiser.

(ii) The applicant/borrower must advise RHCDS if they wish to have the cost of the real estate appraisal included in the loan funds.

(iii) Appraisals will generally be completed within 30 days of the date information requested is received.

(2) *Extensions or withdrawals.* At the end of 90 days, if the applicant/borrower has not submitted the information requested, the application will be deemed withdrawn unless an extension is approved based on evidence that the applicant/borrower is actively working on supplying the necessary information. A maximum of two 60-day extensions can be approved.

(h) *Appeals.* If the decision on the applicant/borrower's request for assistance is unfavorable, the applicant/borrower will be notified of the appropriate appeal rights in accordance with subpart B of part 1900. The applicant/borrower will be notified that a new application may be filed when curative action is taken to remove the reasons for rejection.

(i) *Accountability.* Applicants/borrowers should be made aware of the accountability requirements of persons paid to influence the making of an RHCDS housing loan and/or grant as described in subpart S of part 1940.

§§ 1944.28–1944.30 [Reserved]

§ 1944.31 Loan approval.

(a) RHCDS employees are authorized to approve or disapprove loans, as delegated, in accordance with subpart A of part 1901.

(b) All loan approvals are subject to the availability of funds.

(c) [Reserved]

(d) [Reserved]

(e) If title evidence is required in accordance with subpart B of part 1927 or in accordance with any special requirements for the loan but is not included in the docket, the loan may be approved subject to the applicant/borrower furnishing the required title evidence. When the applicant/borrower furnishes required title evidence, RHCDS will proceed with processing the loan. In those cases in which the title evidence does not comply with the conditions specified, the docket will be reconsidered by the approval official.

§ 1944.32 [Reserved]

§ 1944.33 Loan closing.

(a) *Reverification of income.* If a loan made on program terms will be closed or the payment assistance agreement will be executed more than 90 days after the date of the last verification of employment, or if there is evidence to indicate the applicant/borrower's financial status has changed significantly, the applicant/borrower's income will be reverified in accordance with § 1944.27 and the amount of payment assistance will be determined on the basis of the applicant/borrower's new income, based on the schedules defined in § 1944.34(c). If the adjusted income is such that the applicant/borrower is no longer eligible for payment assistance, the loan may be closed if there is documented evidence to clearly indicate other credit is not available and the applicant/borrower has adequate repayment ability based on the revised income and PITI for the proposed loan. Payment assistance may be granted if the applicant/borrower's income was at or below the low-income level at the time of loan approval but payment assistance will not be granted if the adjusted income exceeds the moderate-income limit set forth in exhibit C (available in any RHCDS field office).

(b) *Promissory note.* An RHCDS approved ''Promissory Note'' will be prepared and signed in accordance with subpart B of part 1927. Payments of principal and interest will be deferred during the period the dwelling is not suitable for occupancy as a residence because of construction or repairs. If the loan is closed before any funds are advanced by RHCDS or loan funds are distributed by multiple advance, accrued interest is added to principal and repaid in regular amortized installments (payment alternative I) after the deferment period. The monthly payment provision will be used for all borrowers except existing RHCDS borrowers whose previous loans were made on an annual payment basis. If the annual payment provision is used and installments are not to be deferred, the amount of the first installment will be determined by RHCDS after considering the immediate debt paying ability of the borrower. The amount of the first installment may not be less than an amount equal to interest on the loan from the date of loan closing to the next January 1.

(c) *Real estate mortgage.* An RHCDS approved real estate mortgage form will be used for loans to be secured by a real estate mortgage.

(d) *Collection of the first installment.* If the annual payment provision of the note is used and payments are not to be deferred, the first installment of a loan closed during December will be paid at the time of loan closing.

(e) *Hazard insurance.* Buildings on the property taken as security for the loan will be insured in accordance with subparts A and B of part 1806 (FmHA Instructions 426.1 and 426.2 as appropriate). The policy and a paid receipt for 1 full year's premium must be presented by the applicant/borrower at loan closing.

(f) [Reserved]

(g) [Reserved]

(h) [Reserved]

(i) *Effective date of loan closing.* A loan secured by a real estate mortgage is closed when the mortgage is filed for record and the expected lien is obtained. In other cases, a loan is closed when the borrower executes the note and any other required instruments.

§ 1944.34 Payment assistance.

(a) *General.* It is the policy of RHCDS to grant payment assistance on loans to qualified applicants to assist them in obtaining and retaining decent, safe, and sanitary dwellings and related facilities. This section pertains to the granting of payment assistance connected with loan making activities. All other provisions dealing with payment assistance are contained in subparts G and I of part 1951.

(b) *Approval authority.* RHCDS officials who are authorized to approve section 502 RH loans are also authorized to approve payment assistance.

(c) *Amount of Payment Assistance.* Payment assistance granted will be the difference between the installment due on the promissory note and the amount the borrower would pay if the note were amortized at a rate equivalent to that relating to the borrower's income range or the amount of principal and interest due based on the floor calculation in accordance with this section. The floor is a minimum percentage of adjusted family income which the borrower must pay for PITI. Very low-income borrowers will pay a minimum of 22 percent and low-income borrowers will pay a minimum of 26 percent of their adjusted family income for PITI or the payment determined at the equivalent interest rate, whichever is greater. The equivalent interest rate is determined by a comparison of the borrower's adjusted annual income as determined in § 1944.6 to the median income for the area where the security property is located, based on income figures published by HUD as reflected in exhibit C (available in any RHCDS field office). The following chart is to be used for determining the equivalent interest rate paid by the applicant/borrower when eligible for payment assistance, for loan making and loan servicing for loans closed after the effective date of this issuance. EXCEPTION: Present RHCDS borrowers who are currently receiving payment assistance as of the date of this issuance, will be reviewed under the system in effect prior to the effective date of this issuance. Any other exception to the use of these interest rates or minimum percentages of adjusted family income will be made by the RHCDS Administrator under § 1944.34(h). Median income is that reflected in Exhibit C to FmHA instruction F144–A (available in any RHCDS field office). In determining percents, rounding should not be used.

PERCENTAGE OF MEDIAN INCOME—EQUIVALENT RATE OF INTEREST

When the applicant/borrower's adjusted income is—		
Equal to or more than—	But less than—	Then the equivalent rate of interest is—[1]
00 percent	50.01 percent of median income	1 percent.
50.01 percent	55 percent of median income	2 percent.
55 percent	60 percent of median income	3 percent.
60 percent	65 percent of median income	4 percent.
65 percent	70 percent of median income	5 percent.
70 percent	75 percent of median income	6 percent.
75 percent	80.01 percent of median income	6.5 percent.
80.01 percent	90 percent of median income	7.5 percent.
90 percent	100 percent of median income	8.5 percent.
100 percent	110 percent of median income	9 percent.
110 percent	or more than median income	9.5 percent.

[1] Or note rate, whichever is less; in no case will the effective interest rate be less than 1 percent except as provided in § 1944.35.

(d) *Recapture.* Borrowers who receive payment assistance must agree to provisions for recapture of payment assistance the borrower may receive during the life of the loan. See subpart I of part 1951.

(e) *Eligibility.* To be eligible for payment assistance, an applicant/borrower must qualify for a section 502 RH loan, must personally occupy the dwelling, and must meet the following additional requirements:

(1) *Initial loans including inventory property sales.* Payment assistance may be granted at loan closing if:

(i) The applicant/borrower's adjusted annual income, at the time of loan approval, did not exceed the applicable low-income limit in exhibit C to FMHA instruction 1944–A (available in any RHCDS field office).

(ii) The term of the loan will not be less than 25 years.

(2) *Subsequent loans.* Payment assistance may be granted on subsequent loans which meet the terms of paragraph (e)(1) of this section. If payment assistance is presently being granted on the initial loan and the applicant/borrower's adjusted income does not exceed the moderate-income limit, it may also be granted on a subsequent loan, providing the term of the subsequent loan is 25 years or more.

(3) *Assumptions.* Payment assistance may be granted to an applicant/borrower assuming an RH loan on new rates and terms, provided the assuming parties qualify according to paragraph (e)(1) of this section. Payment assistance may only be granted on ''same term'' assumptions if the original loan was approved on or after August 1, 1968.

(f) *Processing payment assistance.* (1) *General.* The adjusted payment for which an applicant/borrower qualifies after application of payment assistance will be stated in the most current payment assistance agreement. Payment assistance agreements will be for a 12-month period, with the following exceptions:

(i) *Self-employed borrowers.* For a self-employed applicant/borrower, the initial payment assistance agreement will run from the effective date to 3 months after the end of the applicant/borrower's business fiscal year, but not more than a 12-month period. This will

allow subsequent agreements to coincide with the applicant/borrower's business fiscal year with a 3-month over-lap to provide sufficient time for the applicant/borrower to supply verification of the previous year's income.

(ii) *Unemployed borrowers.* For an applicant/borrower receiving unemployment benefits, the agreement will be effective for the period during which the applicant/borrower will receive unemployment benefits, or, if the period is unknown, no longer than 6 months. The expiration date of the agreement will be established by RHCDS.

(iii) *Annual payment borrowers.* For an applicant/borrower currently paying an annual installment, who receives a subsequent loan, the initial payment assistance agreement including the subsequent loan will be in effect until the next January 1.

(2) [Reserved]

(3) [Reserved]

(g) *Applicant notice of right to appeal.* All applicants/borrowers who request and are denied payment assistance may appeal in accordance with subpart B of part 1900.

(h) *Exceptions.* RHCDS may make exceptions to proposed transactions in which the conditions prescribed in the foregoing paragraphs of this section cannot be met. This paragraph is primarily intended to be used for those cases in which the granting of payment assistance is necessary for the applicant/borrower to retain or obtain a dwelling for the applicant/borrower's own use, and there are no other means to do so. RHCDS may authorize a further reduction of the equivalent rate of interest in high cost areas as determined by HUD when there is evidence to indicate that there is no adequate, lower-cost housing available to the applicant which would reduce the applicant's need for additional subsidy; the housing to be financed is comparable in cost to housing financed for very low-income applicants in the area; and the applicant will be unable to acquire adequate housing unless additional subsidy is authorized. This exception is limited to an additional percentage point reduction in the equivalent rate of interest but in no event may the equivalent rate of interest be less than 1 percent except as authorized in § 1944.35. A high cost area is an area which has been designated as high cost by HUD under the maximum dollar limitation of section 203(b) of the National Housing Act (12 U.S.C. 1702) (available from any HUD office).

§ 1944.35 Deferred mortgage payments.

(a) *General.* It is the policy of RHCDS to defer 25 percent of the installment amount at the 1 percent equivalent interest rate to qualified RHCDS borrowers, to assist them in obtaining decent, safe, and sanitary dwellings and related facilities. Only principal and interest can be deferred.

(b) *Approval authority.* RHCDS officials authorized to approve section 502 RH loans are also authorized to approve the deferral.

(c) *Eligibility.* In order to qualify for deferred mortgage payments under this section, the following conditions must exist:

(1) The applicant/borrower's adjusted family income, at the time of initial loan approval, must not exceed the applicable very low-income limits in exhibit C to FMHA instruction 1944–A (available in any RHCDS field office);

(2) The term of the loan is 38 years, or 30 years for manufactured housing units;

(3) The applicant/borrower qualifies for the maximum payment assistance (equivalent to an interest rate of no more than 1 percent) allowable under § 1944.34;

(4) The applicant/borrower's PITI, calculated at 1 percent equivalent interest rate for 38 years, exceeds 29 percent of the gross annual income; and,

(5) The initial deferral assistance under this section is granted in connection with the initial loan closing; or deferral assistance is being renewed, without interruption, during the 15-year period from the effective date of the initial agreement.

(d) *Amount and terms of deferral.* (1) The deferral amount is determined as follows:

(i) The applicant/borrower will be the maximum payment assistance allowable under § 1944.34.

(ii) RHCDS will calculate the applicant/borrower's PITI based on the equivalent 1 percent interest rate for 38 years (30 years for manufactured housing units), and the annual real estate taxes and insurance due for the current year (or escrow amounts for real estate taxes and insurance premiums due during the current year, where applicable).

(A) If the amount of real estate taxes due for the initial agreement is less than a typical year's taxes (such as in new construction), then ''eligibility'' for deferral assistance will be determined based on the amount of taxes due in a typical year but the ''amount'' of deferral for which the applicant/borrower qualifies will always be based upon *actual* taxes due for the current year. This may result in the applicant/borrower being eligible for assistance but not qualifying for deferral in the first year. Although there may not be any portion of the payment deferred in the first year, the 15-year period for assistance will still be calculated from the date of loan closing.

(B) For renewals of deferral assistance, only the regularly scheduled PITI due for the current year calculated at 1 percent equivalent interest rate for 38 years, will be considered when calculating the deferral amount. Protective advances, additional payment agreements, and other payment agreements will not be considered in this calculation.

(iii) If the reduced PITI calculated at 1 percent for 38 years (30 years for manufactured housing units) still exceeds 29 percent of gross annual income, the deferred mortgage payment will be 75 percent of the monthly installment amount at the 1 percent equivalent interest rate amortized over 38 years.

(2) Deferred mortgage payments will be effective for a 12-month period. The effective date will coincide with the anniversary date of the payment assistance agreement. Deferred mortgage assistance may be continued, without interruption, for up to 15 years after the effective date of the initial agreement. A borrower who no longer qualifies for deferred mortgage assistance because of an increase in income, will not receive deferred mortgage assistance again, even if income decreases at a later date.

(3) Any principal deferred will accrue interest at rate of 1 percent per annum. Interest deferred under this section will not accrue interest and will not be converted to principal through reamortization or other servicing action.

(e) *Review process.* The borrower's income, taxes, and insurance will be reviewed annually to determine eligibility for continued deferred mortgage assistance and payment assistance. The review for both types of assistance shall be performed simultaneously. It is not the responsibility of RHCDS to monitor changes in the borrower's income. If a borrower whose payments are being deferred experiences a change in income that qualifies under subpart G of part 1951 for a change in payment assistance, the borrower should request a review for deferred mortgage payment assistance. Adjustments to deferred mortgage assistance and payment assistance will be effective as of the date of income change.

(1) *Annual review.* The annual review will be scheduled to take place during the payment assistance review period as

defined in subpart G of part 1951 (available in any RHCDS field office).

(2) *Responsibilities of the borrower.* Before a deferral will be approved, the borrower must:

(i) Provide RHCDS with income verification, as described in § 1944.27;

(ii) Provide RHCDS with information needed to complete the deferral section of the Payment Assistance/Deferral/ Repayment Agreement;

(iii) Review and sign appropriate RHCDS forms and documents, and

(iv) Participate in an interview to review the deferral information.

(3) [Reserved]

(4) [Reserved]

(f) *Cancellation of deferred mortgage payments.* Deferred mortgage payments may be canceled for any of the conditions in subpart G of part 1951. Once a borrower goes off of deferred mortgage payments, the borrower is not eligible to receive this assistance again. Deferred payments may only be continued for up to 15 years after the effective date of the initial payment assistance agreement.

(g) *Recapture.* The amount deferred is subject to repayment and recapture in accordance with subpart I of part 1951.

(h) *Appeal/review rights.* Because the deferred mortgage regulations are based on the objective application of formulas, deferred mortgage payment calculations are not appealable; however, a review may be requested in accordance with subpart B of part 1900. Applicants/ borrowers who request and are denied deferred mortgage payments, or whose deferral amount has been reduced, canceled, or not renewed based on contested income calculations, may appeal that decision in accordance with subpart B of part 1900.

§ 1944.36 [Reserved]

§ 1944.37 Subsequent section 502 RH loans.

Subsequent section 502 RH loans may be made to existing borrowers for the same purposes and under the same conditions and limitations as an initial loan, except as provided in this section. A new credit report is required for all applicants for subsequent loans in accordance with § 1944.27.

(a) The subsequent loan will be processed in the same manner as an initial loan, except that a new appraisal report will be required in accordance with § 1944.24 only when real estate will be taken as security and at least one of the following conditions exists:

(1) The property was not appraised in connection with the initial loan;

(2) The latest appraisal report of the real estate is over 2 years old;

(3) The physical characteristics of the property have changed significantly;

(4) RHCDS is uncertain of the adequacy of the security; or

(5) The subsequent loan is in connection with a transfer of an existing loan subject to subsidy recapture in accordance with subpart I of part 1951.

(b) A subsequent RH loan may be made on a note-only basis, provided the amount of the subsequent loan plus the unpaid principal balance of any prior note-only RH loans do not exceed $2,500. Applicants/borrowers for such loans must meet the requirements of § 1944.18.

(c) [Reserved]

(d) The subsequent loan will bear interest at a rate determined in accordance with exhibit B of FmHA Instruction 440.1 (available in any RHCDS field office).

(e) A subsequent loan may be made to permit the remaining borrower, if eligible, to purchase the equity of a departing coborrower.

(f) When an area designation has been changed from rural to non-rural, subsequent RH loans may be made only in accordance with the provisions of § 1944.10.

(g) The loan approval official may authorize reamortization of a prior RH loan at the time a subsequent loan is made in those cases in which it is determined that the borrower cannot reasonably be expected to meet installments due unless the account is reamortized. If the account is reamortized, the reamortization must be in accordance with subpart G of part 1951.

(h) Title clearance and appraisal fees for subsequent loans to existing RHCDS borrowers for minimal essential repairs to protect the Government's security will be handled in accordance with § § 1944.18 and 1944.24.

§ 1944.38 Mutual Self-Help Housing.

Low-income applicants may build their homes by participating in a Mutual Self-Help Housing project.

(a) An eligible organization must file a preapplication with the District Office for a Self-Help Technical Assistance grant. RHCDS will issue Form AD–622, ''Notice of Preapplication Review Action,'' if the grant request is approved. If the grantee is eligible but there are no available grant and/or loan funds, processing of RH applications will not begin until authorized by RHCDS.

(b) The value of homes financed under this section must be no greater than the equivalent value of most modest homes built in the area, as described in § 1944.403.

§ 1944.39 RH loans to RHCDS employees and loan closing officials.

RHCDS employees, and loan closing agents, or members of their families may obtain a section 502 RH loan subject to the provisions of this subpart:

(a) Written evidence indicating the applicant/borrower's inability to obtain the needed credit elsewhere will be included in the application.

(b) Applications will be processed and loans will be serviced according to subpart D of part 1900.

(c) Loans, inventory property sales, or assumption agreements will not be approved under this authority for any of the following purposes:

(1) Buying RHCDS inventory property;

(2) Buying RHCDS security property from a borrower; or

(3) Buying RHCDS security property at foreclosure sale.

§ 1944.40 [Reserved]

§ 1944.41 Housing demonstration programs.

RHCDS may authorize demonstration programs that may not be consistent with some of the provisions of this chapter. Those demonstration programs will be clearly identified as such.

§§ 1944.42–1944.44 [Reserved]

§ 1944.45 Conditional commitments.

(a) *General.* A conditional commitment is assurance from RHCDS to a qualified builder, dealer-contractor, or seller that a dwelling to be offered for sale will be acceptable for purchase by qualified RH loan applicants if accepted by RHCDS and/or built or rehabilitated in accordance with RHCDS approved plans, specifications, and regulations, and priced at not more than a specified amount. The conditional commitment does not reserve funds nor does it assure that an eligible loan applicant will be available to buy the dwelling. The conditional commitment is not effective if the area does not remain rural.

(b) *Eligibility.* To be eligible for conditional commitments, the builder, dealer-contractor, or seller must:

(1) Be the owner as defined in § 1944.15, prior to the beginning of any planned construction, of the site on which the dwelling is located or to be built, except as set out in subpart G of part 1822 (FmHA Instruction 444.8).

(2) Have the experience and ability to complete any proposed work in a competent and professional manner.

(3) Be financially responsible and have the ability to finance or obtain financing for any proposed construction or rehabilitation.

(4) Comply with the requirements of subpart E of part 1901 and all applicable

laws, regulations, and Executive Orders relating to equal opportunity.

(5) Plan to build or rehabilitate dwellings which will qualify for purchase by RH applicants and which will be in compliance with all applicable laws, ordinances, and codes.

(6) Have the legal capacity to enter into the required agreements and the actual capacity to carry them out.

(c) *Limitations.* (1) Conditional commitments will be issued only in cases where the commitment applicant's selling price does not exceed the commitment price, which will never be more than the lower of the appraised value or the maximum loan amount as contained in § 1944.17.

(2) Conditional commitments will be issued by RHCDS for new homes to be constructed, new manufactured homes, or existing homes (other than manufactured).

(3) Conditional commitments for new or substantially rehabilitated dwellings will not be issued after construction has started.

(4) The total number of conditional commitments issued in any locality will not exceed the number of homes for which there is an immediate and ready market in that locality. In addition, the total number of conditional commitments outstanding in the area served by an RHCDS field office will not exceed the number on which the approval official can reasonably expect to be able to approve RH loans within 3 months after the houses covered by the commitments are completed, considering the availability of loan funds, and the number of applications in any RHCDS field office.

(5) The period of the conditional commitment will be for 12 months from the date of issuance. The commitment may be extended for an additional 6 months because of unexpected delays in construction caused by such factors as bad weather or materials shortages or marketing difficulties.

(6) When five or more conditional commitments have been issued to one recipient during a 12-month period, an affirmative marketing plan will be required in accordance with § 1901.203(c).

(d) *Conditional commitments involving packaging of applications.* A conditional commitment may be made to a seller, builder, or dealer-contractor who packages a RH application for an applicant to buy the property. In cases where the dwelling is presold and is to be constructed for sale only to a specific applicant and the information on the house and the loan applicant is submitted at the same time, all of the following conditions must be met:

(1) The conditional commitment will not be approved until the RH loan has been approved;

(2) Construction will not begin until loan funds are obligated for the RH loan. RHCDS may make an exception to this requirement when it appears likely that funding will be forthcoming and it is necessary to begin construction because of weather conditions or similar circumstances *provided* the commencement of construction prior to closing the RH loan will not jeopardize RHCDS's lien priority.

(i) In these situations, the sales agreement must indicate that the loan has been approved but not funded and must provide that if the loan is not closed within 90 days of the date of approval, the contractor may, in writing, terminate the sales agreement and sell the home to another party. If the sales agreement is terminated, the conditional commitment will be honored for another eligible RHCDS loan applicant for the remaining period of the commitment, providing the contractor has met all other requirements of this subpart.

(ii) If the sales agreement is terminated, a Certificate of Eligibility will be issued to the loan applicant in accordance with § 1944.27.

(3) The RH loan will be closed only after the dwelling is constructed or the required rehabilitation completed and final inspection has been made.

(e) *Fees.* Each commitment applicant will pay a fee for each conditional commitment at the time an application is submitted. Fees are established in exhibit G (available in any field office). Conditional commitment contractors will be reimbursed at the time the section 502 RH loan is closed for an amount equal to the fee the section 502 RH applicant is charged for the real estate appraisal.

(f) *Processing applications.* (1) Applications for conditional commitments will be submitted on Form FmHA 1944–36, ''Application for Conditional Commitment.'' Attachments as required by on the form will be included for each individual dwelling for which a conditional commitment is requested.

(2) [Reserved]

(3) *Evaluation of applications.* The commitment applicant must meet the requirements of paragraphs (b) and (c) of this section, and the dwelling and site must meet the requirements of this subpart and subpart A of part 1924 and comply with all local codes and ordinances. The property must meet the requirements of subpart C of part 1924 and subpart G of part 1940. If the commitment applicant, dwelling, and site qualify, an appraisal will be obtained in accordance with subpart C of part 1922.

(4) *Failure of applicant or dwelling to qualify.* If the application is denied for failure to meet the requirements of paragraph (b) (2) or (3) of this section, the applicant may appeal in accordance with subpart B of part 1900.

(i) The application fee will be refunded if for any reason preliminary inspection of the property or investigation of the commitment applicant indicates that a conditional commitment will not be issued.

(ii) Application fees will not be refunded for any property on which the required appraisal has been made.

(5) *Conditional commitment approval.* The commitment price may not exceed the loan approval authority for section 502 RH loans. See subpart A of part 1901.

(g) *Inspections.* Failure to correct any deficiencies or to complete the work in accordance with plans and specifications approved by RHCDS will be a basis for canceling the conditional commitment. The applicant must allow RHCDS access for the purpose of inspection. See subpart A of part 1924.

(h) *Changes in plans, specifications, and/or commitment price.* RHCDS may approve changes in plans and specifications that are consistent with the applicable development standard and exhibit D of subpart A of part 1924. If the changes are requested after an option has been executed by an RH applicant, the change will be approved only if the applicant and the commitment holder agree to the request in writing. If a change will reduce or increase the appraised value of the property, RHCDS will revise the commitment price and inform the commitment holder. Also, in cases when the holder of a commitment reports to RHCDS that costs associated with the construction or repair of a dwelling have increased, RHCDS may increase the commitment price provided the property has not been optioned by an RH applicant, and RHCDS determines that the increase is clearly justified, the circumstances causing the price increase were beyond the commitment holder's control, and the value of the property is adequate to permit the increased commitment price. A revised appraisal report will be prepared.

(i) *Cancellation of outstanding conditional commitments.*

(1) Conditional commitments may be canceled when construction of the dwelling is not begun within 60 days after the commitment is issued.

(2) Conditional commitments will be canceled when construction is not in accordance with all RHCDS requirements, approved plans, specifications, or the applicable development standards, and the builder does not make corrections necessary for compliance.

(j) [Reserved]

(k) *Builder's warranty.* The builder or seller, as appropriate, will execute an RHCDS approved ''Builder's Warranty,'' or provide a 10-year insured warranty when construction is completed or the loan to buy the dwelling is closed.

§ 1944.46 Appeals.

Any applicant/borrower who requests and is denied assistance or who has a right denied, reduced, or canceled may appeal the action in accordance with subpart B of part 1900. If a decision is not appealable, such as decisions based on verified income or clear and objective statutory or regulatory requirements, the applicant/borrower may request review rights pursuant to subpart B of part 1900.

§ 1944.47–1944.48 [Reserved]

§ 1944.49 FmHA Instructions.

Detailed FmHA Instructions for administering this subpart are available in any RHCDS field office.

§ 1944.50 [Reserved]

Subpart J—Section 504 Rural Housing Loans and Grants

9. Section 1944.453(d) is added to read as follows:

§ 1944.453 Definitions.

* * * * *

(d) *Owner/occupant.* Adults living in the household who have ownership rights in the property at the time a loan or grant is closed.

10. Section 1944.456 is amended by inserting '', environmental, tax monitoring,'' after the word ''architectural'' in paragraph (i); by inserting '', not to exceed $300,'' after the word ''fees'' in paragraph (m) introductory text; by removing paragraph (m)(2); by redesignating paragraph (m)(3) as paragraph (m)(2); and by adding a new paragraph (m)(3) to read as follows:

§ 1944.456 Loan and grant purposes.

* * * * *

(m) * * *

(3) The package is acceptable and the request is funded.

11. Section 1944.457 is amended by revising the heading; by inserting the word ''loan'' after the word ''Maximum'' in paragraph (a)(1); by removing the word ''individual'' in paragraphs (a)(1) and (2) and inserting the words ''owner/occupant'' in its place; by revising ''$15,000'' to read ''$20,000'' at the end of paragraph (a)(1); by revising ''$5,000'' to read ''$7,500'' at the end of paragraph (a)(2); and by revising paragraph (a)(4) to read as follows:

§ 1944.457 Loan and grant restrictions and record keeping.

* * * * *

(a) * * *

(4) Document the amount of grant provided each grantee on a list of Section 504 recipients and retain it in the office operational file. The list will contain the names of all owner/occupants at the time of the grant closing. The list must include the following information recorded at the time a section 504 grant is made:

(i) Grantee's names, address, and case number;

(ii) Amount of the grant; and

(iii) Date grant was closed.

* * * * *

12. Section 1944.458(d)(1) is revised to read as follows:

§ 1944.458 Eligibility requirements.

* * * * *

(d) * * *

(1) Evaluation of personal resources will exclude the dwelling and a minimum adequate site, personal automobile, household goods, and liquid assets up to $7,500. Liquid assets are cash or other assets that can be converted to cash in 90 days or less. Real estate acreage larger than a minimum adequate site will not be excluded from the evaluation.

* * * * *

13. Section 1944.461(b)(3) introductory text is amended by removing the word ''remaindermen's'' before the word ''interests'' in the first sentence and inserting the word ''remainder'' in its place, and by revising paragraphs (b)(3)(i), (iii), and (iv) to read as follows:

§ 1944.461 Security and other requirements.

* * * * *

(b) * * *

(3) * * *

(i) One or more of the holders of remainder interests is not legally competent (and there is no guardian or conservator who can consent to the mortgage), cannot be located, or the remainder rights are divided among such a large number of people that it is not practical to obtain the signatures of all the remainder interests;

* * * * *

(iii) All legally competent persons (or the guardian or conservator for any person who is not legally competent) holding remainder interests who are using or occupying the dwelling sign the mortgage; and,

(iv) The loan does not exceed the market value of the portion of the property represented by the remainder interests of the persons signing the mortgage.

* * * * *

14. Section 1944.463 is amended by inserting the words ''and/or other construction development'' after the words ''safety hazards'' in the first sentence of paragraph (a) introductory text; by inserting the words ''security is taken and'' after the word ''when,'' and by revising ''$7,500'' to read ''$15,000'' in the first sentence of paragraph (d) introductory text, by removing the word ''Total FMHA indebtedness'' from the first sentence of paragraphs (e)(1) and (e)(2) and inserting the word ''assistance'' in their place, and by revising paragraph (d)(1) to read as follows:

§ 1944.463 Technical services.

* * * * *

(d) * * *

(1) On a nonfarm tract or small farm, or on a leasehold interest in a nonfarm tract or small farm, an estimate of value (limited vs. complete appraisal) will be done in accordance with subpart C of part 1922, based on the direct sales comparison approach only, utilizing the most recent comparable sales data available. The Uniform Residential Appraisal Report (URAR) will be used for this purpose. These appraisals will be done by RHCDS employees having a good understanding of appraisal concepts and adequate appraisal training. A small farm, for the purpose of this subpart, is a farm as defined in § 1944.2 which has value primarily as a residence rather than for the production of agricultural commodities, and repayment of the RH loan is not dependent on farm income.

* * * * *

15. Section 1944.467 is amended by removing paragraphs (a)(3), (d), and (h); by removing and reserving paragraph (c) by redesignating paragraphs (e), (f), and (g) as paragraphs (d), (e), and (f) respectively; by revising the introductory text of paragraph (a), and by adding a new paragraph (a)(3) to read as follows:

§ 1944.467 Processing applications.

(a) *Application.* Application for Section 504 assistance will be made on Form FmHA 410–4, ''Application for Rural Housing Assistance (Non-farm Tract) Uniform Residential Loan Application'', (hereafter called URLA)

which is available at any RHCDS field offices, and the application will be processed in accordance with § 1944.27 using applicable forms from exhibit E, available in any RHCDS field office.

* * * * *

(3) Actions taken under this subpart are subject to the environmental requirements of subpart G of part 1940.

* * * * *

(c) [Reserved]

§ 1944.468 [Amended]

16. Section 1944.468 is amended by removing the words ''must not be over 90 days old.'' at the end of paragraph (b) and inserting the words ''are as prescribed in subpart A of this part).''

§ 1944.469 [Amended]

17. Section 1944.469 is amended by removing and reserving paragraphs (b) and (c):

18. Section 1944.472 is amended by adding new language at the end of the paragraph to read as follows:

§ 1944.472 Subsequent Section 504 loans and/or grants.

* * * If the area designation has changed from rural to nonrural, subsequent loans and grants will be made only for essential repairs.

PART 1951–GENERAL

19. The authority citation for Part 1951 continues to read as follows:

Authority: 7 U.S.C. 1989, 42 U.S.C. 1480, 5 U.S.C. 301.

Subpart G—Borrower Supervision, Servicing, and Collection of Single Family Housing Loan Accounts

§§ 1951.313–1951.319 [Redesignated as §§ 1951.314–1951.320]

20. Sections 1951.313 through 1951.319 are redesignated as §§ 1951.314 through 1951.320 and a new 1951.313 is added to read as follows:

§ 1951.313 Payment assistance.

(a) *General.* The correction, renewal, and cancellation of payment assistance agreements and payment assistance granted as a servicing action on existing loans is handled under this section. Recapture of payment assistance will be calculated and repaid in accordance with subpart I of this part.

(b) [Reserved]

(c) *Existing loans.* Payment assistance may be granted at any time after loan closing if the following conditions are met.

(1) The loan was approved on or after August 1, 1968.

(2) The borrower personally occupies the dwelling unless determined uninhabitable by RHCDS or is temporarily not occupied for reasons such as seasonal or migratory employment, military call-up, or hospitalization.

(3) The borrower's adjusted annual income does not exceed the moderate-income limit contained in exhibit C to FmHA Instruction 1944A (available in any RHCDS field office).

(i) If there is not a reasonable expectation that current income will continue for 12 months, income will be projected for the period expected rather than for 12 months. For example, if a borrower is receiving unemployment benefits, the payment assistance agreement will be effective for the period of the benefits. At the end of the benefit period or earlier if circumstances change, the borrower's situation will be reviewed and appropriate action taken based on current circumstances.

(ii) [Reserved]

(iii) If one coborrower has left the dwelling due to domestic discord, payment assistance may be based on the remaining borrower's income if the following conditions are met:

(A) The remaining coborrower is occupying the dwelling, owns a legal interest in the property, is liable for the debt, and agrees to notify RHCDS if the other coborrower returns.

(B) Legal papers have been filed to commence divorce or legal separation, a restraining order has been obtained, or one coborrower has not been living in the dwelling for at least 3 months. Payment assistance will not be granted if separation is due to work assignment or military order.

(4) The term of the loan at closing was at least 25 years. If an account has been reamortized and the term of the loan was at least 25 years initially, payment assistance may be granted even though the term of the reamortized loan is less than 25 years. If the term of the loan was less than 25 years prior to reamortization, the reamortized term must be at least 25 years.

(5) The amount of payment assistance granted will be based upon the borrower's adjusted family income compared to median income for the area where the property is located as determined by § 1944.34(c).

(6) Payment assistance may be granted retroactively for up to 6 months if the conditions described in paragraphs (c)(1) through (c)(5) of this section existed at the time.

(d) *Correction.* A corrected payment assistance agreement will be prepared under the following circumstances.

(1) *Change in income.* RHCDS is not responsible for monitoring changes in a borrower's income. If RHCDS becomes aware of income changes outside of the renewal period that will change the amount of authorized payment assistance as defined in § 1944.34(c), a new 12-month agreement will be prepared effective the due date following the date RHCDS became aware of the change.

(2) *Insufficient payment assistance.* If a borrower received less payment assistance than the borrower was eligible to receive, a corrected agreement will be prepared. The effective date of the corrected agreement will be the same date as the agreement being replaced.

(3) *Unauthorized assistance.* If a borrower received unauthorized payment assistance, the account will be serviced in accordance with Subpart M of this part. This includes situations where the borrower did not advise RHCDS of income increases as required on the Payment Assistance/Deferral/Repayment form.

(e) *Renewal*—(1) *Contractors.* State Directors are authorized to enter into contracts for the processing of payment assistance renewals. Renewal contracts will cover all required actions except approval or cancellation of payment assistance.

(2) [Reserved]

(i) *Borrower Interview.* The borrower must be available for an interview during each renewal period.

(ii) *Determination of eligibility.* Adjusted annual income will be determined and documented in the file. All borrowers will be required to submit a copy of their most recent Federal income tax return. In addition, income for wage earning borrowers will be verified by use of an RHCDS form (available in any RHCDS field office), and wage matching, if available. Borrowers receiving social security or retirement benefits must provide copies of their most recent benefit/award letters. Payment assistance will not be renewed if the borrower's adjusted family income exceeds the moderate-income limit, (available in any RHCDS field office) or if the borrower does not occupy the dwelling.

(iii) *Renewals not completed prior to expiration of existing agreement.* If not due to RHCDS error, the effective date of the renewal will be the next due date after the date of approval. If due to RHCDS error, the effective date will be the expiration date of the previous agreement.

(3) *Termination of foreclosure action.* If a payment assistance agreement expired after a problem case report recommending foreclosure was submitted and the foreclosure action was terminated prior to sale or payment

in full, payment assistance will be renewed effective as of the expiration date of the previous agreement if RHCDS is to continue with the loan.

(4) [Reserved]

(f) *Cancellation.* Payment assistance will be canceled when any of the following conditions occur:

(1) *The borrower has never occupied the dwelling and RHCDS will not continue with the loan.* Cancellation will be effective as of the date of loan closing or amortization effective date, whichever is appropriate.

(2) *The borrower ceases to occupy the dwelling.* Cancellation will be effective the payment due date following the date of non-occupancy if known; otherwise, the payment due date following the date RHCDS became aware of the situation.

(3) *The borrower has received improper payment assistance as determined in accordance with subpart M of this part and a corrected agreement will not be submitted.* Cancellation will be effective the payment due date following the date RHCDS became aware of the situation.

(4) *The borrower is no longer eligible for payment assistance due to an increase in income.* Cancellation will be effective the payment due date following the date RHCDS became aware of the increase.

(5) *The borrower sells or title to the security property is otherwise transferred.* Cancellation will be effective the payment due date prior to the date title transferred. When security property is acquired by RHCDS, cancellation will be effective the payment due date prior to the date of acquisition.

(g) [*Reserved*]

(h) *Notice of right for review or appeal.* All borrowers who request and are denied payment assistance or whose payment assistance is reduced, canceled, or not renewed may appeal or request a review in accordance with subpart B of part 1900 of this chapter.

(i) [*Reserved*]

(j) *Hardship waiver.* The approval official may submit to the District Director any situation in which the borrower cannot meet the conditions of paragraphs (c) and (e) of this section and it is determined that without payment assistance the borrower would experience extreme hardship or lose the property through foreclosure. A waiver may be granted if the above can be determined and the borrower has no other means of retaining the dwelling.

PART 1965—REAL PROPERTY

21. The authority citation for part 1965 continues to read as follows:

Authority: 7 U.S.C. 1989; 42 U.S.C. 1480; 5 U.S.C. 301.

Subpart C—Security Servicing for Single Family Rural Housing Loans

§ 1965.126 [Amended]

22. Section 1965.126 is amended by removing the words ''serve as a minimum adequate site for another dwelling.'' and inserting the words ''be subdivided and sold.'' in their place at the end of the first sentence of paragraph (b)(3); by removing the second, third, and fourth sentences and the word ''however'' and the comma preceding it in the last sentence of paragraph (b)(4)(i); and by adding the words ''except as provided in § 1944.17 of subpart A of part 1944 of this chapter,'' following the words ''being assumed'' in the first sentence of paragraph (b)(8).

Dated: March 23, 1995.

Michael V. Dunn,

Acting Under Secretary for Rural Economic and Community Development.

[FR Doc. 95–11308 Filed 5–11–95; 8:45 am]

BILLING CODE 3410–07–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 935

[OH–233; Amendment Number 69R]

Ohio Regulatory Program; Revision of Administrative Rules

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; reopening and extension of public comment period.

SUMMARY: OSM is reopening the public comment period for a revised amendment to the Ohio regulatory program (hereinafter referred to as the Ohio program) under the Surface Mining Control and Reclamation Act of 1977. This revised amendment was initiated by Ohio and is intended to make the Ohio program as effective as the corresponding Federal regulations concerning appeal procedures for remedial actions regarding prohibited financial interests.

This document sets forth the times and locations that the Ohio program and the proposed amendment to that program will be available for public inspection, the comment period during which interested persons may submit written comments on the proposed amendments, and the procedures that will be followed regarding the public hearing, if one is requested.

DATES: Written comments must be received on or before 4:00 p.m., E.D.T. on May 30, 1995. If requested, a public hearing on the proposed amendments will be held at 1:00 p.m., E.D.T. on May 22, 1995. Requests to speak at the hearing must be received on or before 4:00 p.m., E.D.T. on May 19, 1995.

ADDRESSES: Written comments and requests to speak at the hearing should be mailed or hand-delivered to Mr. Robert H. Mooney, Acting Director, Columbus Field Office, at the address listed below.

Copies of the Ohio program, the proposed amendment, and all written comments received in response to this document will be available for public review at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. Each requester may receive one free copy of the proposed amendment by contacting OSM's Columbus Field Office.

Office of Surface Mining Reclamation and Enforcement, Columbus Field Office, 4480 Refugee Road, Suite 201, Columbus, Ohio 43232, Telephone: (614) 866–0578.

Ohio Department of Natural Resources, Division of Reclamation, 1855 Fountain Square Court, Building H–3, Columbus, Ohio 43224, Telephone: (614) 265–6675.

FOR FURTHER INFORMATION CONTACT: Mr. Robert H. Mooney, Acting Director, Columbus Field Office, (614) 866–0578.

SUPPLEMENTARY INFORMATION:

I. Background on the Ohio Program

On August 16, 1982, the Secretary of the Interior conditionally approved the Ohio program. Information on the general background of the Ohio program submissions, including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval of the Ohio program, can be found in the August 10, 1982, **Federal Register** (47 FR 34688). Subsequent actions concerning the conditions approval and program amendments are identified at 30 CFR 935.11, 935.12, 935.15, and 935.16.

II. Proposed Amendment

The Ohio Department of Natural Resources, Division of Reclamation (Ohio) submitted proposed Program Amendment Number 69 by letter dated September 22, 1994 (Administrative Record No. OH–2059). In this amendment, Ohio proposed to revise two rules at Ohio Administrative Code (OAC) sections 1501:13–1–03 and 13–7–

05 to make the Ohio program as effective as the corresponding Federal regulations concerning financial interest statements, appeal procedures for remedial actions regarding prohibited financial interests, and yield data for pasture or grazing land.

OSM announced receipt of PA 69 in the October 21, 1994, **Federal Register** (59 FR 53122), and, in the same document, opened the public comment period and providing an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on November 21, 1994.

OSM and Ohio staff met on February 6, 1995, to discuss OSM's questions and concerns about PA 69 (Administrative Record No. OH–2098). In response to OSM's February 6, 1995, questions and comments, Ohio providing Revised Program Amendment Number 69 (PA 69R) by letter dated March 8, 1995 (Administrative Record No. OH–2099). In PA 69R, Ohio proposed further revisions to one rule at OAC section 1501:13–1–03 concerning the inclusion of hearing officers of the Ohio Reclamation Board of Review under that rule's definition of ''employee.''

OSM announced receipt of PA 69R in the March 17, 1995, **Federal Register** (60 FR 14401), and, in the same document, opened the public comment period and providing an opportunity for a public hearing on the adequacy of the proposed amendment. The public comment period closed on April 3, 1995.

On April 19, 1995 (Administrative Record No. OH–2114), OSM notified Ohio that OSM had made an error in its February 6, 1995, questions and comments on PA 69 and had omitted one necessary change to OAC 1501:13–1–03 paragraph (L)(1). By letter dated May 3, 1995 (Administrative Record No. OH–2115), Ohio submitted further revisions to this one rule paragraph to delete a separate reference to the Reclamation Board of Review's hearing officers because Ohio is now proposing that those hearing officers be included under the definition of ''employee'' in this rule.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Ohio satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Ohio program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recommendations. Comments received after the time indicated under **DATES** or at locations other than the Columbus Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., E.D.T. on May 19, 1995. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions. The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment and who wish to do so will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Any disabled individual who has need for a special accommodation to attend a public hearing should contact the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held. Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Columbus Field Office by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings shall be open to the public and, if possible, notices of the meetings will be posted at the locations listed under **ADDRESSES**. A written summary of each public meeting will be made a part of the Administrative Record.

List of Subjects in 30 CFR Part 935

Intergovernment relations, Surface mining, Underground mining.

Dated: May 5, 1995.

Ronald C. Recker,

Acting Regional Director, Appalachian Regional Coordinating Center.

[FR Doc. 95–11781 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–05–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 97

[WT Docket No. 95–57; FCC 95–173]

Amateur Service Examination Credit, Club Station Eligibility, Volunteer Examiner Manager, Special Event Call Sign System, and Station Identification Self-Assigned Indicator

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to amend the amateur service rules to allow former amateur operators to get amateur service licenses without examination, to increase the minimum number of persons comprising an organization eligible for a club station license, to recognize the role of the volunteer examiner session manager, to establish a special event vanity call sign system, and to provide licensees with greater flexibility when making a station identification announcement. These proposed rule amendments respond to the desires of some members of the amateur community and provide them with the changes requested. The proposals will provide amateur operators with greater flexibility in the operation of their stations and also increase efficiency in the administrative aspects of the service.

DATES: Comments are due on or before July 14, 1995. Reply comments are due on or before August 14, 1995.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Maurice J. DePont, (202) 418–0690.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Notice of Proposed Rule Making* adopted April 25, 1995, and released May 8, 1995. The complete text of this Commission action, including the proposed rule amendments, is available for inspection and copying during normal business hours in the FCC Reference Center (Room 230), 1919 M Street, N.W., Washington, D.C. The complete text of this *Notice of Proposed Rule Making* may also be ordered from the Commission's copy contractor, International Transcription Services,

Inc., 2100 M Street, N.W., Suite 140, Washington, D.C. 20037, telephone (202) 857–3800.

Summary of Notice of Proposed Rule Making

1. The proposed rule changes respond to petitions filed by The American Radio Relay League, Inc. and the National Conference of Volunteer-Examiner Coordinators. They also include proposals made by the Commission on its own motion.

2. Rules changes are proposed that would authorize administering volunteer examiners (VEs) to give examination element credit for any amateur service examination that an applicant had previously passed in obtaining the former license.

3. In addition, we propose to increase the eligibility requirement for an amateur service club station license to four persons. This proposal would assist in ensuring that radio clubs are groups of persons organized in good faith.

4. We also propose to amend the rules to recognize the role of the VE session manager as the person who plans, keeps records, organizes, and supervises the activities of the administering VEs at each amateur service examination session. Examination efficiency is the goal of this proposed rule change.

5. We further propose to establish a special event vanity call sign system. Under such system, a one-by-one call sign could be requested by amateur operators for temporary operation of their stations during events that are of special significance to the amateur service community. The special event vanity call sign could be used for 15 days or for the duration of the event, whichever is less.

6. Our final proposal in this proceeding would allow the use of self-assigned indicators in the station identification. They could be used before, after, or both before and after the assigned call sign. This proposal will provide the amateur service community with greater flexibility when making the station identification.

7. Comments are invited on these proposals.

8. The proposed rules are set forth at the end of this document.

9. This is a non-restricted notice and comment rule making proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as specified in the Commission's Rules. *See generally* 47 CFR 1.1202, 1.203, and 1.1206(a).

10. In accordance with Section 605(b) of the Regulatory Flexibility Act of 1980, 5 USC 605(b), the Commission certifies that the proposed rule amendments will not create a significant economic impact on a substantial number of small business entities because the amateur stations involved would not be authorized to transmit any communications where the station licensee or control operator has a pecuniary interest.

11. The proposal contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501–3520, and found to contain no new or modified form, information collection and/or record retention requirements, and will not increase or decrease burden hours imposed on the public.

12. This *Notice of Proposed Rule Making* and the proposed rule amendments are issued under the authority of Sections 4(f)(4)(B) and (i), and 303(a), (l)(1) and (r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(f)(4)(B) and (i), and 303(a), (l)(1) and (r).

13. A copy of this *Notice of Proposed Rule Making* will be forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 97

Call signs, Club stations, Examinations, Radio, Station identification, Volunteer examiners.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Proposed Rules

Part 97 of Chapter I of Title 47 of the Code of Federal Regulations is proposed to be amended as follows:

PART 97—AMATEUR RADIO SERVICE

1. The authority citation for Part 97 continues to read as follows:

Authority: 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303. Interpret or apply 48 Stat. 1064–1068, 1081–1105, as amended; 47 U.S.C. 151–155, 301–609, unless otherwise noted.

2. In § 97.3, paragraph (a)(11)(ii) is redesignated as paragraph (a)(11)(iii), and new paragraphs (a)(11)(ii) and (a)(47) are added to read as follows:

§ 97.3 Definitions.

* * * * *

(a) * * *

(11) * * *

(i) * * *

(ii) *Special event call sign system.* The call sign is selected by the FCC from a list of call signs requested by the licensee. The call sign is shown on the request. It is temporarily substituted for the call sign shown on the license while the station is transmitting in conjunction with an event of special significance to the amateur service community.

* * * * *

(47) *VE session manager.* The VE designated by the administering VEs to plan, organize, keep records, and directly supervise the activities of other VEs at a session where examinations for amateur operator licenses are administered.

* * * * *

3. Section 97.5(b)(2) is revised to read as follows:

§ 97.5 Station license required.

* * * * *

(b) * * *

(2) A club station license. A club station license is granted only to the person who is the license trustee designated by an officer of the club. The trustee must be a person who has been granted an Amateur Extra, Advanced, General, Technician Plus, or Technician operator license. The club must be composed of at least four persons and must have a name, a document of organization, management, and a primary purpose devoted to amateur service activities consistent with this Part. The club station license document is printed on FCC Form 660.

* * * * *

4. In § 97.19, the heading and paragraph (a) are revised and new paragraph (e) is added to read as follows:

§ 97.19 Application for a vanity call sign or a special event station call sign.

(a) A person who has been granted an operator/primary station license or a license trustee who has been granted a club station license is eligible to make application for modification of the license, or the renewal thereof, to show a call sign selected by the vanity call sign system or the special event station call sign system. RACES and military recreation stations are not eligible for a vanity call sign or a special event station call sign.

* * * * *

(e) Each request for a special event station call sign must be received at the FCC, 1270 Fairfield Road, Gettysburg, PA 17325–7245 at least 120 days prior to the special event.

(1) The request must include:

(i) The licensee's name, address, and primary station call sign.

(ii) A signed statement indicating the nature of the event and certifying that it is of special significance to the amateur service community.

(iii) The time period during which the special event station will operate. In no

case will the period exceed that of the special event, or 15 days, whichever occurs first.

(iv) A list from the person making the request of one-by-one format call signs, in order of preference.

(2) The first assignable call sign from the list will be indicated on the request, that call sign will be stamped GRANTED, and a copy of the list showing the call sign granted will be returned to the person making the request. The call sign will be selected from those call signs assignable at the time the request is processed by the FCC.

5. Section 97.119(c) is revised to read as follows:

§ 97.119 Station identification.

* * * * *

(c) One or more indicators may be included with the call sign. Each indicator must be separated from the call sign by the slant mark (/) or by any suitable word that denotes the slant mark. If an indicator is self-assigned, it must be included before, after, or both before and after, the call sign. No self-assigned indicator may conflict with any other indicator specified in this section or with any prefix assigned to another country.

* * * * *

6. Section 97.505 is amended by redesignating paragraph (a)(10) as paragraph (a)(11) and adding new paragraph (a)(10) to read as follows:

§ 97.505 Element credit.

(a) * * *

(10) An expired FCC-issued amateur operator license: The least elements required for the operator license formerly held. No examination credit will be given if the operator license was suspended for the remainder of the license term, if the operator license was surrendered to avoid enforcement proceedings, or if the operator license expired following revocation of the associated station license. Examination credit, however, will be given if the suspension period of the operator license was subsequently modified to denote a lesser time period.

* * * * *

7. Section 97.509(a) is revised to read as follows:

§ 97.509 Administering VE requirements.

(a) Each examination element for an amateur operator license must be administered by a least 3 administering VEs at an examination session. There must be VE session manager who is in attendance during the entire session.

* * * * *

8. New § 97.515 is added to read as follows:

§ 97.515 VE session manager requirements.

(a) The VE session manager must be accredited as a VE by the same VEC that coordinates the examination session.

(b) Before each examination session, the VE session manager must make a public announcement stating the location and the time of the session. The number of examinees may be limited.

(c) The VE session manager is responsible for supervising the activities of the administering VEs and the conduct of the examinees. The VE Manager may serve concurrently as an administering VE.

(d) The VE session manager must maintain a log for the session. The log must include the names of the examinees, the names of the administering VEs, and the examination elements administered by each VE.

[FR Doc. 95–11761 Filed 5–11–95; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 217, 222, and 227

[Docket No. 950427117–5118–02; I.D.042095B]

RIN 0648–AH97

Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to adopt as final the interim rule published elsewhere in this issue which establishes all inshore and offshore waters from Cape Canaveral, FL (28°24.6′ N. lat.) to the North Carolina-Virginia border (36°30.5′ N. lat.) as the leatherback conservation zone and provides for short-term closures of areas in that zone when high abundance levels of leatherback turtles are documented. Upon such documentation, NMFS would prohibit, in the closed areas, fishing by any shrimp trawler required to have a turtle excluder device (TED) installed in each net that is rigged for fishing, unless the TED installed is specified in the regulations as having an escape opening large enough to exclude leatherback turtles. This proposed rule is necessary to reduce mortality of endangered leatherback sea turtles incidentally captured in shrimp trawls.

DATES: Comments on this rule must be submitted by June 12, 1995.

ADDRESSES: Requests for a copy of the environmental assessment (EA) or the contingency plan, and comments on this proposed rule should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Comments on the collection-of-information requirement subject to the Paperwork Reduction Act (PRA) should be directed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503, Attention: Desk Officer for NOAA.

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

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act (ESA) of 1973. The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) are listed as endangered. Loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) turtles are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered. The incidental take and mortality of these species, as a result of fishing activities, have been documented in the Gulf of Mexico and along the Atlantic seaboard.

Under the ESA and its implementing regulations, it is prohibited to take sea turtles. The incidental taking of turtles during shrimp fishing in the Atlantic Ocean off the coast of the southeastern United States and in the Gulf of Mexico is excepted from the taking prohibition pursuant to sea turtle conservation regulations at 50 CFR 227.72, which include a requirement that shrimp trawlers have a NMFS-approved TED installed in each net rigged for fishing throughout the year. The use of TEDs significantly reduces mortalities of loggerhead, green, Kemp's ridley, and hawksbill sea turtles. Because leatherback turtles are larger than the

escape openings of most NMFS-approved TEDs, use of these TEDs is not an effective means of protecting leatherback turtles.

As a result of their primarily pelagic existence, leatherbacks normally occur outside of areas where they would be subject to taking by shrimp trawlers. During most months of the year, leatherbacks are not abundant in shrimping areas, and only isolated incidents of taking by trawlers occur. However, the coastal waters of northern Florida, Georgia, South Carolina, and North Carolina experience relatively high abundance levels of leatherbacks as a periodic winter and spring phenomenon. When leatherback abundance is high and shrimp trawlers are fishing, leatherback stranding pulses have been documented on adjacent beaches. A NMFS Biological Opinion prepared for a revision to the sea turtle conservation regulations, published in the **Federal Register** on December 4, 1992, (57 FR 57348), specifically addressed episodic stranding events from Florida through North Carolina, and required NMFS to develop and implement a contingency plan to solve this problem.

A contingency plan for protection of leatherback turtles on the Atlantic seaboard that can be implemented, if necessary, was prepared in cooperation with State officials from Florida, Georgia, and South Carolina. The necessity for implementation of protective measures for leatherback turtles is expected to be on an annual basis but only for short periods of time in relatively small, specific areas at any one time. The plan considers several options to provide protection, and any or all of them may be implemented, if necessary. These options include: Closure of areas to all fishing, use of restricted tow times in lieu of TEDs, mandatory observers, and use of NMFS-approved TEDs with escape openings large enough to exclude leatherback turtles.

Aerial surveys have been conducted for sea turtles off the Florida and Georgia coasts since 1988 and off the coast of South Carolina since 1993. Beginning in December or January each year, concentrations of leatherback turtles occur in northeastern Florida waters. During the month of March, leatherbacks begin moving north and usually enter Georgia waters in late March or early April. Peak concentrations occur in Georgia waters during April and May and by mid-June the concentrations have left Georgia. Leatherback concentrations occur in waters off South Carolina from late April generally through the first part of June.

Shrimping occurs year round in northeastern Florida waters, but the activity levels during any given month may vary from year to year. Shrimp fishing is closed in the State waters of Georgia until June 1 of each year, but shrimping begins in Federal waters off Georgia generally in April or early May. The State of South Carolina opens its waters to shrimping between May 15 and June 30, depending upon the presence of shrimp. Shrimping in Federal waters off South Carolina generally begins in early May. Based upon leatherback turtle concentration information and normal shrimp fishing activities, the most likely period for shrimp vessel interactions with leatherbacks in the leatherback conservation zone is January through June each year.

Each spring for the last 2 years, NMFS has issued temporary 30-day restrictions establishing a leatherback conservation zone (58 FR 28790, May 17, 1993; 59 FR 23169, May 5, 1994; 59 FR 29545, June 8, 1994). The only comment received in response to those rules is addressed below:

Comment: A mechanism for imposing immediate, short-term gear modifications, closures, and observer requirements in areas of potential high conflict between commercial fisheries and endangered species should be implemented on a systematic basis as part of NMFS fisheries management and protected species programs. A permanent solution should be adopted.

Response: NMFS agrees. Accordingly, NMFS is proposing the permanent establishment of the leatherback conservation zone and a procedure for imposing short-term restrictions based on specified criteria. However elsewhere in this **Federal Register** volume, an interim rule is being promulgated to address the immediate need to protect leatherbacks this season, and will be superseded upon promulgation of a final rule as a result of comments received upon this rule.

Proposed Rule

This rule would establish a framework whereby short-term closures may be instituted on an expedited basis in order to protect leatherbacks. Specifically, the rule would establish all inshore and offshore waters of the Atlantic area from Cape Canaveral, FL (28°24.6′ N lat.), to the North Carolina-Virginia border (36°30.5′ N lat.) as the ''leatherback conservation zone.''

During the months of January through June, NMFS would conduct weekly aerial surveys of the leatherback conservation zone. If sightings of leatherback turtles during such surveys exceed 10 animals per 50 nautical miles (nm) (92.6 km) of trackline, the survey would be replicated within 24 hours, or as soon as practicable thereafter, to ensure that leatherback turtle presence is persistent in the area. If surveys demonstrate the continued presence of large concentrations of leatherbacks, NMFS would prohibit shrimp fishing in these specific areas by any shrimp trawler required to have a NMFS-approved TED installed in each net rigged for fishing, unless the TED installed is one of the NMFS-approved TEDs described below. Those TEDs have been determined to have escape openings large enough to exclude leatherbacks. In addition, owners and operators of vessels operating in closed areas with an allowed TED, as described below, would be required to register with the Director, Southeast Region, NMFS (Regional Director) in accordance with 50 CFR 227.72(e)(6)(iv) (A) through (F). Upon written request by the Regional Director, they would be required to carry a NMFS-approved observer aboard such vessel(s). A shrimp trawler in the leatherback conservation zone would be required to comply with the terms and conditions specified in such written request, as well as provide information on trawling hours, gear modifications and turtle captures.

Notice of specific area closures would be published in the **Federal Register** and would be effective upon filing of such notice for public inspection at the Office of the Federal Register. Closures would be announced immediately on the NOAA weather channel, in newspapers, and other media. Areas with high leatherback abundance, as documented by the aerial surveys, would be closed for a period of 2 weeks. A closed area would include all, or a portion of, inshore and offshore waters 10 nm (18.5 km) seaward of the COLREGS demarcation line, bounded by 1° lat. coinciding with the trackline. Shrimp trawlers in the leatherback conservation zone would be responsible for monitoring the NOAA weather channel for closure announcements. Shrimp trawlers may also call (813) 570–5312 for updated area closure information.

NMFS-Approved TEDs With Escape Openings Large Enough for Leatherback Sea Turtles

NMFS has approved modifications to the Taylor and the Morrison TEDs, as well as a modification to the single-grid hard TED, that will allow leatherback turtles to escape the trawl. Descriptions

of the Taylor and Morrison TED modifications are found at 50 CFR 227.72(e)(4)(iii)(E), and the modified single-grid hard TED is described at 50 CFR 227.72(e)(4)(i)(G)(*2*)(*ii*).

Classification

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

This proposed rule would establish a registration program that contains a collection-of-information requirement subject to the PRA, namely, registration by vessels fishing in the leatherback conservation zone from Cape Canaveral, FL, to the Virginia-North Carolina border. This collection has been approved by OMB under control number 0648–0267. The public reporting burden for this collection of information is estimated to average 7 minutes per response, including the time needed for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be sent to NMFS and OMB (see **ADDRESSES**).

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule would not have significant economic impact on a substantial number of small entities because closures would occur for only short periods of time in relatively small, specific areas where leatherback abundance is determined to be high, while the rest of the leatherback conservation zone would remain open. Further, TEDs modified to allow the escape of leatherbacks can be made at minimal cost.

The Assistant Administrator for Fisheries, NOAA,(AA) prepared an EA for the interim rule published elsewhere in this **Federal Register** volume and concluded that, with specified mitigation measures, that action will have no significant impact on the human environment. The AA has determined that the EA prepared for the interim rule is applicable to this proposed rule.

The provisions of this proposed rule will have already been in effect pursuant to an interim rule issued by NMFS elsewhere in this **Federal Register** volume.

Dated: May 5, 1995

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, the interim rule amending 50 CFR parts 217, 222, and 227, published elsewhere in this issue, is proposed to be adopted as final.

[FR Doc. 95–11580 Filed 5–9–95; 11:46 am]

BILLING CODE 3510–22–P

50 CFR Part 285

[Docket No. 950426116–5116–01; I.D. 040495D]

RIN 0648–AH76

Atlantic Tuna Fisheries; Quotas and Permit Requirements

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

ACTION: Proposed rule; public hearings; request for comments.

SUMMARY: NMFS proposes amendments to the regulations governing the Atlantic tuna fisheries to: Set Atlantic bluefin tuna (ABT) fishing category quotas for the 1995 fishing year; control fishing effort in the ABT General category; limit entry in the ABT Harpoon Boat category; extend vessel and dealer permitting and reporting requirements to all Atlantic tunas fisheries; adjust angler bag limits; establish transferable vessel allocations and a total quota in the purse seine fishery for yellowfin tuna, and make technical changes to facilitate enforcement and improve management efficiency.

The proposed regulatory amendments would address allocation issues in the ABT General and Harpoon Boat categories, and simplify rules applicable to recreational fishing for tunas. The permitting and reporting provisions would enhance data collection and enforcement of catch restrictions in the Atlantic tuna fisheries and enable the United States to collect fishery information needed by the International Commission for the Conservation of Atlantic Tunas (ICCAT) to produce stock assessments. These actions are necessary to begin implementation of the 1993 recommendation of ICCAT regarding fishing effort on yellowfin tuna, and to implement the 1994 recommendation of ICCAT regarding fishing quotas for bluefin tuna, as required by the Atlantic Tunas Convention Act (ATCA). NMFS will hold public hearings to receive comments from fishery participants and other members of the public regarding these proposed amendments.

DATES: Comments are invited and must be received by June 8, 1995. See **SUPPLEMENTARY INFORMATION** for dates, times, and locations of the public hearings.

ADDRESSES: Comments on the proposed rule should be sent to, and copies of supporting documents, including a Supplemental Draft Environmental Impact Statement (SDEIS) and Regulatory Impact Review/Initial Regulatory Flexibility Analysis (RIR/IRFA), are available from, Richard B. Stone, Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management (F/CM), NMFS, 1315 East-West Highway, Silver Spring, MD 20910–3282. Information copies of proposed permit applications and reporting forms may be obtained from NMFS at the above address, NMFS, Northeast Region, Fisheries Management Division, 1 Blackburn Drive, Gloucester, MA 01930–2298, or NMFS, Southeast Region, Fisheries Management Division, 9721 Executive Center Drive, St. Petersburg, FL 33702–2432. Comments regarding the burden-hour estimate or any other aspect of the collection-of-information requirements contained in this rule should be sent to Richard B. Stone and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attn: NOAA Desk Officer). See **SUPPLEMENTARY INFORMATION** for the public hearing locations.

FOR FURTHER INFORMATION CONTACT: Christopher W. Rogers, 301–713–2347; or Kevin B. Foster, 508–281–9260.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under regulations at 50 CFR part 285 issued under the authority of the ATCA. The ATCA authorizes the Secretary of Commerce (Secretary) to implement regulations as may be necessary to carry out the recommendations of ICCAT. The authority to implement ICCAT recommendations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Purpose

Bluefin Tuna: Based on a revised stock assessment, parties to the 1994 meeting of ICCAT adopted a recommendation to increase the annual quota of ABT in the western Atlantic Ocean from 1,995 metric tons (mt) to 2,200 mt. The share allocated to the United States was set at 1,311 mt with the provision that unused quota from 1994 be carried over or overharvest be

subtracted from the 1995 total. This proposed rule would implement that quota recommendation accounting for overharvest and underharvest in each regulatory category.

In addition to the proposed quota allocations, NMFS proposes a number of changes to operations of the ABT Angling, General and Harpoon Boat permit categories. The changes to the regulations pertaining to the Angling category would simplify the regulations, reduce mortality, and reduce information collection burdens. The changes to the regulations pertaining to the General category would lengthen the fishing season by apportioning the total allowable catch into monthly quotas and restricting fishing on certain days. The changes to the regulations pertaining to the Harpoon Boat category would curtail further expansion of fishing effort in this category by imposing a moratorium on new permits.

NMFS has determined that these requirements would bring the United States into compliance with the 1994 ICCAT recommendations pertaining to management of bluefin tuna and would improve economic returns to fishery participants.

Yellowfin Tuna: Parties to the 1993 meeting of ICCAT adopted a recommendation that Contracting Parties restrict the effective level of fishing effort directed at yellowfin tuna to levels exerted in 1992. That recommendation, which this proposed rule would begin to implement, requires information collection programs to estimate accurately fishing effort exerted by commercial and recreational fisheries. In addition, NMFS is proposing quotas in the purse seine fishery, a catch limit of 10 fish per day in the recreational fishery, a re-specification of the size limit based on a linear measure, and elimination of tolerance of yellowfin tuna below the minimum size. The ICCAT recommendation is based on the need to restrict potential escalation of fishing effort directed at yellowfin tuna, which is a fully exploited stock.

NMFS has determined that these requirements would begin the process of implementing the 1993 ICCAT recommendations pertaining to management of yellowfin tuna.

Fishing Category Quotas

During scoping meetings and the subsequent comment period in 1994, NMFS received numerous comments regarding reallocation of the domestic bluefin tuna quota among gear categories. This rule proposes to maintain the ''status quo'' method of allocation of the domestic U.S. quota for 1995. However, NMFS will explore other methods for domestic allocation for 1996 and beyond and requests additional comment, particularly on access control and market-based allocation alternatives.

Other methods for domestic allocation include access control alternatives that address overcapitalization. A brief introduction to three access control alternatives is provided in the SDEIS, but these are not considered in detail because NMFS does not intend to implement them in 1995. The three access control alternatives vary widely in operation and effects on the fishery, such as equitability, acceptability, management costs, employment, and overall economic efficiency. NMFS plans to work with fishery participants to research and develop these access control alternatives, together with user group allocation issues, for possible implementation in future years.

The total 1995 quota allocated by ICCAT to the United States is 1,311 mt. Under the proposed allocation scheme, the 76 mt increase over the 1994 U.S. quota of 1,235 mt allocated to the United States would be placed in the Reserve category. Base quotas for all other categories would be maintained at the 1994 base levels. However, quotas would be adjusted to account for 1994 underharvest or overharvest in respective categories (Exhibit 1). The proposed rule would set ABT fishing category quotas for the 1995 fishing year as follows: General category—438 mt; Harpoon Boat category—47 mt; Purse Seine category—301 mt; Angling category—320 mt; Incidental category—129 mt; Inseason Reserve—94 mt.

EXHIBIT 1.—PROPOSED ABT QUOTAS BY FISHING CATEGORY

Permit category	1994 quota	Inseason adjustment to quota	1994 adjusted quota	1994 catch	1994 over/under	1995 adjusted quota
General	531	18	549	642	93	438
Harpoon	53	.....	53	59	6	47
Incidental:	113	.....	113	97	−16	129
Other	4	.....	4	2	−2	6
Longline	109	.....	109	95	−-14	123
North	23	10	33	29	−4	23
South	86	−10	76	66	−10	100
Purse Seine	301	.....	301	301	.....	301
Angler:	219	.....	219	118	−101	320
> School	120	.....	120	70	−50	170
School	99	.....	99	48	−51	150
South	46.5	.....	46.5	23.1	−23	70
North	52.5	.....	52.5	24.5	−28	80
Total allocated	1217	18	1235	1217	−18	1235
Reserve	18	−18	.....	.....	.....	94
Total US ICCAT	1235	.....	1235	1217	−18	1329

Note: Overharvest/underharvest in 1994 is applied to 1994 base quotas to calculate 1995 adjusted quotas. The total 14 mt underharvest in the longline category was applied to the base quota for the southern subcategory to compensate for the 1994 inseason transfer.

In addition, this proposed rule would establish monthly quotas for the ABT General category to address concerns expressed to NMFS regarding allocation of fishing opportunities and to allow for a late season fishery. Many proposals for lengthening the season were received by NMFS during scoping meetings held in September, 1994. In essence, these proposals would apportion the total catch into monthly quotas based on historical records of landings. NMFS

proposes to apportion the quota based on the following percentages: 20 percent in June/July; 35 percent in August; 35 percent in September; and 10 percent in October. Of the 438 mt total, 88 mt would be available in the period beginning June 1 and ending July 31; 153 mt would be available in the period beginning August 1 and ending August 31; 153 mt would be available in the period beginning September 1 and ending September 30; and 44 mt would be available beginning October 1. Attainment of quota in any period would result in a closure until the subsequent period, whereupon any underharvest or overharvest would be carried over to the subsequent period to adjust the base quota for that period. Such inseason closures would be published in the **Federal Register** and announced through local media and over NOAA weather radio.

This proposed rule would also restrict allowable fishing days for vessels permitted in the ABT General category. Industry groups have proposed daily closures as a means of lengthening the fishing season. Persons aboard vessels permitted in the General category would not be allowed to fish for, catch, retain, or land ABT on Sundays and Wednesdays, each week. This management measure would serve to prevent overharvest of quota in any period and is tied, in part, to market closures in Japan (the major export market) to minimize potential negative economic consequences to U.S. fishermen.

The proposed effort controls would improve distribution of fishing opportunities without increasing ABT mortality. Accordingly, there would be no additional biological impacts resulting from this proposed action.

ABT Permit and Reporting Requirements

This proposed rule would impose a moratorium, effective May 15, 1994, on permits issued for vessels in the ABT Harpoon Boat category, and establish landings and vessel characteristics as qualifying criteria for this category. This management measure was proposed by vessel owners in this category as a means of preserving this traditional fishery. Given the small quota allocated to this category, limited entry would curtail further expansion of fishing effort.

Although NMFS published a control date of September 1, 1994, pertaining to access to the Atlantic tuna fisheries, vessels issued permits in the Harpoon category as of the control date were required to declare participation prior to May 15, 1994. For this reason NMFS proposes to use the earlier date as a cutoff for participation. In addition, NMFS proposes further to restrict permits to vessels active in the fishery, as evidenced by landing at least one ABT over the period 1990 through 1994, and to vessels capable of participating in this weather-sensitive offshore fishery, as evidenced by being greater than 25 feet in length.

NMFS records indicate that only 53 vessels of the 118 vessels currently permitted in the Harpoon Boat category would qualify under these vessel characteristic and participation criteria. As proposed, appeals would be considered only in the event NMFS records contain erroneous information about the length of the vessel or its associated catch history. Vessel owners excluded from the Harpoon Boat category based on erroneous information could appeal in writing to the Regional Director, stating the reason for the appeal and providing documented evidence of the vessel characteristics and/or catch history.

NMFS also proposes to consolidate ABT Angling and Incidental Rod & Reel Category permits. Prior to establishing the Angling category permit, NMFS had established a permit to allow anglers to take one large medium or giant ABT per year, provided NMFS is notified when the fish is landed, and provided the fish is not sold. The proposed change in requirements eliminates the need to obtain two separate permits in the recreational ABT fishery. However, notification requirements for large medium and giant ABT would still apply to anglers, as would the one per year limit and the prohibition of sale.

In addition, NMFS proposes to preclude issuance of both ABT General and Angling category permits to a single vessel. Industry participants have communicated concerns to NMFS that permitting vessels in both the Angling and General categories facilitates violations of bag limits and results in additional mortality of tuna, in that vessels may continue to fish after the daily commercial trip limit is reached with the intent to capture a more valuable fish or transfer illegal fish to another vessel. Allowing issuance of only a General or Angling category permit to a single vessel would reduce bluefin discard mortality. Persons aboard General category vessels would be required to cease fishing once the daily limit is attained. Persons aboard Angling category vessels registered in the NMFS cooperative tagging program would be authorized to continue catch and release fishing once applicable daily limits are attained.

The proposed permit requirements would improve distribution of fishing opportunities and should decrease ABT mortality.

Private and Party/Charter Vessel Permit Requirements

This proposed rule would amend the ABT Party/Charter permit regulations to allow for either recreational or commercial fishing, under specific conditions. Operators of partyboats and charter vessels have expressed concerns to NMFS that efforts to preclude vessels from fishing in both a recreational and commercial capacity would disproportionately impact their sector. Many operators indicated that they fish commercially when not engaged in fee fishing with clients. The proposed regulations would allow vessels in the Party/Charter categories to fish commercially, provided they are not operating as a partyboat or charter vessel on that trip. Charter vessels with more than three persons aboard and partyboats with more persons aboard than the crew requirements listed on the Coast Guard certificate would be deemed to be on a fee-fishing trip, and anglers on board would be restricted to the applicable bag limits.

This proposed rule would also extend the Party/Charter vessel permit requirement to all other Atlantic tunas fisheries. In response to the ICCAT recommendation that contracting parties restrict effort on yellowfin tuna, NMFS presented available data on the yellowfin tuna recreational fishery at scoping meetings in September 1994. NMFS acknowledges that recreational data are incomplete with regard to large pelagics other than bluefin tuna. Given the adverse public reaction to the incomplete data and subsequent receipt of a petition to take no further action that affects recreational tuna fisheries until NMFS can accurately document the catch of this sector, it is clear that NMFS must implement a comprehensive recreational fishing reporting program for all Atlantic tunas.

To initiate the process of implementing the ICCAT recommendation, NMFS proposes permits for Party/Charter vessels, effective September 15, 1995, to assist in developing a sampling frame and survey design. Party/Charter vessels permitted in the bluefin tuna Angling category would be exempt from this requirement to prevent issuance of redundant permits. Effective January 1, 1996, owners of private vessels would also be required to obtain permits to fish for, retain and land any Atlantic tuna.

The proposed permit requirements would improve distribution of fishing

opportunities by separating commercial and recreational activities but would allow for income-dependent groups such as charter operators to continue making a living in the fishery. These proposed requirements should have no incremental effect on ABT mortality.

Purse Seine Permit, Quota and Reporting Requirements

This proposed rule would extend the vessel permit requirements for purse seine vessels to all Atlantic tunas fisheries and restrict eligibility to purse seine vessels currently permitted for ABT. Although NMFS has by regulation restricted entry to the purse seine fishery for ABT since 1982, the regulations regarding allowable purse seine fishing for other Atlantic tunas have not been explicit. However, the 1982 purse seine ABT quota was allocated as bycatch only, to be taken incidental to purse seine fishing for yellowfin and skipjack tuna. Currently, regulations preclude any purse seine operator who has transferred a directed fishing ABT allocation to another purse seine vessel from using purse seines in any fishery in which ABT might be incidentally taken. While current regulations imply that fishing for Atlantic tunas with purse seines is restricted to vessels with ABT allocations, the proposed regulations would explicitly limit purse seine fishing for Atlantic tunas to vessels permitted in the ABT Purse Seine category and which have reported yellowfin landings to NMFS over the period 1989 through 1993.

Also, this proposed rule would establish a 350 mt purse seine quota for yellowfin tuna. While it is essential that NMFS document the full extent of U.S. yellowfin tuna fisheries prior to proposing rules to implement the ICCAT recommendation, information on the purse seine fishery for yellowfin tuna is complete. Although the purse seine fishery is the only segment of the Atlantic yellowfin tuna fishery for which a quota is proposed at this time, NMFS would implement quotas, or other methods of effort (catch) control, in other fishery sectors (e.g., longline, rod and reel) as complete information on effort is compiled.

The purse seine quota would be allocated in equal shares to all eligible purse seine vessels requesting such allocation. This proposed total quota was derived from the five year average total catch over the period 1989–93, and corresponds approximately to the 1992 catch of 376 mt.

As proposed, individual purse seine allocations would be transferable, in whole, to any other vessel permitted in the Atlantic tunas fisheries, including vessels other than purse seine vessels. Such transferability would enable a given level of catch (removal from the stock) to be landed by that segment of the industry, recreational or commercial, which obtains the highest value for the tuna. In the event a purse seine vessel transfers its ABT allocation, the vessel's yellowfin allocation, if applicable, also would be transferred or forfeited.

In addition, this proposed rule would require purse seine hailing/reporting for all trips in which Atlantic tunas are expected to be taken either as a directed fishing allocation or as bycatch.

For the most part, the proposed purse seine requirements only codify existing fishing practices in response to the ICCAT recommendations and domestic management objectives. These measures should have no incremental effect on mortality of Atlantic tunas.

Commercial Use Permits

In response to the ICCAT recommendation that contracting parties restrict effort on yellowfin tuna, NMFS must collect complete catch and landings statistics for the yellowfin fisheries. This proposed rule would require vessel permits for operators engaging in sale of Atlantic tunas (exempting swordfish/shark/bluefin tuna permittees) and would require dealer permits for the purchase of Atlantic tunas (exempting current swordfish/shark/bluefin permittees). Much information on yellowfin tuna fisheries is collected through existing logbooks and dealer reports for the ABT, swordfish and shark fisheries. However, NMFS believes that all fishermen and dealers active in yellowfin tuna fisheries may not be covered under the existing reporting programs.

The proposed permit requirements would improve NMFS' ability to document participation in the tuna fisheries and would have no effect on mortality of Atlantic tunas.

ABT Daily Reports

This proposed rule would replace the daily fax reporting requirement for ABT dealers with a phone-in report via an interactive voice response system (IVRS). The IVRS would improve quota monitoring because data would be entered electronically and directly by ABT dealers. Real-time data entry is essential to prevent quota overages in ABT quota categories. These revised reporting requirements would also facilitate monitoring of proposed monthly quotas in the ABT General category and would reduce the adverse impacts of subtracting quota overages from subsequent periods. The proposed permit requirements would have no effect on mortality of Atlantic tunas.

Angling Category Bag Limits

NMFS proposes to simplify ABT angling category bag limits. Currently, bag limits are complex and vary depending on size categories of ABT and whether anglers are aboard a private vessel or a party/charter vessel. These bag limits were intended to maximize fishing opportunities, lengthen the fishing season, and reduce fishing mortality on particular age classes of fish. In application, the bag limits, and adjustments thereto necessary to reflect changing abundance of individual year classes, are difficult to communicate effectively to both anglers and enforcement personnel.

For these reasons, NMFS proposes to simplify ABT bag limits as follows: each angler aboard a vessel permitted in the Angling or Party/Charter category would be authorized to retain and land a maximum of two ABT per trip from among the school, large school, or small medium size classes.

NMFS also proposes to implement a 10 fish per angler catch limit for yellowfin tuna. This measure is necessary to reduce waste and maximize fishing opportunities as NMFS begins to implement the ICCAT recommendation to limit effective fishing effort on yellowfin tuna. Vessel owners or operators who sell yellowfin and consequently do not wish to be bound by the angler catch limits, could apply for commercial fishing permits.

Yellowfin and Bigeye Tuna Size Limits

This proposed rule would re-specify yellowfin and bigeye tuna minimum size limits as a linear measure of 22 inches (56 cm) according to the curved measurement method. Currently, the ICCAT recommendation on minimum sizes for these species is expressed as 3.2 kg (7 lb). It is more practical to take length rather than weight measurements at-sea, and this change would reduce handling of fish to be released. This measure should better enable release of small yellowfin and bigeye tuna in a manner that will promote survival. NMFS also proposes to eliminate the tolerance of undersized yellowfin and bigeye tuna to require release of small fish and to facilitate enforcement.

Technical Amendments

A number of technical amendments to the regulations are proposed to facilitate enforcement, promote compliance and/or increase management efficiency. In section 285.1, letters of exemption from regulations for the purpose of scientific

research would be issued only by the Director, Office of Fisheries Conservation and Management. This is necessary to provide NMFS and Coast Guard enforcement personnel with a single point of contact regarding conditions of exemption from regulations otherwise applicable to the parties conducting scientific research.

Another proposed technical amendment would prohibit close approaches by purse seine vessels to other vessels engaged in recreational or commercial fishing for Atlantic tunas. Current regulations prohibit all vessels other than purse seine vessels from approaching within 100 yards of the cork line of a purse seine. The proposed amendment would make the requirement reciprocal by prohibiting purse seine vessels from approaching within 100 yards of other vessels engaged in recreational or commercial fishing.

NMFS also proposes to amend the 10 percent bycatch limit for large medium ABT applicable to purse seine vessels from a per trip limit to a per season limit. ABT tend to segregate into schools of distinct age classes. While operators of these vessels target giant ABT and set purse seines accordingly, some captured fish inevitably fall into the large medium size class. The 10 percent bycatch allowance reduces waste of fish that would otherwise be discarded dead, and limits ABT mortality since retained large medium fish are counted against the purse seine vessel allocation. The proposed change would further reduce waste by allowing flexibility in the bycatch limit as applied to individual trips.

NMFS also proposes to add definitions for ''bandit gear'' (downriggers), fixed gear, rod and reel gear and trap, and to clarify the use of these gear types in the ABT fisheries. NMFS has learned that some General category vessels have used bandit gear to fish for ABT for a number of years. Under the current regulations, this gear is prohibited because it does not fit the definition of handlines. By specifying authorized gear according to existing gear definitions, NMFS unintentionally prohibited bandit gear. The proposed change would define the gear type and add it to the listing of authorized gear for the Atlantic tuna fisheries.

Finally, NMFS proposes to amend the instructions on measurement of tunas to replace the phrase ''tip of the snout'' with ''tip of the upper jaw.'' This is necessary to clarify the proper method of measuring the total length of tunas.

Regulations Affecting Incidental Catch

Although NMFS is not currently proposing changes to regulations affecting the Incidental category landings requirements, NMFS does request additional comment on the division of quota and specification of landings requirements affecting the northern and southern subcategories.

NMFS has received numerous written comments that the landings requirements applicable in the northern subcategory cannot be met by vessels in the shark longline fisheries operating off of North Carolina in the winter months, due to the trip limits in effect under the shark fishery management plan. Participants in this winter shark fishery have noted that the ABT and shark regulations, taken together, force discarding of ABT. These fishermen have requested an allowance to land and market fish which would otherwise be discarded dead, thus increasing boat revenues without contributing to additional ABT mortality.

NMFS believes a review of the ABT incidental catch regulations is needed, including division of the quotas, position of the dividing line between the northern and southern subcategories, and landing criteria applicable to each management area. NMFS therefore requests specific comments on ways to reduce incidental mortality of ABT while allowing for commercial use of unavoidable bycatch.

Locations of Public Hearings

The public hearing schedule is as follows:

Tuesday, May 23, 1995, Portland, ME, 6–10 p.m.

Holiday Inn, 81 Riverside Street, Portland, ME 04103

Wednesday, May 24, 1995, Portsmouth, NH, 6–10 p.m.

City Hall Council Chamber, One Junkins Avenue, Portsmouth, NH 03801

Thursday, May 25, 1995, Plymouth, MA, 6–10 p.m.

Plymouth North High School, Obery Street, Plymouth, MA 02360

Friday, May 26, 1995, Tom's River, NJ, 6–10 p.m.

Holiday Inn, 290 Highway 37E, Tom's River, NJ 08753

Tuesday, May 23, 1995, Ocean City, MD, 6–10 p.m.

City Hall Council Chambers, 3rd Street and Baltimore Ave., Ocean City, MD 21842

Wednesday, May 24, 1995, Silver Spring, MD, 2–5:30 p.m.

NOAA Building 2, Room 2358, 1325 East-West Highway, Silver Spring, MD 20910

Wednesday, May 24, 1995, Norfolk, VA, 6–10 p.m.

Quality Inn Lake Wright Convention Center, 6280 Northampton Blvd., Norfolk, VA 23502

Thursday, May 25, 1995, Manteo, NC, 6–10 p.m.

North Carolina Aquarium, Airport Rd., Manteo, NC 27954

Monday, May 22, 1995, New Orleans, LA, 6–10 p.m.

Quality Inn Midtown, 3900 Tulane Avenue, New Orleans, LA 70119

Tuesday, May 23, 1995, Panama City, FL, 6–10 p.m.

Best Western Bayside Inn, 711 W. Beach Drive, Panama City, FL 32401

Wednesday, May 24, 1994, Madeira Beach, FL, 6–10 p.m.,

City Hall, 300 Municipal Drive, Madeira Beach, FL 33708

Thursday, May 25, 1995, Deerfield Beach, FL, 6–10 p.m.

The Paramount, 2901 N. Federal Highway, Boca Raton, FL 33431

Friday, May 26, 1995, Corpus Christi, TX, 6–10 p.m.

Sandy Shores Beach Hotel/Aquarium Village, 3200 Surfside, Corpus Christi, TX 78408

Saturday, May 27, 1995, Port Arthur, TX, 6–10 p.m.

Best Western Airport Inn, 200 Memorial Highway 69, Port Arthur, TX 77627

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Richard B. Stone by May 16, 1995 (see **ADDRESSES**).

Classification

This proposed rule is published under the authority of the ATCA, 16 U.S.C. 971 et seq. Preliminarily, the AA has determined that the regulations contained in this proposed rule are necessary to implement the recommendations of ICCAT and are necessary for management of the Atlantic tuna fisheries. NMFS prepared a SDEIS for this proposed rule; a notice of availability was published on March 17, 1994 (60 FR 14432). In contrast to the bluefin tuna DEIS published in April, 1994, all of the quota levels

examined result in increases in the spawning and total biomass of bluefin tuna. This is primarily the result of a revised stock assessment for western Atlantic bluefin tuna that has resulted in a more optimistic prognosis for the stock. However, the range of quotas examined herein produces marked differences in the rate of stock rebuilding. Domestic allocations also have an effect on the rate of rebuilding. For a given total quota, large allocations to the small fish fishery are projected to result in somewhat slower rates of stock rebuilding; however, the net economic benefits from the small fish fisheries are substantial.

NMFS prepared an initial regulatory flexibility analysis (IRFA), as part of the Regulatory Impact Review (RIR), which describes the impact this proposed rule would have on small entities, if adopted. The RIR/IRFA indicates that General category permit holders (81 percent of commercial vessels landing at least one bluefin in 1994) would face a reduction of gross revenues of approximately 18 percent due to the reduction in overall quota relative to 1994. Copies of the RIR/IRFA are available from NMFS (see **ADDRESSES**). This proposed rule has been determined to be not significant for purposes of E.O. 12866.

This proposed rule contains new and revised collection-of-information requirements subject to review under the Paperwork Reduction Act. It modifies requirements that were approved by the Office of Management and Budget (OMB) under control numbers 0648–0202 and 0648–0239 and restates requirements that were approved by OMB under control number 0648–0168.

On an incremental basis, approximately 1,000 fishing vessel owners and 10 fish dealers would be affected by the proposed permitting and reporting requirements for sale of Atlantic tunas. Approximately 300 ABT dealers would be affected by the proposed IVRS reporting requirements.

The public reporting burden for completing an application for a Federal fishing permit for vessel owners is estimated at 0.50 hours (30 minutes) per response for initial applications and 0.25 hours (15 minutes) per response for renewals. The public reporting burden for completing an application for a Federal permit for tuna dealers is estimated at 0.08 hours (5 minutes) per response. The public reporting burden for these dealers for collection of information on dealer reports is estimated at 0.08 hours (5 minutes) per response for the phone-in (IVRS) daily dealer reports, at 0.05 hours (2.5 minutes) per response for the written daily dealer reports, at 0.55 hours (33 minutes) per response for the biweekly dealer reports. The public reporting burden for completing a vessel log by vessel owners is estimated at 0.10 hours (6 minutes) per day and 0.10 hours (6 minutes) per notification of fish transfer.

These estimates include 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 these burden estimates or any other aspects of these collections of information, including suggestions for reducing the burden, to NMFS and OMB (see **ADDRESSES**).

List of Subjects in 50 CFR Part 285

Fisheries, Fishing, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: May 8, 1995.

Henry R. Beasley,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 285 is proposed to be amended as follows:

PART 285—ATLANTIC TUNA FISHERIES

1. The authority citation for part 285 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*

2. In § 285.1, paragraph (c) is revised to read as follows:

§ 285.1 Purpose and scope.

* * * * *

(c) This part does not apply to any person or vessel authorized by the Commission, the Director, or any state upon approval by the Director, to engage in fishing for research purposes.

* * * * *

3. In § 285.2, the definition of ''Center Director'' is removed, definitions of ''Bandit gear'' , ''Fixed gear'', ''Rod and reel'', ''Trap'' and ''Vessel Length'' are added, in alphabetical order, and the definitions of ''Charterboat'', ''Curved fork length'', ''Party boat'' and ''Straight fork length'' are revised to read as follows:

§ 285.2 Definitions.

* * * * *

Bandit gear (downrigger) means vertical hook-and-line gear with rods attached to a vessel, with no more than 2 hooks per line and with line retrieved by manual, electric, or hydraulic reels.

* * * * *

Charter boat means a vessel less than 100 gross tons (90.8 metric tons) that meets the requirements of the Coast Guard to carry six or fewer passengers for hire and that carries a passenger for hire at any time during the calendar year. A charter vessel with a permit issued under this part is deemed to be operating as a charter when it carries a passenger who pays a fee or when there are more than three persons aboard, including operator and crew.

* * * * *

Curved fork length means a measurement of the length of Atlantic bluefin tuna taken in a line tracing the contour of the body along the middle of the lateral surface from the tip of the upper jaw to the fork of the tail.

* * * * *

Fixed gear means stationary, anchored non-trawl gear.

* * * * *

Partyboat (headboat) means a vessel that holds a valid Certificate of Inspection issued by the Coast Guard to carry passengers for hire. A partyboat with a permit issued under this part is deemed to be operating as a partyboat when it carries a passenger who pays a fee or when there are more persons aboard than the number of crew specified in the vessel's Certificate of Inspection.

* * * * *

Rod and reel means a hand-held (includes rod holder) fishing rod with a manually operated reel attached.

* * * * *

Straight fork length means a measurement of the length of Atlantic bluefin tuna taken in a straight line along the middle of the lateral surface from a line perpendicular to the tip of the upper jaw to a line perpendicular to the fork of the tail.

* * * * *

Trap means a pound net, weir or gill net that is maintained and operated at a fixed location.

* * * * *

Vessel length means the length listed on the vessel's U.S. Coast Guard Certificate of Documentaiton or Certificate of Number.

4. In § 285.3, paragraphs (j) and (k) are revised, and paragraphs (q) and (r) are added to read as follows:

§ 285.3 Prohibitions.

* * * * *

(j) For any person on board a vessel subject to the jurisdiction of the United States to fish for or catch any species of Atlantic tuna with gear that is not authorized under § 285.21(b) or § 285.50, or to retain or land Atlantic

tunas taken with unauthorized gear, unless authorized under § 285.7.

(k) For any person to possess any Atlantic tuna on board a vessel subject to the jurisdiction of the United States that has gear on board that is not authorized under § 285.21(b) or § 285.50, unless authorized under § 285.7.

* * * * *

(q) Purchase, receive, or transfer for commercial purposes any Atlantic tunas if such were not landed by owners or operators of vessels permitted to sell tunas under this part, or if without a valid dealer permit issued under this part.

(r) Sell, offer for sale, or transfer for commercial purposes any Atlantic tunas if not landed by owners or operators of vessels permitted to do so under this part or to any person or vessel without a valid dealer permit issued under this part.

5. Section 285.9 is revised to read as follows:

§ 285.9 Commercial activity.

(a) Sale of Atlantic tunas is restricted to fish landed by owners or operators of vessels permitted under § 285.21 or § 285.52. Owners or operators of vessels permitted in the Atlantic shark fishery (50 CFR part 678) or the Atlantic swordfish fishery (50 CFR part 630) are exempt from the requirements of this section.

(b) Purchase of Atlantic tunas is restricted to dealers permitted under § 285.28 or § 285.54. Dealers permitted in the Atlantic shark fishery (50 CFR part 678) or the Atlantic swordfish fishery (50 CFR part 630) are exempt from the requirements of this section.

6. In § 285.20, paragraphs (a)(1)(i) and (b)(3) are revised to read as follows:

§ 285.20 Fishing seasons.

(a) * * *

(1) * * *

(i) For anglers fishing for Atlantic bluefin tuna under the quota specified in § 285.22(d);

* * * * *

(b) * * *

(3) A vessel permitted in the Purse Seine category may fish under the bluefin tuna quota specified in § 285.22(c), or in fisheries for Atlantic yellowfin or skipjack tuna where bluefin tuna might be taken as bycatch, only until the allocation of bluefin tuna assigned or transferred under § 285.25(d) to that vessel is reached. Upon reaching its individual vessel allocation of Atlantic bluefin tuna, a purse seine vessel will be deemed to have been given notice that fisheries for any Atlantic tunas are closed to that vessel.

* * * * *

7. In § 285.21, paragraphs (a), (b), the heading and first sentence in paragraph (c), and paragraphs (h), (i) and (m) are revised and paragraph (n) is added to read as follows:

§ 285.21 Vessel permits.

(a) *Permit requirements.* Each vessel that fishes for, or takes, Atlantic bluefin tuna must have on board a valid permit issued under this section.

(b) *Categories of permits.* Upon submission of a complete and valid application pursuant to paragraph (c) of this section, the Regional Director will issue to each qualifying vessel a permit for only one of the following categories: General, Party/Charter, Angling, Harpoon Boat, Purse Seine, or Incidental Catch. A permitted vessel is entitled to fish for Atlantic bluefin tuna only under the quota for the category in which it is permitted, except that catch of anglers aboard Party/Charter vessels will be counted against the Angling category when the vessel is operating as a charter vessel or partyboat and will be counted against the General category when the vessel is not operating as a charter vessel or partyboat. A vessel must use gear appropriate to the category for which it is permitted:

(1) General—rod and reel, handline, harpoon, bandit gear

(2) Party/Charter—rod and reel, handline

(3) Angling—rod and reel, handline

(4) Harpoon Boat—harpoon

(5) Purse Seine—purse seine nets

(6) Incidental Catch—purse seine nets, fixed gear, traps, longlines.

(c) *Application procedure.* Permits issued under this section must be renewed upon expiration. * * *

* * * * *

(h) *Transfer.* A permit issued under this section, except in the case of harpoon boat and purse seine permits as allowed under paragraph (m) of this section, is not transferable or assignable to another vessel or owner; it is valid only for the vessel and owner to which it is issued.

(i) *Display.* A permit issued under this section must be carried on board the vessel at all times. The permit must be displayed for inspection upon request of any authorized officer or any employee of NMFS designated by the Regional Director for such purpose. Upon sale of any large medium or giant Atlantic bluefin tuna, the vessel permit must be presented for inspection to the dealer completing the landing card.

* * * * *

(m) *Closed categories.* (1) For 1995, The Regional Director will issue permits to catch and retain Atlantic bluefin tuna under § 285.22(b) only to current owners of those Harpoon Boat category vessels, or their replacements, that were issued permits under this subpart prior to May 15, 1994, that are a minimum of 25 ft (7.6 m) in length, and that have documented landings of Atlantic bluefin tuna during the period 1990 through 1994. The Regional Director will not issue a permit to take Atlantic bluefin tuna under this subpart to any vessel that was replaced with another vessel and retired from the Harpoon Boat fishery during the period 1990 through 1994, unless that vessel is replacing another vessel being retired from the fishery. In years subsequent to 1995, the Regional Director will issue permits to catch and retain Atlantic bluefin tuna only to owners of those Harpoon Boat category vessels, or their replacements, that were issued permits under this subpart in 1995.

(2) The Regional Director will issue permits to catch and retain Atlantic bluefin tuna under § 285.22(c) only to current owners of those purse seine vessels, or their replacements, that were granted allocations under this subpart and landed Atlantic bluefin tuna in the fishery for Atlantic bluefin tuna during the period 1980 through 1982. The Regional Director will not issue a permit to take Atlantic bluefin tuna under this subpart to any vessel that was replaced with another vessel and retired from the purse seine fishery during the period 1980 through 1982, unless that vessel is replacing another vessel being retired from the fishery.

(n) *Appeal of denial of permit.* (1) Any applicant denied a moratorium permit under paragraph (m) may appeal to the Regional Director within 30 days of the notice of denial. Any such appeal shall be in writing. The only ground for appeal is that the Regional Director erred in concluding that the vessel did not meet the criteria in paragraph (m) of this section. The appeal shall set forth the basis for the applicant's belief that the Regional Director erred in his decision.

(2) The appeal may be presented, at the option of the applicant, at a hearing before an officer appointed by the Regional Director.

(3) The decision on the appeal by the Regional Director is the final decision of the Department of Commerce.

8. In § 285.22, paragraphs (a), (b), (d), (e), the heading and first sentence of

paragraph (f), introductory text and paragraph (h) are revised to read as follows:

§ 285.22 Quotas.

* * * * *

(a) *General.* The total annual amount of large medium and giant Atlantic bluefin tuna that may be caught, retained, possessed or landed in the regulatory area by vessels permitted in the General category under § 285.21(b) is 438 mt, of which 88 mt are available in the period beginning June 1 and ending July 31; 153 mt are available in the period beginning August 1 and ending August 31; 153 mt are available in the period beginning September 1 and ending September 30; and 44 mt are available beginning October 1. On the basis of the statistics referenced at § 285.20(b)(1), the Assistant Administrator will project a date when the catch of Atlantic bluefin tuna will equal the available quota in any period, and will publish a notification in the **Federal Register** stating that fishing for, retaining, possessing, or landing Atlantic bluefin tuna under the early-season quota must cease on that date at a specified hour, and not recommence until opening of the subsequent quota period, whereupon a quota equal to the difference between the quota for that period and the estimated overharvest or underharvest prior to that period will become available.

(b) *Harpoon Boat.* The total annual amount of large medium and giant Atlantic bluefin tuna that may be caught, retained, possessed or landed in the regulatory area by vessels permitted in the Harpoon Boat category under § 285.21(b) is 47 mt.

* * * * *

(d) *Angling.* The total annual amount of Atlantic bluefin tuna that may be caught, retained, possessed or landed in the regulatory area by anglers is 320 mt. No more than 150 mt of this quota may be school Atlantic bluefin tuna. The quota for school tuna is further subdivided as follows:

(1) 70 mt of school Atlantic bluefin tuna may be caught, retained, possessed, or landed south of 38°47' N. lat.

(2) 80 mt of school Atlantic bluefin tuna may be caught, retained, possessed, or landed north of 38°47' N. lat.

(e) *Incidental.* The total annual amount of large medium and giant Atlantic bluefin tuna that may be caught, retained, possessed, or landed in the regulatory area by vessels permitted in the Incidental Catch category under § 285.21(b) is 129 mt. This quota is further subdivided as follows:

(1) 123 mt for longline vessels. No more than 100 mt may be caught, retained, possessed, or landed in the area south of 34°00' N. lat.

(2) For vessels fishing under § 285.23 (a) and (b), 6 mt may be caught, retained, possessed, or landed in the regulatory area.

(f) *Inseason adjustment amount.* The total amount of Atlantic bluefin tuna that will be held in reserve for inseason adjustments is 94 mt. * * *

* * * * *

(h) If the Assistant Administrator determines, based on landing statistics and other available information, that an annual quota in any category, or as appropriate, subcategory, has been exceeded or has not been reached, the Assistant Administrator will subtract the overage from or add the underage to that quota for the following year; provided that the total of the adjusted quotas and the reserve is consistent with a recommendation of the Commission regarding country quotas. The Assistant Administrator will publish any amounts to be subtracted or added and the basis for the quota reductions or increases in the **Federal Register**.

* * * * *

9. In § 285.23, paragraphs (a) and (b) are revised, paragraph (d) is removed, and paragraph (e) is redesignated as paragraph (d) and revised to read as follows:

§ 285.23 Incidental catch.

(a) *Herring, mackerel, and menhaden purse seine vessels and vessels using fixed gear other than longlines or traps.* Subject to the quotas in § 285.22, any person operating a vessel fishing with these types of gear principally for species of fish other than tuna and possessing an Incidental Catch permit issued under § 285.21 may retain, during any fishing trip, large medium and giant Atlantic bluefin tuna, provided that the total amount of Atlantic bluefin tuna taken does not exceed 2 percent, by weight, of all other fish aboard the vessel at the end of each fishing trip.

(b) *Traps.* Subject to the quotas in § 285.22, any person operating a vessel possessing an Incidental Catch permit issued under § 285.21 that catches Atlantic bluefin tuna incidentally while fishing with traps, may retain large medium and giant Atlantic bluefin tuna, provided that such tuna do not exceed 2 percent, by weight, of the total amount of all other species caught within the preceding 30-day period.

* * * * *

(d) *Purse Seine.* Vessels in the Purse Seine category fishing for Atlantic yellowfin or skipjack tuna are allowed a 1-percent per trip (by weight) incidental take of bluefin less than the large medium size class. Any landings of these incidental catches may not be sold and will be counted against the Purse Seine category quota.

10. In § 285.24, paragraphs (a), (c) and (d) are revised and paragraph (e) is revised to read as follows:

§ 285.24 Catch limits.

(a) *General category.* (1) From June 1, operators of vessels permitted in the General category under § 285.21 may catch and land only one large medium or giant Atlantic bluefin tuna per day per vessel, except that operators of such vessels may not fish for, catch, land, or possess any Atlantic bluefin tuna from 0001 hours to 2359 hours on Sunday and Wednesday each week. Operators of vessels permitted in the General category may possess large medium and giant Atlantic bluefin tuna in an amount not to exceed a single day's catch, regardless of the length of the trip, as allowed by the daily catch limit in effect on that day.

(2) The Assistant Administrator may increase or reduce the catch limit over a range from zero to a maximum of three large medium or giant Atlantic bluefin tuna per day per vessel based on a review of dealer reports, daily landing trends, availability of the species on the fishing grounds, and any other relevant factors, to provide for maximum utilization of the quota. The Assistant Administrator will publish a notice in the **Federal Register** of any adjustment in the allowable daily catch limit made under this paragraph. Other than fishery closures pursuant to attainment of quotas in any period, such notice shall be published at least 7 calendar days prior to a change in daily catch limit becoming effective.

* * * * *

(c) *Purse Seine category.* Vessels permitted in the Purse Seine category may catch large medium bluefin tuna, provided that the total annual amount of large medium bluefin landed does not exceed 10 percent by weight of the total amount of giant Atlantic bluefin tuna allocated to that vessel for that fishing season.

(d) *Angling category.* (1) Each angler aboard a vessel permitted in the Angling category may catch and retain each day no more than two Atlantic bluefin tuna from the school, large school and small medium size classes. Anglers may not retain young school Atlantic bluefin tuna.

(2) The Assistant Administrator may increase or reduce the per angler bag limit for bluefin tuna or may change the per angler limit to a per boat limit or a per boat limit to a per angler limit based

on a review of daily landing trends, availability of the species on the fishing grounds, and any other relevant factors, to provide for maximum utilization of the quota spread over the longest possible period of time. The Assistant Administrator will publish a notice in the **Federal Register** of any adjustment in the allowable daily catch limit made under this paragraph. Other than fishery closures pursuant to attainment of quotas in any period, such notice shall be published at least 7 calendar days prior to a change in daily catch limit becoming effective.

(3) In addition to the daily catch limit for school, large school and small medium bluefin tuna, an operator of a vessel issued a permit for the Angling category may catch and retain annually one large medium or giant Atlantic bluefin tuna, to be counted against the Angling category quota specified in § 285.22. The permit holder must report to the nearest NMFS enforcement office within 24 hours of landing any large medium or giant bluefin, and must make the tuna available for inspection and attachment of a tag. No such large medium or giant Atlantic bluefin tuna may be sold or transferred to any person for a commercial purpose except for taxidermic purposes. A list of local NMFS enforcement offices may be obtained from the Regional Director.

(e) *Party/Charter category.* (1) For vessels permitted in the Party/Charter category and that are operating as a partyboat or charter vessel, anglers aboard such vessels are subject to the daily bag limits for school, large school, and small medium Atlantic bluefin tuna and the annual vessel limit of large medium or giant Atlantic bluefin tuna as specified in paragraph (d) of this section. The captain, mate, or crew member of a party or charter boat is not considered an angler for purposes of this section.

(2) For vessels permitted in the Party/Charter category and that are not operating as a partyboat or charter vessel, operators of such vessels are subject to the daily catch limit in effect for the General Category for large medium or giant Atlantic bluefin tuna as specified in paragraph (a) of this section and may not retain school, large school or small medium bluefin tuna. If retained, such large medium or giant bluefin tuna may be sold and are counted against the quota for the General category.

11. In § 285.25, the heading and first sentence of paragraph (d)(1) are revised to read as follows:

§ 285.25 Purse seine vessel requirements.

* * * * *

(d) *Vessel allocations.* (1) Purse seine vessel permit holders must apply for an allocation of Atlantic bluefin tuna from the quotas specified in § 285.22. * * *

* * * * *

12. Section 285.26 is amended by removing the phrase ''tip of the snout'' in the second sentence, and adding in its place the phrase ''tip of the upper jaw''.

13. In § 285.29 paragraphs (a) and (d) are revised to read as follows:

§ 285.29 Dealer recordkeeping and reporting.

Any person issued a dealer permit under § 285.28:

(a) Must report via an Interactive Voice Response System (IVRS) established by the Regional Director within 24 hours of the purchase or receipt of each Atlantic bluefin tuna from the person or vessel that harvested the fish. Said report via the IVRS must include the tag number affixed to the fish by the dealer, the date landed, the round and/or dressed weight (indicating which weight(s) measured), the total or pectoral fin curved fork length (indicating which length(s) measured), and the gear used. In addition, dealers must submit to the Regional Director a daily report on a reporting card provided by NMFS. Said card must be postmarked and mailed at the dealer's expense within 24 hours of the purchase or receipt of each Atlantic bluefin tuna. Each reporting card must be signed by the vessel permit holder or vessel operator to verify the name of the vessel that landed the fish and must show the Atlantic bluefin tuna vessel permit number, tag number affixed to the fish by the dealer or assigned by an authorized officer, the date landed, the port where landed, the round and/or dressed weight (indicating which weight(s) measured), the total or pectoral fin curved fork length (indicating which length(s) measured), gear used, and area where the fish was caught.

* * * * *

(d) Must retain at his/her place of business a copy of each daily report (including proof of IVRS transmission) and a copy of each bi-weekly report for a period of 2 years from the date on which each was submitted to the Regional Director.

* * * * *

14. In § 285.31, paragraphs (a) (15), (30), (31), and (37) are revised to read as follows:

§ 285.31 Prohibitions.

(a) * * *

(15) Sell, offer for sale, or transfer to any person for a commercial purpose any large medium or giant Atlantic bluefin tuna caught with rod and reel gear under § 285.24(d)(3);

* * * * *

(30) Fish for, catch, retain, possess or land Atlantic bluefin tuna from the Gulf of Mexico except as specified under §§ 285.23(c) and 285.24(d)(3);

(31) Fish for, catch, retain, possess or land Atlantic bluefin tuna with a gear type or in a manner other than specified in §§ 285.21, 285.22, 285.23, 285.24 and 285.25, or other than authorized under an experimental fishing exemption issued pursuant to the requirements of § 285.7;

* * * * *

(37) Fish for, catch, retain, possess or land any Atlantic bluefin tuna less than the large medium size class from a vessel other than one issued an Angling Category permit under § 285.21, or a Purse Seine category permit and operating under § 285.23(d).

* * * * *

15. In § 285.32, paragraph (a) is revised to read as follows:

§ 285.32 Civil penalties.

(a) Any person who violates § 285.31(a) (1) through (21) inclusive, or (a) (24) through (37), inclusive, will be assessed a civil penalty of not more than $25,000 for a first violation and a civil penalty of not more than $50,000 for a subsequent violation.

* * * * *

16. Subpart C, consisting of §§ 285.50 through 285.60, is revised to read as follows:

Subpart C—Yellowfin Tuna (Thunnus albacares) and Bigeye Tuna (Thunnus obesus)

Sec.

285.50 Authorized fishing gear.
285.51 Size limits.
285.52 Vessel permits.
285.53 Vessel recordkeeping and reporting.
285.54 Dealer permits.
285.55 Dealer recordkeeping and reporting.
285.56 Purse Seine vessel requirements.
285.57 Quotas.
285.58 Catch limits.
285.59 Incidental catch.
285.60 Prohibitions.

Subpart C—Yellowfin Tuna (Thunnus albacares) and Bigeye Tuna (Thunnus obesus)

§ 285.50 Authorized fishing gear.

Fishing for, catching, retention or possession of yellowfin and bigeye tuna in the regulatory area by persons aboard fishing vessels subject to the jurisdiction of the United States is authorized only for handline, rod and reel, harpoon, purse seine, longline, drift gillnet and bandit gear unless the gear is authorized

under an experimental fishing exemption issued pursuant to the requirements of § 285.7.

§ 285.51 Size limits.

(a) Fishing for, catching, retention or possession of yellowfin and bigeye tuna in the regulatory area by persons aboard fishing vessels subject to the jurisdiction of the United States is authorized only for yellowfin or bigeye tuna measuring 22 inches (56 cm) or more in total curved fork length.

(b) Total curved fork length will be the sole criterion for determining the size class of whole (head on) Atlantic yellowfin and bigeye tuna. For this purpose, all measurements must be taken in a line tracing the contour of the body along the middle of the lateral surface from the tip of the upper jaw to the fork of the tail.

§ 285.52 Vessel permits.

(a) *Permit requirements.* Each vessel that fishes for, or takes, Atlantic yellowfin or bigeye tuna must have on board a valid permit issued under this section.

(b) *Commercial vessel permits.* (1) As a prerequisite to selling Atlantic yellowfin and bigeye tunas and to be eligible for exemption from applicable bag limits, if any, specified in this subpart, an owner or operator of a vessel that fishes in the EEZ must obtain an annual vessel permit.

(2) Vessels permitted in the Party/Charter category that are not operating as party and charter boats for an individual fishing trip may operate as commercial vessels for that trip.

(c) *Recreational vessel permits.* (1) Owners or operators of party and charter boats must obtain a party/charter vessel permit in order to fish for, catch, retain or land yellowfin or bigeye tuna. Anglers aboard charter vessels and partyboats must adhere to applicable bag limits when the vessel is operating as a charter vessel or partyboat. Yellowfin and bigeye tuna taken aboard vessels operating as party or charter boats may not be sold.

(2) Effective January 1, 1996, owners or operators of private recreational vessels are required to obtain vessel permits in order to fish for, catch, retain or land yellowfin and bigeye tuna. Anglers aboard private recreational vessels must adhere to applicable bag limits. Yellowfin and bigeye tuna taken aboard private recreational vessels may not be sold.

(d) *Purse seine.* Directed purse seine fishing for Atlantic yellowfin and bigeye tunas is restricted to vessels with Atlantic bluefin tuna purse seine permits issued under § 285.21(b) and which reported yellowfin tuna landings to NMFS over the period 1989 through 1993.

(e) *Exemptions from permit requirements.* Vessels carrying valid permits for Atlantic swordfish issued under 50 CFR part 630, Atlantic sharks issued under 50 CFR part 678, or any of the Atlantic bluefin tuna categories issued under subpart B, are exempt from the permit requirements of this section.

§ 285.53 Vessel recordkeeping and reporting.

(a) Any person in charge of a fishing vessel, or any master or other person in charge of a fishing vessel subject to the jurisdiction of the United States or any person as may be authorized in writing to serve as the agent of such person or master, must:

(1) Keep an accurate log of all operations conducted from the vessel, entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the tonnage of tuna on board by species. The record and bridge log shall be sufficient to comply with this paragraph, provided however, that the items of information specified herein are fully and accurately entered in such log; and

(2) Furnish on a form obtainable from the Regional Director, following the sale or delivery of a catch of tuna made by such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual, giving the name and official number of the fishing vessel, the dates of beginning and ending of the fishing voyage, the port of departure, and a listing separately by species of the round weight quantities (pounds or short tons) of tuna sold or delivered. At the option of the vessel master or other person in charge, a copy of the fish ticket, weighout slip, settlement sheet, or similar record issued by the dealer or his agent may, however, be used for reporting purposes in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph. Such sale and delivery reports must be delivered or post marked and mailed to the Regional Director within 72 hours after weighout has been completed.

(b) Any person in charge of a fishing vessel or any Master or other person in charge of a fishing vessel, subject to the jurisdiction of the United States, except vessels proceeding directly to Puerto Rico or to any other U.S. port for unloading, must report to the Regional Director not less than 48 hours prior to entering the regulatory area via the Panama Canal. In addition, any person in charge of a fishing vessel or any Master or other person in charge of a vessel, subject to the jurisdiction of the United States except a vessel without fish on board, must notify the Regional Director not less than 48 hours prior to leaving the regulatory area via the Panama Canal. Each report must include the name of the reporting vessel, the tonnage by species on board, and whether the fish were caught in Pacific or Atlantic waters.

(c) All such fishing vessels entering or leaving the regulatory area via the Panama Canal are subject to inspection. Official seals will be affixed to wells containing fish taken within or outside the regulatory area, as appropriate and the same will be noted on the vessel log. The official seals may be removed only by a designated agent of the NMFS upon the arrival at point of sale or delivery.

(d) Any person in charge of a fishing vessel or any Master or other person in charge of a fishing vessel subject to the jurisdiction of the United States, must notify the Regional Director not less than 48 hours prior to any transfer of yellowfin tuna or bigeye tuna taken in the regulatory area to another vessel for the purpose of transshipment. Such reports must include the date and place of unloading, name and destination of the oncarrying vessel, and the tonnage by species of tuna transferred.

(e) The failure to file the reports or to follow the procedures required by this section, the tampering with or the removal of an official seal, or the alteration of a fishing vessel's log by any person or fishing vessel subject to the jurisdiction of the United States is a prohibited act within the meaning of § 285.3.

(f) Any person authorized to carry out enforcement activities under the Act or the regulations in this subpart has power, without warrant or other process, to inspect, at any reasonable time, catch on board the vessel, log books, catch reports, statistical records, or other reports as required by the regulations in this part to be made, kept or furnished.

§ 285.54 Dealer permits.

(a) *General.* A dealer purchasing, receiving, possessing, importing or exporting Atlantic yellowfin or bigeye tuna must have a valid permit required under this section.

(b) *Application.* Applications for a dealer permit must be in writing on an appropriate form obtained from the Regional Director. The application must be signed by the applicant, and be submitted to the Regional Director at least 30 days before the date upon

which the applicant desires the permit to be effective. The application must contain the following information: Company name; principal place of business; owner or owners' names; applicant's name (if different from owner or owners) and mailing address and telephone number; and any other information required by the Regional Director.

(c) *Issuance.* (1) Except as provided in subpart D of 15 CFR part 904, the Regional Director will issue a permit within 30 days of receipt of a completed application.

(2) The Regional Director will notify the applicant of any deficiency in the application. If the applicant fails to correct the deficiency within 15 days following the date of notification, the application will be considered abandoned.

(d) *Duration.* Any permit issued under this section remains valid until December 31 of the year for which it is issued, unless suspended or revoked.

(e) *Alteration.* Any permit which is substantially altered, erased, or mutilated is invalid.

(f) *Replacement.* The Regional Director may issue replacement permits. An application for a replacement permit is not considered a new application.

(g) *Transfer.* A permit issued under this section is not transferable or assignable; it is valid only for the dealer to whom it is issued.

(h) *Inspection.* The dealer must keep the permit issued under this section at his/her principal place of business. The permit must be displayed for inspection upon request of any authorized officer, or any employee of NMFS designated by the Regional Director for such purpose.

(i) *Sanctions.* The Administrator may suspend, revoke, modify, or deny a permit issued or sought under this section. Procedures governing permit sanctions and denials are found at subpart D of 15 CFR part 904.

(j) *Fees.* The Regional Director may charge a fee to recover the administrative expenses of permit issuance. The amount of the fee is calculated, at least annually, in accordance with the procedures of the NOAA Finance Handbook for determining administrative costs of each special product or service. The fee may not exceed such costs and is specified on each application form. The appropriate fee must accompany each application. Failure to pay the fee will preclude issuance of the permit. Payment by a commercial instrument later determined to be insufficiently funded shall invalidate any permit.

(k) *Change in application information.* Within 15 days after any change in the information contained in an application submitted under this section, the dealer issued a permit will report the change in writing to the Regional Director.

(l) *Exemptions from permit requirements.* Dealers holding valid dealer permits for Atlantic swordfish issued under 50 CFR part 630, Atlantic sharks issued under 50 CFR part 678, or Atlantic bluefin tuna issued under subpart B, are exempt from the permit requirements of this section.

§ 285.55 Dealer recordkeeping and reporting.

(a) A dealer who has been issued a dealer permit pursuant to § 285.54 must submit a report to the Fisheries Science Center Director as specified in paragraph (b) of this section. A report form is available from the Science and Research Director. The following information must be included in each report:

(1) Name, address, and permit number of the dealer.

(2) Names and official numbers of fishing vessels from which yellowfin and bigeye tuna were received.

(3) Dates of receipt of yellowfin and bigeye tuna.

(4) Listed by each port and county where yellowfin and bigeye tuna were offloaded from fishing vessels:

(i) Total weight (pounds) by market category for tuna, if applicable, and for other species received with the tuna, including, but not limited to, shark, swordfish, yellowfin tuna, bigeye tuna, and albacore; and

(ii) Price per pound or total value paid by market category for tuna and other species, to the extent that such price information is known at the time of reporting.

(b) A report of tuna and other applicable species received by a dealer on the first through the 15th days of each month must be submitted to the Science and Research Director postmarked not later than the 20th day of that month. A report of tuna and other applicable species received by the dealer on the 16th through the last day of each month must be submitted to the Science and Research Director postmarked not later than the 5th day of the following month. If no tuna was received during the reporting period, a report so stating must be submitted postmarked as specified for that respective reporting period.

(c) The reporting requirement of paragraph (a) of this section may be satisfied by providing a copy of each appropriate weigh-out sheet and/or sales record, provided such weigh-out sheet and/or sales record, by itself or combined with the form available from the Science and Research Director, includes all of the required information.

(d) In lieu of providing a required report to the Science and Research Director by mail, as specified in paragraph (a) of this section, a dealer may provide a report to a state or Federal fishery port agent designated by the Science and Research Director. Reports so provided must be delivered to such port agent not later than the prescribed postmark date for submitting each such report.

(e) *Additional data and inspection.* Additional data may be collected by authorized statistical reporting agents, as designees of the Science and Research Director, and by authorized officers. Dealers are required to make tuna available for inspection by the Science and Research Director or an authorized officer and must allow an authorized officer, or any employee of NMFS designated by the Regional Director for this purpose, to inspect and copy any records of transfers, purchases, or receipts of Atlantic yellowfin and bigeye tuna;

(f) *Recordkeeping.* Dealers must retain at their place of business a copy of each bi-weekly report for a period of 2 years from the date on which each was submitted to the Regional Director.

§ 285.56 Purse seine vessel requirements.

(a) *Mesh size.* Any owner or operator of a purse seine vessel conducting a directed fishery for Atlantic yellowfin and bigeye tunas must use a purse seine net with a mesh size as specified under § 285.25(a).

(b) *Inspection.* Any owner or operator of a purse seine vessel conducting a directed fishery for Atlantic yellowfin and bigeye tunas must request an inspection of the vessel and fishing gear by an enforcement agent of NMFS before commencing any fishing trip that may result in the harvest of any regulated species and before offloading any Atlantic yellowfin and bigeye tuna. The vessel owner must request such inspection at least 24 hours before commencement of a fishing trip and offloading by calling 508–563–5721 or 508–281–9261. Purse seine vessel owners must have their catch information recorded on the appropriate forms at the time of offloading and prior to transporting said tuna from the area of offloading.

(c) *Vessel allocations.* (1) Purse seine vessel permit holders must apply for an allocation of Atlantic yellowfin tuna from the quotas specified in this subpart. The permit holder must apply for this allocation in writing to the Regional Director by April 15. Such

request for allocation must be made in conjunction with a request for Atlantic bluefin tuna quota allocation as specified under § 285.25(d).

(2) The Regional Director will review applications for allocations of Atlantic yellowfin tuna on or about May 1, and will make equal allocations of the quota among the purse seine vessels that requested an allocation for that . Yellowfin tuna allocations issued to purse seine vessels are freely transferable, in whole, to other Atlantic tuna vessel permit holders, including vessels other than purse seine vessels. Any purse seine vessel permit holder intending to transfer its allocation of yellowfin tuna in any fishing season must provide written notice of such intent to the Regional Director 15 days before commencing fishing in that season. Purse seine vessel permit holders who transfer their yellowfin tuna allocation must not fish their permitted vessel in any fishery in which Atlantic yellowfin tuna might be caught. If an Atlantic bluefin tuna purse seine allocation is transferred pursuant to § 285.25(d)(2), any yellowfin tuna allocation applicable to that purse seine vessel must not be fished, but may be transferred to another eligible vessel.

§ 285.57 Quotas.

The Assistant Administrator shall specify fishing quotas for yellowfin and bigeye tuna as necessary to implement the management recommendations of ICCAT.

(a) *Yellowfin tuna.* The total annual (January 1–December 31) amount of Atlantic yellowfin tuna that may be caught, retained, possessed or landed by persons and vessels subject to U.S. jurisdiction in the regulatory area is subdivided as follows:

(1) *Purse Seine.* The total annual amount of yellowfin tuna that may be caught, retained, possessed or landed in the regulatory area by vessels permitted in the Purse Seine category under § 285.52(d) is 350 mt.

(2) *Other gear.* The total annual amount of Atlantic yellowfin tuna that may be caught, retained, possessed or landed by persons and vessels subject to U.S. jurisdiction in the regulatory area using gear authorized under § 285.50 other than purse seines is not subject to a quota.

(b) *Bigeye tuna.* The total annual (January 1–December 31) amount of Atlantic bigeye tuna that may be caught, retained, possessed or landed by persons and vessels subject to U.S. jurisdiction in the regulatory area is not subject to a quota.

§ 285.58 Catch limits.

The Assistant Administrator shall specify catch limits for commercial and recreational fisheries as necessary to implement the management recommendations of ICCAT and to achieve domestic fishery management objectives. Persons aboard vessels permitted under this part may possess yellowfin and bigeye tuna in an amount not to exceed a single day's catch, regardless of the length of the trip, as allowed by the daily catch limit in effect at that time. The captain, mate, or crew member of a party or charter boat is not an angler for purposes of this section. When not operating as a party or charter boat, persons aboard vessels permitted in the Party/Charter category are exempt from the daily catch limit.

(a) *Yellowfin tuna.* Anglers aboard vessels permitted in the Angling category or Party/Charter category may catch and retain each day no more than ten Atlantic yellowfin tuna.

(b) *Bigeye tuna.* Unless adjusted pursuant to paragraph (c) of this section, anglers aboard vessels permitted in the Angling category or Party/Charter category may catch and retain each day an unlimited number of bigeye tuna.

(c) *Adjustments to catch limits.* The Assistant Administrator may increase or decrease the daily catch limit for yellowfin or bigeye tuna, based on a review of daily landing trends, availability of the species on the fishing grounds, and any other relevant factors, to provide for maximum utilization of the quota, if applicable. The Assistant Administrator will publish a notice in the **Federal Register** of any adjustment in the catch limit made under this paragraph. Such notice shall be published at least 7 calendar days prior to a change in daily catch limit becoming effective.

§ 285.59 Incidental catch.

Persons or fishing vessels subject to the jurisdiction of the United States must release, in a manner to promote survival, any yellowfin tuna or bigeye tuna less than the minimum size specified in § 285.51 taken incidental to authorized fishing in the regulatory area.

§ 285.60 Prohibitions.

(a) It is unlawful for any person or vessel subject to the jurisdiction of the United States to do any of the following:

(1) Fish for, catch, possess, or land Atlantic yellowfin or bigeye tuna without a valid permit required under § 285.52 and carried on board the vessel;

(2) Fish for, catch, land, or possess Atlantic yellowfin or bigeye tuna in excess of the catch limits specified in § 285.58 or below the minimum size specified in § 285.51;

(3) Fish for or catch Atlantic yellowfin or bigeye tuna in a directed fishery with purse seine nets in excess of an allocation made under § 285.56(c) or if without any remaining bluefin tuna allocation made under § 285.25(d);

(4) For any vessel other than a vessel holding a purse seine permit issued under § 285.52(d), to approach to within 100 yd (91.5 meters) of the cork line of any purse seine net used by any vessel fishing for Atlantic yellowfin or bigeye tuna, or for any such purse seine vessel to approach to within 100 yd (91.5 meters) of any vessel, other than a purse seine vessel, fishing for Atlantic yellowfin or bigeye tuna;

(5) Fail to release immediately with a minimum of injury any Atlantic yellowfin or bigeye tuna that will not be retained;

(6) Begin fishing or offloading from any purse seine vessel to which a permit has been issued under § 285.21 any Atlantic yellowfin or bigeye tuna without first requesting an inspection of the vessel in accordance with § 285.25;

(7) Fail to report the catching of any Atlantic yellowfin or bigeye tuna to which a plastic tag has been affixed under a tag and release program conducted by NMFS or any other scientific organization;

(8) Falsify or fail to make, keep, maintain, or submit any reports, or other record required by this subpart;

(9) Refuse to allow an authorized officer to make inspections for the purpose of checking any records relating to the catching, harvesting, landing, purchase, or sale of any Atlantic yellowfin or bigeye tuna required by this subpart;

(10) Make any false statement, oral or written, to an authorized officer concerning the catching, harvesting, landing, purchase, sale, or transfer of any Atlantic yellowfin or bigeye tuna;

(11) Interfere with, delay, or prevent by any means, the apprehension of another person, knowing that such person has committed any act prohibited by this part;

(12) Refuse to permit access of NMFS personnel to inspect any records relating to, or area of custody of, Atlantic yellowfin or bigeye tuna.

(b) It is unlawful for any person subject to the jurisdiction of the United States to violate any other provision of this subpart, the Act, or any other rules implemented under the Act.

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50 CFR Parts 671, 672, 675, and 676

[Docket No. 950508130–5130–01; I.D. 050195A]

RIN 0648–AH62

Limited Access Management of Federal Fisheries In and Off Alaska; Groundfish and Crab Fisheries Moratorium

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes a temporary moratorium on the entry of new vessels into the groundfish and crab fisheries under Federal jurisdiction in the Bering Sea and Aleutian Islands (BSAI) area, and the groundfish fisheries under Federal jurisdiction in the Gulf of Alaska (GOA). This action is proposed by the North Pacific Fishery Management Council (Council) to curtail increases in fishing capacity and provide industry stability while the Council and NMFS prepare, review, and, if approved, implement a comprehensive management plan for these fisheries. This action is intended to promote the conservation and management objectives of the Council and the Magnuson Fishery Conservation and Management Act (Magnuson Act).

DATES: Comments must be received at the following address by June 1, 1995.

ADDRESSES: Comments must be sent 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 Fishery Management Plan (FMP) amendments and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis (EA/RIR/IRFA) 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:

Background

Domestic groundfish fisheries in the exclusive economic zone (EEZ) of the GOA and the BSAI are managed by NMFS under the GOA and BSAI groundfish FMPs. The commercial harvest of king and Tanner crabs is managed under the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area. These FMPs were prepared by the Council under the Magnuson Act. The FMP for the GOA groundfish fisheries is implemented primarily by regulations at 50 CFR part 672. The FMP for the BSAI groundfish fisheries is implemented primarily by regulations at 50 CFR part 675. The FMP for the king and Tanner crab fisheries in the BSAI is implemented by regulations at 50 CFR part 671 and by Alaska Administrative Code regulations at title 5, chapters 34 and 35. Other Federal regulations that also affect the groundfish and crab fisheries are set out at 50 CFR parts 620, 676, and 677.

This action would implement proposed revisions of Amendment 23 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, Amendment 28 to the Fishery Management Plan for the Groundfish of the Gulf of Alaska, and Amendment 4 to the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area. These revisions would establish temporary entry controls until more formal controls on harvesting capacity can be implemented. The Council has been aware of the fishery management problems caused by excess harvesting capacity or over-capitalization since the late 1970's. The Council first recommended a moratorium on new entry into the Alaska halibut fishery in 1983. This proposal was disapproved by NMFS because it would not have resolved the basic problem of overcapitalization in the halibut fishery. In 1987, amid growing indications of excess harvesting capacity in the North Pacific groundfish fisheries, the Council adopted a statement of commitment to pursue alternative management measures that would achieve optimum yield through more rational fishing effort than exists with the current open access system. The Council established its Future of Groundfish Committee in 1987, which examined management problems in the groundfish, crab, and halibut fisheries off Alaska. The Committee concluded that problems of excess harvesting capacity and allocation conflicts would worsen under a continued open access system. The Committee recommended a limited access management approach for these three fisheries.

The Council, concerned that overcapitalization may be exacerbated by speculative entry into the fisheries during its discussion of limited access alternatives, requested NMFS to publish a control date notice. This notice, announcing a control date of September 15, 1990, was published in the **Federal Register** on September 5, 1990 (55 FR 36302) and corrected on September 13, 1990 (55 FR 37729). The notice (a) informed the public of the Council's intention to develop measures to limit access, and (b) established the control date after which owners of vessels that had not previously participated would not be assured future access to these fisheries if a limited access system were implemented using that control date. The control date notice also stated that ''due consideration'' would be given to vessels that were under construction or under contract for purchase or construction and that had harvested or processed groundfish, crab, or halibut by January 15, 1992. In response to the delay of the 1992 trawl groundfish season from January 1, 1992, until January 20, 1992, the Council decided in September 1991 to change the final ''due consideration'' date to February 9, 1992.

Since 1990, the Council has contended with difficult public policy issues related to overcapitalization and its attendant resource allocations. Although the Council continues to develop a comprehensive rationalization plan (CRP) to resolve most of these problems, transition from an open access management system to a limited access, market-based, allocation system for public fishery resources is difficult and time consuming. For example, the Council began work on a limited access system for the sablefish (and later halibut) longline fisheries in 1987. The Council proposed an individual fishing quota (IFQ) program for these fisheries in 1991. NMFS approved the IFQ program in 1993 and fishing under the program began in 1995. For other groundfish and crab fisheries, the Council has proposed the moratorium as a temporary measure to slow significant increases in the harvesting capacity of the groundfish and crab fishing fleets until a CRP can be implemented.

This proposed moratorium is not expected to resolve the problem of excess harvesting capacity in the groundfish and BSAI crab fisheries. This proposed moratorium would stop the entry of a potentially unlimited number of vessels into these fisheries that would exacerbate overcapitalization problems and confound the ultimate development and approval of a CRP. As an interim management measure, this proposed moratorium would provide temporary industry stability by freezing the number of vessels allowed to participate in the affected fisheries and limiting increases in fishing capacity. This could

have a limited effect of increasing economic benefits to fishermen and reducing the risk of overfishing.

The Council originally proposed the moratorium at its meeting in June 1992. In August 1992, and in January 1993, the Council clarified its moratorium proposal. The Council prepared an EA/RIR/IRFA for the proposal dated April 28, 1994, and NMFS' review of the proposal was initiated on May 3, 1994. A notice of availability of the proposed FMP amendments and corresponding analysis was published in the **Federal Register** on May 12, 1994 (59 FR 24679), which started a 60-day public comment period on these documents. A concurrent 45-day public comment period on proposed implementing rules for the moratorium began on May 31, 1994 (59 FR 28827, June 3, 1994).

The Council's original moratorium proposal was disapproved by NMFS on August 5, 1994 (59 FR 43534, August 24, 1994). In a letter to the Council chairman on that date, the Director, Alaska Region, NMFS (Regional Director), stated that the principal reasons for the disapproval were that certain provisions of the moratorium would have allowed significantly more vessels to qualify for a moratorium permit than participate on average in any year, thereby undermining the expressed purpose of the moratorium. The provisions were inconsistent with several national standards of the Magnuson Act and other applicable law. Specifically, the inconsistent provisions were:

a. The proposed qualifying period of January 1, 1980, through February 9, 1992, would have allowed about 13,500 vessels to qualify to participate in the fisheries under the moratorium when approximately 2,500 vessels was the annually permitted fleet size in the groundfish and BSAI crab fisheries in recent years;

b. The crossover provision, which would have allowed a vessel to cross over from one moratorium fishery into another moratorium fishery in which it had no previous qualifying history while denying entry to a vessel currently active in one of the fisheries. The crossover provision would have exacerbated overcapacity problems;

c. The Council had not adequately considered present participation and other factors required to be considered in developing a limited access system by the Magnuson Act; and

d. An appeals process for the moratorium, which was redundant because a similar limited access appeals process was already established for the IFQ program.

Section 304(b)(3) of the Magnuson Act provides the Council an opportunity to revise the disapproved moratorium FMP amendment and submit a revised proposal for expedited review by NMFS. The Council decided to take this action at its September and December 1994 meetings. NMFS has not yet made a final determination whether the revised moratorium FMP amendments are consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. A brief description of the Council's September and December revisions follows.

The Council revised its original moratorium proposal at its meeting in September 1994, by:

1. Changing the qualifying period to January 1, 1988, through February 9, 1992;

2. Substituting the appeals procedure developed for the halibut and sablefish IFQ program for a special moratorium appeals process; and

3. Removing the halibut and sablefish longline fisheries from the moratorium.

The Council prepared a supplement to the analysis for the original moratorium proposal assessing the effects of the Council's proposed revisions. The supplemental analysis, dated February 13, 1995, indicates that the Council's September 1994 revisions to the proposed moratorium would substantially reduce the potential moratorium fleet from 13,350 vessels to 4,144 vessels. The analysis estimates the revised fleet size to be about 180 percent of the average number of vessels that operated each year 1988 through 1991 in the groundfish and crab fisheries. This change in the qualifying period also gave greater weight to a vessel that participated in these fisheries in those years as opposed to a vessel that may have participated before 1988 but not in later years 1988 through February 9, 1992. A demonstration of recent participation generally indicates a vessel's greater dependence on a fishery than a vessel that has not participated in recent years. The Council decided not to extend the qualifying period from February 9, 1992, through mid-June 1994. The Council believed its control date notice of 1990 and its original action on a proposed moratorium in 1992 adequately alerted fishermen about the risks of entering a vessel in these fisheries for the first time. The analysis indicates that not extending the qualifying date through mid-June 1994 eliminated 494 vessels that entered the fisheries during the period between the cutoff date of February 9, 1992, and mid-June 1994. About 3,600 additional vessels were eliminated from the potential moratorium fleet by removing those that fished only for halibut and sablefish with longline gear. These vessels could continue to operate in these longline fisheries under the IFQ program if their owners/operators hold a valid IFQ permit. A landing of only halibut or sablefish caught with longline gear during the qualifying period would not be considered a groundfish landing to qualify a vessel for the proposed moratorium.

In September 1994, the Council decided not to change the crossover provision. The Council reasoned that its intent was to create a single moratorium for groundfish and BSAI crab fisheries within which qualified vessels would be free to move among fisheries as they have done under the open access management system. The flexibility the crossover provision gave to vessels in one or more of these fisheries was considered by the Council to be a critically important part of its moratorium proposal.

In December 1994, NMFS informed the Council that the crossover provision could continue to be an impediment to approval of the revised moratorium proposal. The Regional Director suggested a way to overcome this problem by providing for limited crossovers based on certain criteria. The Council approved this change to the crossover provision on December 11, 1994.

The revised moratorium proposal would allow a moratorium-qualified vessel to cross over between one moratorium fishery (e.g., BSAI crab fishery) and another moratorium fishery (e.g., the groundfish fishery, or vice versa) during the moratorium if:

i. The vessel had made a legal landing in both fisheries during the qualifying period; or

ii. The vessel uses the same type of fishing gear in the second fishery that it used in the first fishery to qualify for the moratorium; or

iii. The vessel qualified for the moratorium in one fishery and, during the period February 9, 1992, through December 11, 1994, made a legal landing in the other moratorium fishery and uses the same type of fishing gear it used during that period.

The following paragraphs describe how NMFS would implement this limited crossover provision and provide a general description of the proposed moratorium program.

Proposed Vessel Moratorium Program

The proposed moratorium program, if approved, would limit access to the groundfish and BSAI crab resources off Alaska to a vessel that has been issued a moratorium permit by NMFS. A

moratorium permit would be required in addition to any other permit or license required by Federal or state regulations unless those requirements are specifically waived. NMFS is considering alternatives that would simplify the permit application and issuance process, including a unified Federal permitting system for groundfish and crab.

1. Vessels Affected by the Proposed Moratorium

The proposed moratorium would require a moratorium permit for a vessel that catches and retains any species of king and Tanner crabs whose commercial fishing is governed by the Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area and its implementing regulations at 50 CFR part 671 (''moratorium crab species''). A moratorium permit also would be required of a vessel that conducts directed fishing for any groundfish species whose commercial fishing is governed by the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area, and the Fishery Management Plan for Groundfish of the Gulf of Alaska and their respective implementing regulations at 50 CFR parts 672 and 675 (''moratorium groundfish species''). Moratorium crab species and moratorium groundfish species are collectively referred to as ''moratorium species.'' A vessel that catches and retains moratorium crab species and is issued a moratorium permit would be required to have any Federal or state permits specified in the applicable regulations. However, a vessel that conducts directed fishing for any moratorium groundfish species and is issued a moratorium permit would not be required to have a Federal groundfish permit.

A vessel ''directed fishing'' or targeting on groundfish species would be required to have a moratorium permit, unless the vessel is exempted, as described below. The term ''directed fishing'' is defined in the groundfish FMPs' implementing regulations at 50 CFR parts 672 and 675. Basically, this term establishes criteria by which NMFS may determine which species of groundfish a vessel has been targeting when any fish are on board the vessel. A vessel that takes only incidental catches of moratorium groundfish species in the EEZ would not be required to have a moratorium permit; however, it would be required to have a Federal groundfish permit. A vessel without a moratorium permit in the EEZ would be required to discard any catch of a moratorium groundfish species that exceeds the maximum retainable bycatch amount specified in the directed fishing definition in parts 672 and 675. Crabs are prohibited species in the groundfish fishery, which means that any bycatch of crab must be immediately returned to the sea.

The Council specifically exempted certain vessels from the proposed moratorium. Such vessels would not be required to obtain moratorium permits. The rationale for these exemptions was provided in the proposed rule for the original moratorium proposal (59 FR 28827, June 3, 1994). Other existing Federal and state permit requirements would continue to apply to exempted vessels. A vessel within one of the following categories would be exempt from the moratorium and would not be required to have a moratorium permit (but may be required to have a Federal groundfish permit):

- A vessel that is not used to catch fish (e.g., processor vessel, tender, or support vessel); or
- A vessel that does not catch and retain moratorium crab species or that does not conduct directed fishing for moratorium groundfish species; or
- A vessel that catches and retains moratorium crab species or that conducts directed fishing for moratorium groundfish species only within state waters; or
- A vessel that conducts directed fishing for moratorium groundfish species in the GOA and that does not exceed 26 ft (7.9 m) in length overall (LOA) providing such vessel length is not increased beyond this LOA limit; or
- A vessel that catches and retains moratorium crab species or that conducts directed fishing for moratorium groundfish species in the BSAI area and that does not exceed 32 ft (9.8 m) LOA providing such vessel length is not increased beyond this LOA limit; or
- A vessel that catches IFQ halibut or IFQ sablefish or halibut or sablefish under the Western Alaska Community Development Quota (CDQ) program; or
- A vessel that, after the implementation of the CDQ program for pollock on November 18, 1992 (57 FR 54937, November 23, 1992) is specifically constructed and used to harvest pollock in accordance with a Community Development Plan (CDP), is specially designed and equipped to meet specific needs that are described in the CDP, and is no greater than 125 ft (38.1 m) LOA.

2. Moratorium Permit Qualifications

Generally, a vessel would be qualified to receive a moratorium permit, if it made a legal landing of any moratorium species during the qualifying period of January 1, 1988, through February 9, 1992. The exceptions to this general rule are described below.

A ''legal landing'' would be defined as any amount of a moratorium species that was landed in compliance with Federal and state regulations in effect at the time of the landing. The primary effect of this definition would be to limit landing claims to those that could be verified through Federal and state records of required landing reports. A vessel owner who alleges that government records are in error would have to produce a copy of a valid state fish ticket or other required report as evidence of participation of the vessel in a fishery for a moratorium species during the qualifying period.

A vessel for which acceptable evidence exists of a legal landing of a moratorium species during the qualifying period would be considered by NMFS to have moratorium qualification, except if that vessel is exempt from the moratorium as described above. For example, a vessel that is less than or equal to 26 ft (7.9 m) LOA and that made a legal landing of moratorium species caught only in the GOA would not have moratorium qualification. Likewise, a vessel that made a legal landing only of halibut and sablefish caught with fixed gear during the qualifying period would not have moratorium qualification.

An exempt vessel may continue to fish for moratorium species, if it has on board a groundfish permit issued by NMFS or a crab permit issued by the State of Alaska pursuant to existing regulations. For example, a Federal groundfish permit would be required of any vessel that participates in the EEZ groundfish fisheries off Alaska, including a processor vessel, a support vessel, a small vessel exempted from the moratorium, as well as a vessel that harvests IFQ sablefish. Issuance of a groundfish permit would not require moratorium qualification. By not allowing such a vessel a moratorium qualification, the vessel would be prevented from transferring moratorium qualification to another vessel that could increase the overall harvesting capacity of the fleet counter to the Council's objective in proposing the moratorium.

A vessel that operates under the IFQ program and that does not have moratorium qualification would be able to retain bycatch amounts of

moratorium groundfish species, such as Pacific cod and rockfish, up to the maximum allowable retention limits set forth at 50 CFR parts 672 and 675. The retention of these species is required under the IFQ program regulations at 50 CFR part 676, unless retention is otherwise restricted or prohibited by Federal or state regulations. Hence, a moratorium permit would not be required of vessels used by fishermen with IFQs for halibut or sablefish.

A moratorium permit would be issued to the person who owns a moratorium-qualified vessel after approval of an application for a moratorium permit for that vessel. Moratorium qualification would be a characteristic of a vessel that stays with the vessel, except as described below. NMFS would maintain a database of vessels that are moratorium-qualified according to official landings records. If the owner of a vessel that would require a moratorium permit applies for one, NMFS may issue a permit if the vessel is on the list of moratorium-qualified vessels and is within its maximum LOA. Moratorium permits would be valid only for the year in which they are issued. A vessel owner who receives a moratorium permit for a vessel one year may not necessarily receive one for the same vessel in a succeeding year if the vessel loses its moratorium qualification.

The moratorium qualification of a vessel could be lost if it is transferred to another vessel or person, or if the vessel's LOA is increased to exceed the maximum LOA for that vessel. A vessel's maximum LOA is defined in the proposed rule as the greatest LOA that the vessel, or its replacement, may have and remain qualified for a moratorium permit. The maximum LOA of a vessel that is less than 125 ft (38.1 m) LOA would be either 1.2 times the vessel's original qualifying length, or 125 ft (38.1 m), whichever is less. The maximum LOA of a vessel that is 125 ft (38.1 m) or greater would be equal to its original qualifying length. The original qualifying length of a vessel would be the LOA of the vessel on or before June 24, 1992. This limited length increase allowance, known as the ''20 percent rule,'' is intended to provide an owner of a smaller vessel with an opportunity to increase the vessel's stability by widening and lengthening the hull. The 20 percent rule could increase safety margins for a vessel, although it also would provide an opportunity to increase its fishing capacity. The Council recognized this possibility, and limited any vessel length increases to a vessel less than 125 ft (38.1 m) LOA. The Council made this decision on June 24, 1992, to discourage a vessel owner from increasing the vessel's length substantially between that date and the potential implementation date of the moratorium. Any violation of the 20 percent rule would nullify the moratorium qualification of the vessel that exceeds its maximum LOA.

3. Crossovers

The Council's original moratorium proposal would not have limited the ability of a vessel that qualified for a moratorium permit because of a legal landing, for example, of a moratorium crab species to cross over to a fishery for a moratorium groundfish species, even if it had no previous landing history in a groundfish fishery. For the reasons described above, the Council decided at its meeting in December 1994, to limit crossovers. The rationale for this revision is to allow a vessel to move between the groundfish and BSAI crab fisheries as intended in the original moratorium proposal, but to limit that movement based on the type of fishing gear used by the vessel either to qualify for the moratorium or during the period of time immediately following the qualifying period and before December 11, 1994. This crossover limitation recognizes the basic similarity of fishing gear used in the BSAI crab fisheries and some groundfish fisheries. It also recognizes the fact that some moratorium-qualified vessels crossed over to enter a new moratorium fishery after the cutoff date of February 9, 1992, based on the Council's original moratorium proposal. These vessels would be allowed to continue to operate in these fisheries under the moratorium but would be restricted to using the fishing gear used from February 10, 1992, through December 11, 1994, the date of the Council's decision on the revised moratorium proposal.

Either of two conditions would allow a moratorium-qualified vessel that had a legal landing during the qualifying period only in the groundfish fishery to cross over under the moratorium as a new vessel in the BSAI crab fishery (or vice versa):

1. The vessel could cross over into the new fishery providing it uses only the same basic (authorized) fishing gear that it used to qualify for the moratorium; or

2. The vessel could cross over into the new fishery providing it had made a legal landing in that fishery during the period February 10, 1992, through December 11, 1994, and it uses only the same basic (authorized) fishing gear that it used during that period.

Example 1. A vessel that made a legal landing in the BSAI crab fisheries during the qualifying period would be eligible for a moratorium permit to operate in that fishery and in the BSAI or GOA groundfish fisheries using pot gear where that gear is authorized. The only legal fishing gear in the BSAI crab fisheries is pot gear. Therefore, this vessel would be limited in crossing over into the groundfish fisheries to using pot gear.

Example 2. A vessel that made a legal landing in the BSAI or GOA groundfish fisheries during the qualifying period would be eligible for a moratorium permit to operate in that fishery using any authorized fishing gear for groundfish. The same vessel also made a legal landing in the BSAI crab fishery during the period February 10, 1992, through December 11, 1994. Therefore, this vessel also would be eligible for a moratorium permit to operate in the BSAI crab fishery, and its flexibility to move between fisheries using any authorized gear would be unlimited.

Example 3. A vessel that made a legal landing in the BSAI crab fisheries during the qualifying period would be eligible for a moratorium permit to operate in that fishery and in the BSAI or GOA groundfish fisheries using pot gear where that gear is authorized. The same vessel also made a legal landing in the groundfish fisheries using hook-and-line gear during the period February 10, 1992, through December 11, 1994. Therefore, this vessel also would be eligible for a moratorium permit to operate in the groundfish fisheries using hook-and-line gear. This vessel would not be eligible to cross over into the groundfish fishery using trawl gear under the moratorium, but would be limited to fishing for groundfish with either pot or hook-and-line gear.

This revision to the proposed moratorium would require NMFS to issue moratorium permits with fishery-specific fishing gear endorsements. A moratorium permit would not be valid without at least one gear endorsement. Four types of fishery/gear endorsements are proposed that comprise categories of fishing gear that are specifically authorized in Federal regulations (with respect to groundfish) or in State of Alaska regulations (with respect to crab). These fishery/gear endorsement categories are as follows:

a. Groundfish/trawl, includes groundfish pelagic and nonpelagic trawl gears as defined at 50 CFR part 672;

b. Crab/pot, includes crab pot gear as defined in the Alaska Administrative Code at title 5, chapters 34 and 35;

c. Groundfish/pot, includes groundfish longline pot and pot-and-line gears as defined at 50 CFR part 672; and

d. Groundfish/hook, includes groundfish hook-and-line and jig gears as defined at 50 CFR part 672.

The Regional Director would determine the appropriate fishery/gear endorsement for a moratorium permit based on the permit application received and existing landings records and vessel LOA. A moratorium permit may be issued for the groundfish fishery or the BSAI crab fishery or both. In addition, a moratorium permit may be issued with one or more of the fishery/gear endorsements listed above. For example, a moratorium-qualified vessel that made a legal landing of BSAI crab during the qualifying period would be issued a moratorium permit to fish for groundfish and BSAI crab with a pot gear endorsement. Alternatively, a moratorium-qualified vessel that made a legal landing of groundfish using trawl gear during the qualifying period would be issued a moratorium permit to fish for groundfish with all groundfish gear endorsements, but that vessel would not be permitted to fish for BSAI crabs unless it also had made a legal landing in the BSAI crab fishery during the period February 10, 1992, through December 11, 1994. This restriction is necessary to carry out the proposed limited crossover policy.

4. Transferability

The moratorium qualification issued to a vessel would be transferrable under certain conditions. All such transfers would have to be approved by the Regional Director before they would be effective. A vessel that loses its moratorium qualification due to a transfer would become disqualified to participate in any moratorium fishery on the effective date of the transfer. The purpose of providing for transfers is to allow vessels to make limited improvements or to replace existing vessels in the moratorium fisheries. Restrictions on transfers are necessary to limit the potential fishing capacity resulting from vessel improvements or replacements. A moratorium qualification may be transferred without a moratorium permit if, for example, no such permit has been issued based on that qualification. A moratorium permit would not be transferrable during the year for which it is issued without also transferring the moratorium qualification on which it is based.

Moratorium qualification would be assumed to remain attached to the vessel that made a legal landing of moratorium species during the qualifying period, unless otherwise specified in a purchase agreement or contract. Hence, NMFS would presume that the owner of a moratorium-qualified vessel at the time of a moratorium permit application also possesses the moratorium qualification for that vessel. The moratorium qualification of a vessel may be transferred from the owner of the vessel to another person by mutual agreement. For example, the moratorium qualification of a vessel, commonly referred to as the vessel's ''fishing rights,'' may be retained by the vessel's owner to liquidate independently of the vessel. A vessel owner also may choose to retain the moratorium qualification of his or her vessel when it is sold, lost or destroyed, so that he/she can apply it to a replacement vessel. Regardless of the reason for transferring the moratorium qualification, NMFS would require valid documentation of the transfer before the moratorium qualification could be used as a basis for issuing a moratorium permit.

A moratorium permit would not be valid without a valid moratorium qualification. Moratorium permits would be valid only in the calendar year for which they are issued. Hence, the validity of a vessel's moratorium qualification would be confirmed at least annually, or whenever a moratorium permit application is submitted. The validity of a vessel's moratorium qualification would depend on its compliance with the 20 percent rule described above, with respect to the vessel's maximum LOA. Each moratorium qualification would be characterized by a maximum LOA. A transfer of a vessel's moratorium qualification to a vessel that exceeds the maximum LOA of the moratorium qualification would not be approved by NMFS, for example, and no moratorium permit would be issued.

A moratorium permit would not be separable from the moratorium qualification on which the permit is based. A moratorium qualification transfer by itself would automatically invalidate any moratorium permit that had been based on that moratorium qualification. Fishery and gear endorsements could not be separated and transferred independently. For example, a moratorium permit that authorizes a vessel to harvest moratorium species of groundfish and crab with pot gear could not be separated into a groundfish/pot permit and a crab/pot permit. Likewise, gear endorsements could not be separately transferred from a moratorium permit. For example, the hook endorsement on a groundfish/trawl, pot, and hook permit would not be transferrable.

Replacement or salvage of a lost or destroyed vessel: A cutoff date of January 1, 1989, is proposed for determining the replacement of a moratorium-qualified vessel that was lost or destroyed. The moratorium qualification of a vessel that was lost or destroyed before that date would no longer be valid for purposes of a moratorium permit, unless salvage of the vessel had started before June 24, 1992. The Council reasoned that a vessel owner who lost a vessel before January 1, 1989, would have replaced the vessel before the end of the qualifying period if the owner intended to continue participation in the moratorium fisheries.

The moratorium qualification of a vessel that was lost or destroyed on or after January 1, 1989, but before the effective date of the moratorium, may be valid and transferred to a replacement vessel if the LOA of the replacement vessel does not exceed the maximum LOA of the moratorium-qualified vessel that was lost, and the replacement vessel makes a legal landing of a moratorium species within the first 2 years (730 days) after the effective date of the moratorium. At the beginning of the third year of the moratorium, NMFS would determine whether the replacement vessel made a legal landing of a moratorium species. If not, then no moratorium permit would be issued to the vessel that year. The moratorium qualification of a vessel that is lost or destroyed after the effective date of the moratorium may be transferred to a replacement vessel, providing it does not exceed the maximum LOA of the moratorium-qualified vessel that was lost.

The moratorium qualification of a vessel that was lost or destroyed before January 1, 1989, may be valid for the vessel if salvage operations began on or before June 24, 1992, the salvaged vessel does not exceed its maximum LOA, and the salvaged vessel makes a legal landing of a moratorium species within the first 2 years (730 days) after the effective date of the moratorium. A moratorium-qualified vessel that was lost or destroyed on or after January 1, 1989, may be salvaged and may be eligible for a moratorium permit if the salvaged vessel does not exceed its maximum LOA and the moratorium qualification of the vessel has not been transferred.

Reconstruction: Vessel reconstruction means a change in the original qualifying length of a moratorium-qualified vessel. The moratorium qualification of a vessel reconstructed in a manner that changes its LOA would be controlled under the moratorium by the 20 percent rule described above and the dates when reconstruction was started and finished. The LOA of a moratorium-

qualified vessel could be changed to exceed the vessel's maximum LOA without invalidating its moratorium qualification only if reconstruction of the vessel began before June 24, 1992, was completed after that date, and a transfer of the vessel's moratorium qualification or moratorium permit to the reconstructed vessel is approved by NMFS. The revised maximum LOA of such a vessel would be established as equal to the reconstructed LOA even if the reconstructed LOA were less than 125 ft (38.1 m). The purpose for this exception to the 20 percent rule is to prevent the disqualification of a vessel that was undergoing reconstruction on the date that the Council initially acted to recommend its original moratorium proposal. The Council decided that such a vessel should be allowed to participate in the fisheries under the moratorium, but that it should not be allowed any additional length increases under the 20 percent rule. A vessel that completed reconstruction before June 24, 1992, would have its LOA on that date used as a basis for determining its maximum LOA, and a vessel that started reconstruction after June 24, 1992, would have its LOA restricted by the 20 percent rule.

Vessel reconstruction would begin and end with the start and completion of the physical modification of the vessel. The determination of any adjustment in maximum LOA for reconstructed vessels would have to be approved by NMFS and be based on documentation supplied to NMFS that verifies the beginning and ending dates of vessel reconstruction. NMFS proposes that acceptable documentation of the beginning and ending dates of reconstruction would be limited to a notarized affidavit signed by the vessel owner and the owner/manager of the shipyard that specifies the beginning and ending dates of the reconstruction. NMFS particularly requests comments from the public on this proposed method for documenting the beginning and ending dates of vessel reconstruction.

5. Administration

The moratorium would be implemented by limiting the issuance of a moratorium permit to only a moratorium-qualified vessel. The Restricted Access Management Division within the Alaska Region, NMFS, would administer the moratorium program by maintaining a database of moratorium-qualified vessels, issuing, receiving, and reviewing permit and transfer applications, making initial determinations of eligibility, and issuing moratorium permits. This work would be conducted in parallel with the issuance of a Federal groundfish permit to each vessel that would not need a moratorium permit but that otherwise would participate in the groundfish fisheries in the EEZ (i.e., a moratorium-exempt vessel such as a processor, support vessel, and a small vessel). Federal groundfish permits would continue to be unlimited and issued without cost on receipt of an application. A moratorium permit would be required in lieu of a Federal groundfish permit for vessels subject to the moratorium. A vessel that intended to harvest moratorium crab species in the BSAI area would need a moratorium permit in addition to all permits and licenses required by the State of Alaska.

An application for a moratorium permit could be submitted at any time. The permit would be valid only through December 31 of the year for which the permit is issued. NMFS expects that most moratorium permit applications would be submitted in November and December for the succeeding fishing year. An approved moratorium permit would be issued to the owner of a moratorium-qualified vessel after review and processing of the permit application. The moratorium permit application would be similar in form to the Federal groundfish application currently in use.

The primary test for approval of a moratorium permit application for a vessel would be demonstration of the vessel's moratorium qualification and that its LOA is less than or equal to the maximum LOA associated with the moratorium qualification. As stated above, moratorium qualification would be assumed to remain with a vessel that made a legal landing of any moratorium species during the qualifying period. Otherwise, a valid contract or agreement to transfer a vessel's moratorium qualification or retain it when the vessel is transferred would be required to demonstrate ownership of the moratorium qualification. Determination of a vessel's maximum LOA would be based on Federal or state permit or registration documents dated on or before June 24, 1992 that demonstrate the original qualifying length of the vessel. If these documents are not available or contested, NMFS may request the vessel owner to produce marine survey, builders plans, or other third-party documentation of the vessel's length on or before June 24, 1992.

An application for transfer of moratorium qualification or a moratorium permit also could be submitted at any time, and both applications could be submitted simultaneously. The primary test for approval of a transfer would be demonstration of agreement to the transfer by the owners and would-be receivers of the moratorium qualification/permit, and proof that the vessel that would receive the moratorium qualification/permit is less than or equal to the maximum LOA associated with the moratorium qualification.

An initial administrative determination to deny the issuance of a moratorium permit would be explained in writing to the permit applicant, and the denial could be appealed following the procedures set forth at 50 CFR 676.25. A written appeal would have to be submitted to the Alaska Region, NMFS, within 60 days after the date that the determination was made. An initial administrative determination to deny an application for a permit would include a letter of authorization to the applicant authorizing the affected vessel to operate as if the application were approved pending appeal. The temporary authority granted by the letter of authorization would expire on the effective date of the final agency action on the appeal. The final agency action on the appeal, for purposes of judicial review, would occur at the end of the 60-day appeal period if no appeal were filed, or 30 days after the appellate officer's decision is issued, except as provided at 50 CFR 676.25. No appeal is provided for a denial of a transfer of moratorium qualification or moratorium permit. The maximum LOA restrictions would be too easily circumvented and the purpose of the moratorium undermined, if appeals of transfer denials were allowed.

Classification

Section 304(a)(1)(D) of the Magnuson Act requires NMFS to publish regulations proposed by a Council within 15 days of receipt of the amendment and regulations. At this time NMFS has not determined that the amendment these rules would implement is consistent with the national standards, other provisions of the Magnuson Act, and other applicable laws. NMFS, in making that determination, will take into account the data, views, and comments received during the comment period.

The Assistant Administrator for Fisheries, NOAA, has determined that this proposed rule, if adopted, could have a significant economic impact on a substantial number of small entities. Based on the EA/RIR/IRFA of the moratorium prepared by the Council, total participation in the moratorium fisheries for a given year is influenced

by the annual rate of entrance and exit of vessels. Although new entrants averaged nearly 900 vessels annually over the period 1977–91, total participation increased only 180 vessels per year, on average, because 500 to 1,000 vessels annually exited the fisheries.

The revised moratorium proposal would reduce the potential fleet of vessels qualified to fish under the moratorium from 13,350 under the original proposal to 4,144 under the revised proposal. The number of qualifying vessels under the revised proposal is about 180 percent of the average number of vessels that operated in the affected fisheries each year 1988–91. Roughly 25 percent of this potential qualifying fleet is small vessels that would be exempted and permitted to operate in the moratorium fisheries, regardless of the moratorium. The proposed moratorium would prevent the participation of vessels that entered the affected fisheries for the first time between February 9, 1992, and the end of 1994, or that made landings only in the fixed-gear fisheries for halibut and sablefish. An estimated 973 vessels would not qualify for a moratorium permit for these reasons, unless they received transferred moratorium qualification. This number includes about 324 vessels that are 26 ft (7.9 m) in length or less that would be able to participate with a normal Federal groundfish permit. Large vessels over 90 ft (27.4 m) in length have the greatest fish harvesting capacity, and the greatest potential impact on the fishery resources. About 28 large vessels that entered the fisheries after February 9, 1992, would not qualify for a moratorium permit. A copy of the EA/RIR/IRFA may be obtained (see **ADDRESSES**).

This rule involves collection-of-information requirements subject to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*.) that have been approved by the Office of Management and Budget (OMB) (OMB control number 0648–0282). This approval expires August 31, 1997, and was based on the original moratorium proposal submitted in 1994. The revised moratorium proposal would affect fewer vessels. Therefore, the paperwork burden would be somewhat less than originally estimated for the original collection-of-information request. These paperwork burdens include the time for reviewing the instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information that pertains to permit, appeals, and transfer applications. Send comments regarding this paperwork burden or any other aspect of the data requirements, including suggestions for reducing the burden, to NMFS (see **ADDRESSES**) and to the Office of Information and Regulatory Affairs, OMB, Washington, D.C. 20503 (ATTN: NOAA Desk Officer).

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

List of Subjects

50 CFR Part 671

Fisheries, Fishing, Reporting and recordkeeping requirements.

50 CFR Parts 672 and 675

Fisheries, Recordkeeping and reporting requirements.

50 CFR Part 676

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: May 9, 1995.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR parts 671, 672, 675, and 676 are proposed to be amended to read as follows:

PART 671—KING AND TANNER CRAB FISHERIES OF THE BERING SEA AND ALEUTIAN ISLANDS

1. The authority citation for 50 CFR part 671 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq*.

2. Section 671.2 is amended by adding the definitions for ''King crab'' and ''Tanner crab'', in alphabetical order, to read as follows:

§ 671.2 Definitions.

* * * * *

King crab means red king crab, *Paralithodes camtschatica*; blue king crab, *P. platypus*; or brown (or golden) king crab, *Lithodes aequispina*; scarlet (or deep sea) king crab, *L. couesi*.

* * * * *

Tanner crab means *Chionoecetes bairdi*; snow crab, *C. opilio*; grooved Tanner crab, *C. tanneri*; triangle Tanner crab, *C. angulatus*; or any hybrid of these Tanner crab species.

3. Section 671.3 is added to read as follows:

§ 671.3 Relation to other laws.

(a) *Foreign fishing.* Regulations governing foreign fishing for groundfish in the Gulf of Alaska are set forth at § 611.92 of this chapter. Regulations governing foreign fishing for groundfish in the Bering Sea and Aleutian Islands Management Area are set forth at § 611.93 of this chapter.

(b) *King and Tanner crab*. Regulations governing the conservation and management of king and Tanner crab also are found in the Alaska Administrative Code at title 5, chapters 34, 35, and 39.

(c) *Halibut fishing.* Regulations governing the conservation and management of Pacific halibut are set forth at part 301 of this title and part 676 of this chapter.

(d) *Domestic fishing for groundfish*. Regulations governing the conservation and management of groundfish in the EEZ of the Gulf of Alaska and in the Bering Sea and Aleutian Islands Management area are set forth at parts 620, 672, 675, and 676 of this chapter.

(e) *Limited access*. Regulations governing access to commercial fishery resources are set forth at part 676 of this chapter.

(f) *Marine mammals*. Regulations governing exemption permits and the recordkeeping and reporting of the incidental take of marine mammals are set forth at § 216.24 and part 229 of this title.

(g) *Research plan*. Regulations governing elements of the North Pacific Fisheries Research Plan are set forth at part 677 of this chapter.

4. Section 671.4 is revised to read as follows:

§ 671.4 Permits.

This section is effective from January 1, 1996, through December 31, 1998, unless otherwise specified. In addition to any other permits or licenses that may be required by Federal or state regulations, the owner of a vessel of the United States must obtain a moratorium permit issued under 50 CFR part 676 before using the vessel to catch and retain king or Tanner crab in the Bering Sea and Aleutian Islands Area unless specifically exempt under 50 CFR part 676.

PART 672—GROUNDFISH OF THE GULF OF ALASKA

5. The authority citation for 50 CFR part 672 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq*.

6. Section 672.3, paragraph (f) is added to read as follows:

§ 672.3 Relation to other laws.

* * * * *

(f) *Crab fishing.* Regulations governing the conservation and management of king and Tanner crab in the Bering Sea and Aleutian Islands Area are set forth at parts 671 and 676 of this chapter, and

in the Alaska Administrative Code at title 5, chapters 34, 35, and 39.

7. Section 672.4, paragraph (a) is revised to read as follows:

§ 672.4 Permits.

(a) *General.* This section is effective from January 1, 1996, through December 31, 1998, unless otherwise specified. Unless specifically exempt under 50 CFR part 676, the owner of a vessel of the United States must obtain a moratorium permit issued under 50 CFR part 676 before using the vessel to conduct directed fishing for moratorium groundfish species, as defined at § 676.2 of this chapter, in the Gulf of Alaska. The owner of a vessel of the United States that is not required to have a moratorium permit because the vessel is specifically exempt under § 676.3 of this chapter must obtain a groundfish permit issued under this part before using the vessel to fish for groundfish in the Gulf of Alaska. Such permits shall be issued without charge.

* * * * *

PART 675—GROUNDFISH OF THE BERING SEA AND ALEUTIAN ISLANDS AREA

8. The authority citation for 50 CFR part 675 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

9. Section 675.3, paragraph (f) is added to read as follows:

§ 675.3 Relation to other laws.

* * * * *

(f) *Crab fishing.* Regulations governing the conservation and management of king and Tanner crab in the Bering Sea and Aleutian Islands Area are set forth at parts 671 and 676 of this chapter, and in the Alaska Administrative Code at title 5, chapters 34, 35, and 39.

10. Section 675.4(a) is revised to read as follows:

§ 675.4 Permits.

(a) *General.* This section is effective from January 1, 1996, through December 31, 1998, unless otherwise specified. The owner of a vessel of the United States must obtain a moratorium permit issued under 50 CFR part 676 before the vessel is used to conduct directed fishing for moratorium groundfish species, as defined at § 676.2 of this chapter, in the Bering Sea and Aleutian Islands management area, unless specifically exempt under § 676.3 of this chapter. The owner of a vessel of the United States that is not required to have a moratorium permit because the vessel is specifically exempt under § 676.3 of this chapter must obtain a groundfish permit issued under this part before using the vessel to fish for groundfish in the Bering Sea and Aleutian Islands management area. Such permits shall be issued without charge.

* * * * *

PART 676—LIMITED ACCESS MANAGEMENT OF FEDERAL FISHERIES IN AND OFF ALASKA

11. The authority citation for part 676 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

12. Subpart A is amended by adding §§ 676.1 through 676.6 to read as follows:

Subpart A—Moratorium on Entry

Sec.
676.1 Purpose and scope.
676.2 Definitions.
676.3 Moratorium permits.
676.4 Transfer of moratorium permits.
676.5 Permit application procedure.
676.6 Prohibitions.
676.7–676.9 [Reserved]

Subpart A—Moratorium on Entry

§ 676.1 Purpose and scope.

This subpart is effective from [date 30 days after date of publication of the final rule in the **Federal Register**], through December 31, 1998.

(a) This subpart implements a vessel moratorium program developed by the North Pacific Fishery Management Council and approved by NMFS.

(b) Regulations in this subpart govern:

(1) The issuance of Federal moratorium permits to limit the number and size of vessels in the commercial fisheries for groundfish in that portion of the Gulf of Alaska and Bering Sea and Aleutian Islands management area over which the United States exercises exclusive fishery management authority; and

(2) The issuance of Federal moratorium permits to limit the number and size of vessels in the commercial fisheries for king and Tanner crabs in that portion of the Bering Sea and Aleutian Islands Area over which the United States exercises exclusive fishery management authority.

§ 676.2 Definitions.

In addition to the terms in the Magnuson Act and in parts 620, 671, 672, and 675 of this chapter, the terms in this subpart have the following meanings:

Catcher vessel means, with respect to moratorium groundfish species, a vessel as defined at parts 672 and 675 of this chapter, or a vessel that is used to catch, take, or harvest moratorium crab species that are retained on board as fresh fish product at any time.

Catcher/processor vessel means a vessel that can be used as a catcher vessel and can process or prepare fish to render it suitable for human consumption, industrial use, or long-term storage, including, but not limited to, cooking, canning, smoking, salting, drying, freezing, and rendering into meal or oil, but does not include heading and gutting unless additional preparation is done.

Directed fishing means, with respect to moratorium groundfish species, directed fishing as defined at parts 672 and 675 of this chapter, or the catching and retaining of any moratorium crab species.

Legal landing means any amount of a moratorium species that was or is landed in compliance with Federal and state regulations in effect at the time of the landing.

LOA means length overall as defined at parts 672 and 675 of this chapter.

Lost or destroyed vessel means a vessel that has sunk at sea or has been destroyed by fire or other type of physical damage and is listed on the U.S. Coast Guard Report of Marine Casualty, Form 2692.

Maximum LOA with respect to a vessel means the greatest LOA of that vessel or its replacement that may qualify it to use a moratorium permit to catch and retain moratorium crab species or conduct directed fishing for moratorium groundfish species during the moratorium, except as provided at § 676.4(d). The maximum LOA of a vessel with moratorium qualification will be determined by the Regional Director as follows:

(1) For a vessel with moratorium qualification that is less than 125 ft (38.1 m) LOA, the maximum LOA will be equal to 1.2 times the vessel's original qualifying length or 125 ft (38.1 m), which ever is less; and

(2) For a vessel with moratorium qualification that is equal to or greater than 125 ft (38.1 m), the maximum LOA will be equal to the vessel's original qualifying length.

Moratorium crab species means species of king or Tanner crabs harvested in the Bering Sea and Aleutian Islands Area, the commercial fishing for which is governed by part 671 of this chapter.

Moratorium groundfish species means species of groundfish, except sablefish caught with fixed gear as defined at § 676.11, harvested in the Gulf of Alaska or harvested in the Bering Sea and Aleutian Islands management area, the commercial fishing for which is

governed by parts 672 and 675 of this chapter, respectively.

Moratorium permit means a transferrable permit or license that authorizes a vessel to fish for moratorium species in the Gulf of Alaska or the Bering Sea and Aleutian Islands management area.

Moratorium qualification means a transferrable prerequisite for a moratorium permit. A vessel may be considered to have ''moratorium qualification'' if it made a legal landing of a moratorium species during the qualifying period.

Moratorium species means any moratorium crab species or moratorium groundfish species.

Original qualifying length with respect to a vessel means the LOA of the vessel on or before June 24, 1992.

Person means any individual who is a citizen of the United States or any United States corporation, partnership, association, or other entity (or its successor in interest), whether or not organized or existing under the laws of any state.

Qualifying period means the period of time from January 1, 1988, through February 9, 1992.

Regional Director means the Director, Alaska Region, NMFS, or an individual to whom the Regional Director has delegated authority.

§ 676.3 Moratorium permit.

(a) *General.* The owner of a vessel of the United States must obtain a moratorium permit issued under this subpart before using the vessel to catch and retain any moratorium crab species or before using the vessel to conduct directed fishing for any moratorium groundfish species. A moratorium permit required by this section is in addition to any other permit or license required by Federal or state regulations.

(1) A moratorium permit issued under this part is valid only if:

(i) The permit is on board the vessel to which it is assigned at all times when the vessel is fishing for any moratorium species;

(ii) The permit has at least one endorsement authorizing the use of a specific type of fishing gear;

(iii) The vessel to which the permit is assigned has on board no fishing gear other than the type of gear authorized by permit endorsement;

(iv) The vessel to which the permit is assigned is fishing for a moratorium species during an open fishing season for that species in the fishing year for which the permit is issued; and

(v) The permit is not revoked, suspended, or modified under 15 CFR part 904 (Civil procedures).

(2) A moratorium permit must be presented for inspection on request of any authorized officer.

(b) *Exceptions.* A vessel within one of the following categories is not required to have on board a moratorium permit required under paragraph (a) of this section and may catch and retain moratorium species during the effective dates of the moratorium in compliance with the permit or license requirements of the State of Alaska with respect to moratorium crab species, Federal permit requirements at parts 672 and 675 of this chapter with respect to moratorium groundfish species, and other applicable Federal and state regulations:

(1) A vessel other than a catcher vessel or catcher/processor vessel;

(2) A catcher vessel or catcher/processor vessel that conducts directed fishing for groundfish in the Gulf of Alaska and does not exceed 26 ft (7.9 m) LOA;

(3) A catcher vessel or catcher/processor vessel that catches and retains moratorium crab species or that conducts directed fishing for moratorium groundfish species in the Bering Sea and Aleutian Islands area and does not exceed 32 ft (9.8 m) LOA;

(4) A catcher vessel or catcher/processor vessel that is catching IFQ halibut or IFQ sablefish or halibut or sablefish under the Western Alaska Community Development Quota Program in accordance with regulations at subparts B and C of this part and that is not directed fishing for any moratorium species; or

(5) A catcher vessel or catcher/processor vessel that, after November 18, 1992, is specifically constructed for and used in accordance with a Community Development Plan approved by the Secretary under § 675.27 of this chapter, is designed and equipped to meet specific needs that are described in the Community Development Plan, and does not exceed 125 ft (38.1 m) LOA.

(c) *Moratorium permit qualification.* Any vessel that was used to make a legal landing of any amount of any moratorium species during the qualifying period shall be a vessel with moratorium qualification and may be eligible to receive a moratorium permit, if:

(1) The vessel does not exceed its maximum LOA;

(2) The vessel is greater than 26 ft (7.9 m) LOA and is used to conduct directed fishing for moratorium groundfish species in the Gulf of Alaska;

(3) The vessel is greater than 32 ft (9.8 m) LOA and is used to conduct directed fishing for moratorium groundfish species in the Bering Sea and Aleutian Islands management area; and

(4) The moratorium qualification for the vessel has not been transferred to another vessel.

(d) *Moratorium permit endorsements.* A moratorium permit is not valid unless the permit has at least one endorsement authorizing the use of a type of fishing gear specified in this paragraph. Authorized fishing gear for the Bering Sea and Aleutian Islands crab fisheries is defined in the Alaska Administrative Code at title 5, chapters 34 and 35; authorized fishing gears for the Gulf of Alaska and the Bering Sea and Aleutian Islands groundfish fisheries are defined at part 672 of this chapter. Any one or a combination of the following fishing gear endorsements may be included in a moratorium vessel permit:

(1) Trawl, includes pelagic and nonpelagic trawl gears;

(2) Pot, includes longline pot and pot-and-line gears; and/or

(3) Hook, includes hook-and-line and jig gears.

(e) *Gear endorsement criteria.* A vessel with moratorium qualification shall be issued a moratorium permit with one or more gear endorsement(s) based on the gear endorsement criteria in this paragraph. For purposes of this paragraph, the qualifying period is ''period 1,'' and the period of time from February 10, 1992, through December 11, 1994, is ''period 2.''

(1) *Crab/pot permit.* A vessel is eligible to receive a moratorium permit for the crab fisheries with a pot gear endorsement if the vessel:

(i) Made a legal landing of a moratorium crab species in period 1;

(ii) Made a legal landing of a moratorium groundfish species with any authorized fishing gear in period 1, and, in period 2, made a legal landing of a moratorium crab species; or

(iii) Made a legal landing of moratorium groundfish in period 1 with pot gear.

(2) *Groundfish/trawl permit.* A vessel is eligible to receive a moratorium permit for the groundfish fisheries with a trawl gear endorsement if the vessel:

(i) Made a legal landing of a moratorium groundfish species with any authorized fishing gear in period 1; or

(ii) Made a legal landing of a moratorium crab species in period 1, and, in period 2, made a legal landing of a moratorium groundfish species using trawl gear.

(3) *Groundfish/pot permit.* A vessel is eligible to receive a moratorium permit for the groundfish fisheries with a pot gear endorsement if the vessel:

(i) Made a legal landing of a moratorium groundfish species with any authorized fishing gear in period 1; or

(ii) Made a legal landing of a moratorium crab species in period 1.

(4) *Groundfish/hook permit.* A vessel is eligible to receive a moratorium permit for the groundfish fisheries with a hook gear endorsement if the vessel:

(i) Made a legal landing of a moratorium groundfish species with any authorized fishing gear in period 1; or

(ii) Made a legal landing of a moratorium crab species in period 1, and, in period 2, made a legal landing of a moratorium groundfish species using hook gear.

§ 676.4 Transfer of moratorium permit.

(a) *General.* A transfer of a vessel's moratorium qualification or its moratorium permit is not valid unless it is approved by the Regional Director. Gear or species endorsement(s) are not severable from the permit in which the endorsement(s) is included. A moratorium permit transfer will not be approved without a coincident transfer of the moratorium qualification on which the permit is based. A transfer will not be approved by the Regional Director unless:

(1) A complete transfer application that satisfies all requirements specified at § 676.5 is submitted; and

(2) The vessel that would be receiving the transferred moratorium qualification or permit does not exceed the maximum LOA of the vessel relinquishing the moratorium qualification or permit.

(b) *Lost or destroyed vessel.* (1) The moratorium qualification of a vessel that was lost or destroyed before January 1, 1989, is null and void, unless the vessel is salvaged, and:

(i) The salvaged vessel does not exceed its maximum LOA;

(ii) Salvage of the vessel began on or before June 24, 1992; and

(iii) The salvaged vessel is used to make a legal landing of a moratorium species on or before [insert date 2 years after the effective date of this final rule.].

(2) The moratorium qualification of any vessel that was lost or destroyed on or after January 1, 1989, and subsequently salvaged, is valid and a moratorium permit may be issued to the owner of the salvaged vessel providing:

(i) The moratorium qualification of the salvaged vessel has not been transferred to a different vessel; and

(ii) The salvaged vessel does not exceed its maximum LOA.

(c) The moratorium qualification of any vessel that was lost or destroyed on or after January 1, 1989, may be transferred with approval of the Regional Director under the following conditions:

(1) The moratorium qualification of any vessel that was lost or destroyed on or after January 1, 1989, but before the effective date of the moratorium may be transferred to another vessel providing that vessel:

(i) Does not exceed the maximum LOA of the vessel with moratorium qualification; and

(ii) Makes a legal landing of a moratorium species on or before [date 2 years after the effective date of this final rule].

(2) The moratorium qualification of any vessel that is lost or destroyed at any time after the effective date of the moratorium may be transferred to another vessel providing that vessel does not exceed the maximum LOA of the vessel with moratorium qualification.

(d) *Reconstruction.* The moratorium qualification or moratorium permit for a vessel is null and void if at any time after June 24, 1992, the LOA of the vessel is increased to exceed the vessel's maximum LOA. Any vessel that is reconstructed such that the LOA of the vessel exceeds its maximum LOA may retain its moratorium qualification or moratorium permit if:

(1) Reconstruction of the vessel began before June 24, 1992 and was completed after that date;

(2) The revised maximum LOA of the vessel is approved by the Regional Director as equal to the LOA of the reconstructed vessel; and

(3) A transfer of the vessel's moratorium qualification or moratorium permit to the reconstructed vessel is approved by the Regional Director pursuant to § 676.4.

§ 676.5 Permit application procedure.

(a) *General.* An application for a moratorium vessel permit may be requested from the Restricted Access Management Division, Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802–1668. Requests may be made by telephone by calling 907–586–7202 or 800–304–4846.

(b) *Application for permit.* With respect to any vessel, a moratorium permit will be issued to any person who is the owner of the vessel at the time of the permit application, and who has submitted, to the address in paragraph (a) of this section, a complete moratorium permit application that is subsequently approved by the Regional Director. A complete application for a moratorium vessel permit must include the following information for each vessel for which a permit is requested:

(1) Name of the vessel for which a permit is requested, state registration number of the vessel and, if documented, the U.S. Coast Guard documentation number of the vessel;

(2) Name(s), business address(es), and telephone and fax numbers of the person who is the owner of the vessel;

(3) Name(s), business address(es), and telephone and fax numbers of the person responsible for the operation of the vessel, if different from the owner;

(4) Valid documentation of the vessel's moratorium qualification if requested by the Regional Director due to an absence of landings records for the vessel during the qualifying period;

(5) Documentation of the vessel's original qualifying length if requested by the Regional Director or contested, such as a vessel survey, builder's plan, state or Federal registration certificate, fishing permit records, or other reliable and probative documents that clearly identify the vessel and are dated before June 24, 1992;

(6) Specification of the fishing gear(s) used during the moratorium qualifying period and (if necessary) the fishing gear(s) used during the period of time from February 10, 1992 through December 11, 1994;

(7) Specification of the vessel as either a catcher vessel or a catcher/processor vessel;

(8) If applicable, transfer authorization if a permit request is based on transfer of moratorium qualification pursuant to paragraph (c) of this section; and

(9) Signature of the person who is the owner of the vessel or the person who is responsible for representing the vessel owner.

(c) *Application for transfer.* An application for transfer of moratorium qualification or a moratorium permit must be completed by the applicant(s) and approved by the Regional Director before an application for a moratorium permit can be approved. An application for transfer and an application for a moratorium permit may be submitted simultaneously. A complete application for transfer must include the following information as applicable for each vessel from which moratorium qualification or a moratorium permit is requested to be transferred:

(1) Name(s), business address(es), and telephone and fax numbers of the applicant(s) including the owners of the moratorium qualification or moratorium permit that is to be transferred and the persons who would receive the transferred moratorium qualification or moratorium permit;

(2) Name of the vessel with moratorium qualification or moratorium

permit and the name of the vessel that would receive the moratorium qualification or moratorium permit (if any), the state registration number of each vessel and, if documented, the U.S. Coast Guard documentation number of each vessel;

(3) The original qualifying length of the vessel with moratorium qualification, its current LOA, and its maximum LOA;

(4) The LOA of the vessel that would receive the transferred moratorium qualification and documentation of that LOA by a current vessel survey or other reliable and probative document;

(5) A legible copy of a contract or agreement specifying the vessel or person from which moratorium qualification or moratorium permit is requested to be transferred, the date of the transfer agreement, and names and signatures of all current owners of the of the vessel with moratorium qualification, the moratorium qualification, or the moratorium permit, and the applicant;

(6) With regard to a vessel reconstruction:

(i) A legible copy of written contracts or written agreements with the firm that performed reconstruction of the vessel and that relate to that reconstruction;

(ii) An affidavit signed by the vessel owner(s) and the owner/manager of the firm that performed the vessel reconstruction specifying the beginning and ending dates of the reconstruction; and

(iii) An affidavit signed by the vessel owner(s) specifying the LOA of the reconstructed vessel;

(7) With regard to vessels lost or destroyed, a copy of U.S. Coast Guard Form 2692, Report of Marine Casualty; and

(8) Signatures of the persons from whom moratorium qualification or moratorium permit would be transferred or their representative and the persons who would receive the transferred moratorium qualification or moratorium permit or their representative.

(d) *Appeal.* (1) The Regional Director, or his or her appointee, will issue an initial administrative determination to each applicant who is denied a moratorium vessel permit by that official. An initial administrative determination may be appealed by the applicant in accordance with § 676.25. The initial administrative determination will be the final agency action for purposes of judicial review if a written appeal is not received by the Regional Director within the period specified at § 676.25(d).

(2) An initial administrative determination that denies an application for a moratorium vessel permit must authorize the affected vessel to catch and retain moratorium crab or moratorium groundfish species with the type of fishing gear specified on the application. The authorization expires on the effective date of the final agency action relating to the application.

§ 676.6 Prohibitions.

In addition to the prohibitions specified in §§ 620.7, 672.7, 675.7, and 676.16 of this chapter, it is unlawful for any person to:

(a) Submit false or inaccurate information on a moratorium vessel permit application or application to transfer moratorium qualification or a moratorium vessel permit;

(b) Alter, erase, or mutilate any moratorium vessel permit;

(c) Catch and retain a moratorium species with a vessel that has a LOA greater than the maximum LOA for the vessel;

(d) Catch and retain a moratorium species with a vessel that has received an unauthorized transfer of moratorium qualification;

(e) Catch and retain moratorium crab species or conduct directed fishing for any moratorium groundfish species with a vessel that has not been issued a valid moratorium vessel permit, unless the vessel is lawfully conducting directed fishing for sablefish under subparts B and C of this part;

(f) Catch and retain moratorium crab species or conduct directed fishing for any moratorium groundfish species with a vessel that does not have a valid moratorium vessel permit on board, unless the vessel is lawfully conducting directed fishing for sablefish under subparts B and C of this part; and

(g) Violate any other provision of subpart A of this part.

§§ 676.7–676.9 [Reserved]

[FR Doc. 95–11777 Filed 5–11–95; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register

Vol. 60, No. 92

Friday, May 12, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

May 5, 1995.

The Department of Agriculture has submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extension, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) Who will be required or asked to report; (5) An estimate of the number of responses; (6) An estimate of the total number of hours needed to provide the information; (7) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W Admin. Bldg., Washington, DC 20250, (202) 690–2118.

Revision

- National Agricultural Statistics Service

Monthly Cold Storage

Business or other for profit; 11,300 responses; 4,475 hours

Larry Gambrell (202) 720–5778

- Federal Crop Insurance Corporation

7 CFR Part 404, Noninsured Crop Disaster Assistance Program, Claim For Indemnity, Field Inspection And Appraisal Requirements

ASCS–574, ASCS–578, CCC–441, FCI–63, FCI–63–A, FCI–74, FCI–74–A, FCI–74–B, FCI–74–C, and FCI–19–A(APH)

Individuals or Households; Farms; 14,374,920 responses; 10,140,968 hours

Jerry Frank (202) 720–1324

New Collection

- Animal and Plant Health Inspection Service

Environmental Monitoring Form APHIS 2060

Individuals or households; Farms; Federal Government; 300 responses; 150 hours

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 95–11744 Filed 5–11–95; 8:45 am]

BILLING CODE 3410–01–M

DEPARTMENT OF AGRICULTURE

Forest Service

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

National Park Service

Fish and Wildlife Service

Bureau of Indian Affairs

National Biological Service

[WO–1550–00–7111–24 1A]

Federal Wildland Fire Management Policy and Program Review

AGENCIES: Forest Service, USDA; Bureau of Land Management, National Park Service, Fish and Wildlife Service, Bureau of Indian Affairs, and National Biological Service, Interior.

ACTION: Notice; delay in publication of the draft report of the Federal Wildland Fire Management Policy and Program Review.

SUMMARY: The draft report of the Federal Wildland Fire Management Policy and Program Review, which was previously scheduled to be available for public review on April 24, is now planned for publication on June 9, 1995. The added time will allow further consideration of information supplied by the public during the scoping process.

DATES: The public will have 30 days from the date of publication of the draft report in which to comment.

FOR FURTHER INFORMATION CONTACT: Tim Hartzell, Bureau of Land Management, phone (202) 208–5472; or John Chambers, USDA-Forest Service, phone (202) 205–1505.

SUPPLEMENTARY INFORMATION: Because of the wide scope of comments received in the initial stages of this review and because of the Interagency Steering Group's desire to involve key constituents in the development of the draft report, it has been determined to be in the best interests of all parties to delay publication of the report until approximately June 9. This will allow additional time for the core team and Steering Group to incorporate important points brought forward during public participation.

Once the draft report is published, the public will have 30 days to comment. The final report is expected to be forwarded to the Secretaries of Agriculture and the Interior on or about September 30, 1995.

Claudia Schechter,

Co-Chair, Steering Group, USDI.

[FR Doc. 95–11745 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF AGRICULTURE

Forest Service

National Urban and Community Forestry Advisory Council

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The National Urban and Community Forestry Advisory Council will meet in Lisle, Illinois, June 8–10, 1995, with a tour of local projects, June 8, 8:00–5:00 p.m. The Council is comprised of 15 members appointed by the Secretary of Agriculture. The purpose of the meeting is to receive status reports from prior challenge cost-share grant recipients and to initiate discussion on the 1995 Annual Report for Congress. The meeting will be chaired by William Kruidenier of the International Society of Arboriculture and is open to the public. Time will be provided at the beginning of each major agenda for public input. However, in order to schedule public input, time to speak must be requested by June 5, 1995. Council discussion is limited to Forest Service staff and Council members. Persons who wish to bring urban and community forestry matters to the attention of the Council may file written statements with the Council staff before or after the meeting.

DATES: The meeting will be held June 8–10, 1995.

ADDRESSES: The meeting will be held at the Morton Arboretum, which is located on Route 53 just north of I–88 in Lisle, IL 60532.

Send written statements and/or proposed agenda items to Suzanne M. del Villar, Executive Assistant, National Urban and Community Forestry Advisory Council, 1042 Park West Ct., Glenwood Springs, CO 81601.

FOR FURTHER INFORMATION CONTACT: Suzanne M. del Villar, Cooperative Forestry Staff, (970) 928–9264.

Dated: May 8, 1995.

William L. McCleese,

Acting Deputy Chief, S&PF.

[FR Doc. 94–11784 Filed 5–11–94; 8:45 am]

BILLING CODE 3410–11–M

Food Safety and Inspection Service

[Docket No. 94–022N]

National Advisory Committee on Microbiological Criteria for Foods; Meeting

Notice is hereby given that a meeting of the National Advisory Committee on Microbiological Criteria for Foods will be held on Thursday, May 25, and Friday, May 26, 1995, at the Holiday Inn Crowne Plaza, 1750 Rockville Pike, Rockville, Maryland 20852, (301) 468–1100. The meetings will be held from 1:00 p.m. to 9:00 p.m. on May 25 and from 8:30 a.m. to 3:00 p.m. on May 26.

The Committee provides advice and recommendations to the Secretaries of Agriculture and Health and Human Services concerning the development of microbiological criteria by which the safety and wholesomeness of food can be assessed, including criteria pertaining to microorganisms that indicate whether food has been produced using good manufacturing practices. This meeting is being held prior to the closing of the comment period to provide for a full discussion of USDA's ''Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems'' proposed rulemaking published on February 3, 1995 (60 FR 6774). The proposal was introduced to the Committee at its meeting on April 17–19, 1995, and the Committee members were asked to provide their scientific advice at this May meeting. The meeting will include discussion of the following topics as time permits:

I. Input and Discussion on the USDA ''Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems'' proposed rulemaking,

II. HACCP Application in Broiler Slaughter and Processing,

III. Parameters for the Safe Processing and Distribution of Smoked Fish, and

IV. Public Comments.

The Committee meeting is open to the public on a space available basis. With the exception of comments on the Pathogen Reduction; HACCP Systems proposed rule, interested persons may file comments on topics listed in this notice. Comments may be sent before and after the meeting to: Mr. Craig Fedchock, Advisory Committee Specialist, U.S. Department of Agriculture, Food Safety and Inspection Service, Room 311, 1255 22nd Street, NW., Washington, DC 20250–3700. Comments on the Pathogen Reduction; HACCP Systems proposed rule should be submitted to: FSIS Docket Clerk's Office, Room 4352, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250. Background materials are available for inspection by contacting Mr. Fedchock on (202) 254–2517.

Done at Washington, DC, on: May 9, 1995.

Michael R. Taylor,

Administrator, Food Safety and Inspection Service.

[FR Doc. 95–11800 Filed 5–9–95; 3:25 pm]

BILLING CODE 3410–DM–P

Grain Inspection, Packers and Stockyards Administration

Amendment to Certification of Central Filing System—Oklahoma

The Statewide central filing system of Oklahoma has been previously certified, pursuant to Section 1324 of the Food Security Act of 1985, on the basis of information submitted by the Oklahoma Secretary of State, for farm products produced in that State (52 FR 49056, December 29, 1987).

The certification is hereby amended on the basis of information submitted by Tom Cole, Secretary of State, for an additional farm product produced in that State as follows: hog embryos.

This is issued pursuant to authority delegated by the Secretary of Agriculture.

Authority: Sec. 1324(c)(2), Pub. L. 99–198, 99 Stat. 1535, 7 U.S.C. 1631(c)(2); 7 CFR 2.18(e)(3), 2.56(a)(3), 55 F.R. 22795.

Dated: May 5, 1995.

Calvin W. Watkins,

Deputy Administrator, Packers and Stockyards Programs.

[FR Doc. 95–11786 Filed 5–11–95; 8:45 am]

BILLING CODE 3410–KD–P

Natural Resources Conservation Service

Hurricane-Wolf Creeks Watershed, DeSoto County, Mississippi

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Regulations (40 CFR Part 1500); the Natural Resources Conservation Service Regulation (7 CFR Part 650); and the Natural Resources Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Hurricane-Wolf Creeks Watershed, DeSoto County, Mississippi.

FOR FURTHER INFORMATION CONTACT: Homer L. Wilkes, State Conservationist, Natural Resources Conservation Service, Suite 1321, Dr. A.H. McCoy Federal Building, 100 West Capitol Street, Jackson, Mississippi 39269–1399, telephone (601) 965–5205.

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Homer L. Wilkes, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project purposes are to reduce damage to agricultural land and public utilities, and reduce damages to water quality and the fishery resources in Arkabutla Reservoir by sedimentation. This will be accomplished by reducing erosion on cropland, unstable channels and reducing flooding on cropland. The planned works of improvement include land treatment measures, 210 minor grade control (pipe) structures, 14 road culvert stabilization sites, eight major grade control structures, 17,000 linear feet of structural stream bank stabilization, 15,000 linear feet of bank stabilization with vegetation, and accelerated technical assistance for land treatment.

The Notice of a Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various Federal, State, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address. Basic data developed during

the environmental assessment are on file and may be reviewed by contacting Homer L. Wilkes.

No administrative action on implementation of the proposal will be taken until 30 days after the date of this publication in the **Federal Register**.

(This activity is listed in the Catalog of Federal Domestic Assistance under NO. 10.904, Watershed Protection and Flood Prevention, and is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.)

Homer L. Wilkes,

State Conservationist.

[FR Doc. 95–11727 Filed 5–11–95; 8:45 am]

BILLING CODE 3410–16–M

East Walker Watershed, Nevada

AGENCY: Natural Resources Conservation Service, USDA.

ACTION: Notice of Deauthorization of Federal Funding.

SUMMARY: Pursuant to the Watershed Protection and Flood Prevention Act, Public Law 83–566, and the Natural Resources Conservation Service Guidelines (7 CFR 622), the Natural Resources Conservation Service gives notice of the deauthorization of Federal funding for the East Walker Watershed Project, Lyon County, Nevada, effective on April 17, 1995.

FOR FURTHER INFORMATION CONTACT: William D. Goddard, State Conservationist, Natural Resources Conservation Service, 5301 Longley Lane, Building F, Suite 201, Reno, Nevada 89511, telephone: (702) 784–5863.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention. Office of Management and Budget Circular A–95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable.)

Dated: May 4, 1995.

William D. Goddard,

State Conservationist.

[FR Doc. 95–11726 Filed 5–11–95; 8:45 am]

BILLING CODE 3410–16–M

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Illinois Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Illinois Advisory Committee will convene at 9:30 a.m. and adjourn at 5:00 p.m. on Wednesday, May 31, 1995, at the Ralph Metcalf Federal Building, 77 West Jackson Street, Room 328, Chicago, Illinois. The purpose of the meeting is to discuss current issues, plan future activities, and hold a press conference to release the Advisory Committee's report, Civil Rights Issues Facing Asian Americans in Metropolitan Chicago.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Faye M. Lyon, 815–965–9595, or Constance M. Davis, Director of the Midwestern Regional Office, 312–353–8311 (TDD 312–353–8326). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, May 8, 1995.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 95–11732 Filed 5–11–95; 8:45 am]

BILLING CODE 6335–01–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Sensors Technical Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Sensors Technical Advisory Committee will be held June 7, 1995, 9:00 a.m., in the Herbert C. Hoover Building, Room 1617M(2), 14th Street & Pennsylvania Avenue, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration with respect to technical questions that affect the level of export controls applicable to sensors and related equipment and technology.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Presentation by Office of Foreign Assets Control (Treasury) on Iran sanctions.
3. Presentation of papers or comments by the public.
4. Old Business.
5. New Business—Working Group and Task Assignments.

Executive Session

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. export control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Ms. Lee Ann Carpenter, OAS/EA—Room 3886C, Bureau of Export Administration, U.S. Department of Commerce, Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 6, 1994, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6020, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 482–2583.

Dated: May 9, 1995.

Lee Ann Carpenter,

Director, Technical Advisory Committee Unit.

[FR Doc. 95–11810 Filed 5–11–95; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–821–805, A–823–806, A–570–832]

Notice of Antidumping Duty Orders: Pure Magnesium From the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium From the Russian Federation

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

EFFECTIVE DATE: May 12, 1995.

FOR FURTHER INFORMATION CONTACT: Louis Apple, 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) 482–1769.

Scope of Orders

The product covered by these orders is pure primary magnesium regardless of chemistry, form or size, unless expressly excluded from the scope of these orders. Primary magnesium is a metal or alloy containing by weight primarily the element magnesium and produced by decomposing raw materials into magnesium metal. Pure primary magnesium is used primarily as a chemical in the aluminum alloying, desulfurization, and chemical reduction industries. In addition, pure primary magnesium is used as an input in producing magnesium alloy.

Pure primary magnesium encompasses:

(1) Products that contain at least 99.95% primary magnesium, by weight (generally referred to as ''ultra-pure'' magnesium);

(2) Products containing less than 99.95% but not less than 99.8% primary magnesium, by weight (generally referred to as ''pure'' magnesium); and

(3) Products (generally referred to as ''off-specification pure'' magnesium) that contain 50% or greater, but less than 99.8% primary magnesium, by weight, and that do not conform to ASTM specifications for alloy magnesium.

''Off-specification pure'' magnesium is pure primary magnesium containing magnesium scrap, secondary magnesium, oxidized magnesium or impurities (whether or not intentionally added) that cause the primary magnesium content to fall below 99.8% by weight. It generally does not contain, individually or in combination, 1.5% or more, by weight, of the following alloying elements: aluminum, manganese, zinc, silicon, thorium, zirconium and rare earths.

Excluded from the scope of these orders are alloy primary magnesium, primary magnesium anodes, granular primary magnesium (including turnings and powder), and secondary magnesium.

Granular magnesium, turnings, and powder are classifiable under *Harmonized Tariff Schedule of the United States* (HTSUS) subheading 8104.30.00. Magnesium granules and turnings (also referred to as chips) are produced by grinding and/or crushing primary magnesium and thus have the same chemistry as primary magnesium. Although not susceptible to precise measurement because of their irregular shapes, turnings or chips are typically produced in coarse shapes and have a maximum length of less than 1 inch. Although sometimes produced in larger sizes, granules are more regularly shaped than turnings or chips, and have a typical size of 2 mm in diameter or smaller.

Powders are also produced from grinding and/or crushing primary magnesium and have the same chemistry as primary magnesium, but are even smaller than granules or turnings. Powders are defined by the Section Notes to Section XV, the section of the HTSUS in which subheading 8104.30.00 appears, as products of which 90 percent or more by weight will pass through a sieve having a mesh aperture of 1 mm. (*See* HTSUS, Section XV, Base Metals and Articles of Base Metals, Note 6(b).) Accordingly, the exclusion of magnesium turnings, granules and powder from the scope includes products having a maximum physical dimension (*i.e.*, length or diameter) of 1 inch or less.

The products subject to these orders are classifiable under subheadings 8104.11.00, 8104.19.00 and 8104.20.00 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

Case History

On March 22, 1995, the Department of Commerce (''the Department'') made its final determinations that pure magnesium [1] from the PRC, the Russian Federation, and Ukraine was being sold at less than fair value (*see Final Determination of Sales at Less Than Fair Value: Pure Magnesium from Ukraine; Final Determinations of Sales at Less Than Fair Value: Pure Magnesium and Alloy Magnesium from the People's Republic of China; Final Determinations of Sales at Less Than Fair Value: Pure Magnesium and Alloy Magnesium from the Russian Federation* (60 FR 16432, March 30, 1995)).

For the determination concerning the Russian Federation, ministerial errors were subsequently alleged by respondent exporter Amalgamet (March 30, 1995) and petitioners [2] (April 7, 1995). On April 25, 1995, the Department found that none of the allegations constituted a ministerial error with the exception of petitioners' allegation that the ''Continuation of Suspension of Liquidation'' section of the notice had incorrectly listed Amalgamet as one of the companies excluded from an antidumping duty order. The ''Continuation of Suspension of Liquidation'' instructions also were incorrect in that they did not specify that the exclusion applicable to AIOC, Gerald Metals, Greenwich Metals, Hochschild Partners, Hunter Douglas, Interlink, MG Metals, Razno Alloys and SMW is limited to instances where these companies source the subject merchandise from the same producer(s) that they sourced from during the POI.

Amendment of Final Determination

The Department is amending its final determination of pure magnesium from the Russian Federation. The ''Continuation of Suspension of Liquidation'' instructions should read as follows:

Because their sales of pure magnesium were found not to have been sold below fair value, the following exporters are excepted from these instructions where they sell subject merchandise produced by the same producer or producers that produced merchandise from which the exporters' sales were sourced during the original period of investigation: AIOC, Gerald Metals, Greenwich Metals, Hochschild Partners, Hunter Douglas, Interlink, MG Metals, Razno Alloys, or SMW.

Antidumping Duty Orders

In accordance with section 735(a) of the Tariff Act of 1930, as amended (''the Act''), the Department made its final determinations that pure magnesium from the People's Republic of China, Russian Federation and Ukraine is being sold at less than fair value. On May 8, 1995, the International Trade Commission (''ITC'') notified the Department of its final determination, pursuant to section 735(b)(1)(A)(i) of the Act, that an industry in the United

[1] The companion investigations involving alloy magnesium from the PRC and the Russian Federation ended as a result of the International Trade Commission's final negative injury determinations in those proceedings.

[2] Magnesium Corporation of America; Dow Chemical; International Union of Operating Engineers, Local 564; and United Steelworkers of America, Local 8319.

States is materially injured by reason of imports of pure magnesium from the PRC, the Russian Federation and Ukraine. (The ITC also determined that imports of alloy magnesium from the PRC and the Russian Federation did not materially injure, or threaten material injury to, an industry in the United States.)

Therefore, all unliquidated entries of pure magnesium from the People's Republic of China, the Russian Federation and Ukraine that are entered, or withdrawn from warehouse for consumption, on or after November 7, 1994, the date of publication of the Department's preliminary determination, are liable for the assessment of antidumping duties.

In accordance with section 736(a)(1) of the Act, the Department will direct Customs officers to assess, upon further advice by the administering authority, antidumping duties equal to the amount by which the foreign market value exceeds the United States price for all relevant entries of pure magnesium from the People's Republic of China, the Russian Federation, and Ukraine. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the estimated weighted-average antidumping duty margins as noted below. The ''PRC-wide,'' ''Russia-wide'' and ''Ukraine-wide'' rates apply to all exporters of PRC, Russian and Ukrainian pure magnesium not specifically listed below.

The *ad valorem* weighted-average dumping margins are as follows:

Manufacturer/producer/exporter	Weighted-average margin percentage
The People's Republic of China: PRC-wide Rate	108.26
The Russian Federation:	
AIOC/Avisma	0.00
AIOC/SMW	0.00
AIOC/Other	100.25
Gerald Metals/Avisma	0.00
Gerald Metals/SMW	0.00
Gerald Metals/Other	100.25
Greenwich Metals/Avisma	0.00
Greenwich Metals/SMW	0.00
Greenwich Metals/Other	100.25
Hochschild Partners/Avisma	0.00
Hochschild Partners/SMW	0.00
Hochschild Partners/Other	100.25
Hunter Douglas/SMW	0.00
Hunter Douglas/Other	100.25
Interlink/Avisma	0.00
Interlink/Other	100.25
MG Metals/Avisma	0.00
MG Metals/SMW	0.00
MG Metals/Other	100.25
Razno Alloys/SMW	0.00
Razno Alloys/Other	100.25
SMW/SMW	0.00
SMW/Other	100.25
Russia-wide Rate	100.25
Ukraine:	
Gerald Metals	103.27
MG Metals	79.87
Hochschild Partners	92.21
Ukraine-wide Rate	104.27

This notice constitutes the antidumping duty orders with respect to pure magnesium from the PRC, the Russian Federation and Ukraine. Interested parties may contact the Central Records Unit, Room B–099 of the Main Commerce Building, for copies of an updated list of antidumping duty orders currently in effect.

These orders are published in accordance with section 736(a) of the Act and 19 CFR 353.21.

Dated: May 8, 1995.

Susan G. Esserman,

Assistant Secretary for Import Administration.

[FR Doc. 95–11808 Filed 5–11–95; 8:45 am]

BILLING CODE 3510–DS–P

[A–834–802]

Agreement Suspending the Antidumping Investigation on Uranium From Kazakhstan

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

ACTION: Notice of Amendment to the Agreement Between the United States Department of Commerce and the Republic of Kazakhstan Suspending the Antidumping Investigation on Uranium from Kazakhstan.

SUMMARY: The Department of Commerce (the Department) and the Republic of Kazakhstan (Kazakhstan) have signed an Amendment (the Amendment) to the Agreement Suspending the Antidumping Investigation on Uranium from Kazakhstan (the Agreement).

EFFECTIVE DATE: March 27, 1995.

FOR FURTHER INFORMATION CONTACT: Beth Chalecki or Maureen Price, Office of Agreements Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2312 or (202) 482–0159, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 16, 1992, the Department and Kazakhstan signed the Agreement and, on October 30, 1992, the Agreement was published in the **Federal Register** (57 FR 49220, 49222). On November 9, 1994, the Department and Kazakhstan initialed an Amendment to modify the Appendix A price-tied quota contained in the original Agreement. The Amendment was then released to interested parties for comment. The Department carefully considered these comments and held further consultations with Kazakhstan.

Subsequently, the Department and Kazakhstan negotiated an Amendment based upon a different concept than the one previously initialed. This Amendment modifies the original price-tied quota mechanism by lowering the threshold price from $13 to $12, and redefines Kazakhstani-origin uranium to include uranium mined in Kazakhstan and enriched in a third country. On March 24, 1995, the Department and Kazakhstan signed a final Amendment, which was to take effect when the final signature was added on March 27, 1995. The text of the final Amendment follows this notice.

Dated: April 25, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

Amendment to the Agreement Suspending the Antidumping Investigation on Uranium From Kazakhstan, as Amended

Pursuant to Section X.B. of the Agreement Suspending the Antidumping Investigation on Uranium from Kazakhstan, as amended on February 7, 1995 (''Amended Agreement''), the parties have consulted to ensure that exports of Kazakhstani ore enriched in U235 in another country prior to direct or indirect importation into the United States do not undermine the Amended Agreement. As a result of these consultations, and to ensure that such exports do not undermine the Amended Agreement, the parties agree as follows:

1. The following definitions are added to Section II:

(e) ''For consumption'' means for further processing (as necessary) and use as nuclear fuel. Consumption may include such uses as swaps or exchanges of material, only where such swaps or exchanges are documented to be conducted solely for the purpose of facilitating the further processing and use as nuclear fuel by the end-user. The material shall not be loaned. The

material shall not be resold by or on behalf of the end-user except as a result of force majeure.

(f) ''End-user'' means an entity, such as an electric utility, hospital, or scientific institution, which consumes uranium.

(g) The natural feed component for 1 KgU of enriched uranium product (''EUP'') shall be determined using the feed to product factor calculated with the following formulae:

[(PA–TA)/(FA–TA)]=XA

where:

PA=Actual Product Assay of the imported low enriched uranium (''LEU'') as found in the import documents

TA=For enrichment contracts, the actual tails assay selected by the customer pursuant to the contract; for other contracts calling for the delivery of LEU, 0.3 weight percent U235. During the anniversary month of this Amendment, the tails assay for other contracts calling for the delivery of LEU will be amended as appropriate, based on the optimum tails assay.

FA=0.711 weight percent U235 (feed assay)

XA=Feed-to-Product Factor.

The feed-to-product factor shall then be multiplied by 2.61283 to reach the lbs. U308 equivalent of the imported LEU.

2. Section III, ''Product Coverage,'' is amended as follows:

The following language replaces the second paragraph, beginning, ''Uranium ore * * *''

Further, uranium ore from Kazakhstan that is milled into U308 and/or converted into UF6 and/or enriched in U235 in another country prior to direct and/or indirect importation into the United States is considered uranium from Kazakhstan and is subject to the terms of this Agreement. When imported as enriched uranium (excluding highly enriched uranium), the full amount of the natural uranium equivalent required to produce the enriched product will be counted against the existing quota under this Agreement. For the purposes of calculating this amount of natural uranium, the terms of definition II (g) shall apply unless otherwise reported.

The third paragraph of Section III, beginning, ''For purposes of this Agreement, uranium enriched * * *'' is replaced by:

If applicable, for purposes of this agreement, uranium enriched in U235 or compounds of uranium enriched in U235 in Kazakhstan are covered by this agreement, regardless of their subsequent modification or blending.

Thus, Section III, as amended, provides as follows:

The merchandise covered by this Agreement are the following products from Kazakhstan:

Natural uranium in the form of uranium ores and concentrates; natural uranium metal and natural uranium compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing natural uranium or natural uranium compounds; uranium enriched U235 and its compounds; alloys, dispersions (including cermets), ceramic products, and mixtures containing uranium enriched in U235 or compounds of uranium enriched in U235, and any other forms of uranium within the same class or kind.

Further, uranium ore from Kazakhstan that is milled into U308 and/or converted into UF6 and/or enriched in U235 in another country prior to direct and/or indirect importation into the United States is considered uranium from Kazakhstan and is subject to the terms of this Agreement. When imported as enriched uranium (excluding highly enriched uranium), the full amount of the natural uranium equivalent required to produce the enriched product will be counted against the existing quota under this Agreement. For the purposes of calculating this amount of natural uranium, the terms of definition II (g) shall apply unless otherwise reported.

If applicable, for purposes of this agreement, uranium enriched in U235 or compounds of uranium enriched in U235 in Kazakhstan are covered by this agreement, regardless of their subsequent modification or blending.

Highly enriched uranium (''HEU'') is within the scope of this investigation, and HEU is covered by this agreement. For the purpose of this agreement, HEU means uranium enriched to 20 percent or greater in the isotope U235.

Imports or uranium ores and concentrates, natural uranium compounds, and all forms of enriched uranium are currently classified under Harmonized Tariff Schedule (''HTS'') subheadings: 2612.10.00, 2844.10.20, and 2844.20.00, respectively. Imports of natural uranium and forms of natural uranium other than compounds are currently classified under HTS subheadings: 2844.10.10 and 2844.10.50. HTS subheadings are provided for convenience and customs purposes. The written description of the scope of these proceedings is dispositive.

3. The following language replaces Paragraph D of Section VII, ''Anticircumvention,'':

D. In addition to the above requirements, the Department shall direct the U.S. Customs Service to require all importers of uranium into the United States, regardless of stated country of origin, to submit at the time of entry written statements certifying the following:

(A) The country(ies) in which the ore was mined and, if applicable, converted, enriched, and/or fabricated, for all imports; and

(B) That the uranium being imported was not obtained under any arrangement, swap, or other exchange designed to circumvent the export limits for uranium of Kazakhstani origin established by this agreement.

Where there is reason to believe that such a certification has been made falsely, the Department will refer the matter to Customs or the Department of Justice for further action.

4. The price levels of Appendix A of the Agreement are hereby amended as follows:

Appendix A: Kazakhstan

Price level	Quota in millions of pounds U308
$12.00–$13.99	1.0
14.00–14.99	1.2
15.00–15.99	1.4
16.00–16.99	1.8
17.00–17.99	2.5
18.00–18.99	3.5
19.00–19.99	4.0
20.00–20.99	5.0
21.00 and up	(1)

[1] Unlimited U308.

5. The parties further agree that their intention is, consistent with Section IV.J. of the Agreement, that Kazakhstan be accorded treatment no less favorable than any other republic of the former Soviet Union that also has a suspension agreement with the United States with respect to trade in uranium. Accordingly, if U.S. law, regulation, administrative practice, or policy should change in any manner that would result in relatively less favorable treatment for Kazakhstan, or if the United States should enter into any agreement or understanding or take any action that would cause that result, the parties will promptly enter into consultations with a view to amending this Agreement so as to eliminate such less favorable treatment.

6. The Parties agree that this Amendment constitutes an integral part of the Amended Agreement. Furthermore, the Parties agree that this Amendment supersedes and replaces

the amendment initialled on November 9, 1994.

7. The English language version of this Amendment shall be controlling.

8. This amendment is effective as of March 27, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

Bulat D. Utemuratov,

First Deputy Minister of Industry and Trade.

Victor G. Yazikov,

President, Katep.

[FR Doc. 95–11809 Filed 5–11–95; 8:45 am]

BILLING CODE 3510–D5–M

National Oceanic and Atmospheric Administration

[I.D. 050895B]

Mid-Atlantic Fishery Management Council; Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council and its Atlantic Mackerel, Squid, and Butterfish Committee and Demersal Species Committee will hold public meetings on May 23–25, 1995, at the Sheraton Atlantic City West, 6821 Black Horse Pike, West Atlantic City, NJ 08232, telephone 609–272–0200.

ADDRESSES: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19901.

FOR FURTHER INFORMATION CONTACT: David R. Keifer, Executive Director, telephone: 302–674–2331.

SUPPLEMENTARY INFORMATION:

May 23, the Atlantic Mackerel, Squid, and Butterfish Committee will meet from 1:00 p.m. until 4:00 p.m.

May 24, the Council will meet from 8:00 a.m. until 12:00 p.m. The Demersal Species Committee will meet from 1:30 p.m. until 4:30 p.m.

May 25, the Council will meet from 8:00 a.m. until approximately 12:00 p.m. There may be a Large Pelagics/Shark Committee meeting during this Council meeting to discuss proposed tuna regulations.

The following topics may be discussed:

(1) Review comments for Supplement 1 for Amendment 5 for the Atlantic Mackerel, Squid, and Butterfish FMP.

(2) Adopt final version of Amendment 5 for the Atlantic Mackerel, Squid, and Butterfish FMP.

(3) Review alternative fishing rate mortality reduction strategies for summer flounder.

(4) Adopt hearing draft of Amendment 7 to the Summer Flounder FMP.

(5) Other fishery management matters.

The Council meeting may be revised, lengthened or shortened based on the progress of the meeting. The Council may go into closed session to discuss personnel or national security matters.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at 302–674–2331 at least 5 days prior to the meeting date.

Dated: May 9, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95–11811 Filed 5–11–95; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List a commodity and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: June 12, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: On July 29, August 12, November 4, 1994, March 17 and 24, 1995, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (59 FR 38585, 55526, 60 FR 14427, 41434 and 15535) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodity and services, fair market price, and impact of the additions on the current or most recent contractors, the Committee has determined that the commodity and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and services to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity and services.

3. The action will result in authorizing small entities to furnish the commodity and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and services proposed for addition to the Procurement List.

Accordingly, the following commodity and services are hereby added to the Procurement List:

Commodity

Gaiter, Neck
8440–01–387–8509

Services

Janitorial/Custodial, United States Mint, Denver, Colorado
Janitorial/Custodial, Veterans Administration Medical Center, Outpatient Clinic, Orlando, Florida
Janitorial/Custodial, Department of Veterans Affairs Medical Center, 1500 East Woodrow Wilson Drive, Jackson, Mississippi
Janitorial/Custodial, U.S. Post Office, Federal Courthouse and Annex, Camden, New Jersey
Janitorial/Custodial, Trenton Federal Building and U.S. Courthouse, 402 East State Street, Trenton, New Jersey

This action does not affect current contracts awarded prior to the effective date of this addition or options exercised under those contracts.

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–11763 Filed 5–11–95; 8:45 am]

BILLING CODE 6820–33–P

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List a commodity and a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 12, 1995.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Square 3, Suite 403, 1735 Jefferson Davis Highway, Arlington, Virginia 22202–3461.

FOR FURTHER INFORMATION CONTACT: Beverly Milkman (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodity and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodity and service to the Government.

2. The action does not appear to have a severe economic impact on current contractors for the commodity and service.

3. The action will result in authorizing small entities to furnish the commodity and service to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodity and service proposed for addition to the Procurement List.

Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodity and service have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodity

Shower Pail, Collapsible
8465–00–935–6649
NPA: North Bay Rehabilitation Services, Inc., San Rafael, California

Service

Janitorial/Custodial, IRS Service Center Complex, Memphis, Tennessee
NPA: Memphis Goodwill Industries, Inc., Memphis, Tennessee

Beverly L. Milkman,

Executive Director.

[FR Doc. 95–11762 Filed 5–11–95; 8:45 am]

BILLING CODE 6820–33–P

DEPARTMENT OF DEFENSE

Department of the Navy

Public Hearing for the Draft Environmental Impact Statement for Establishment of the United States Navy Mine Warfare Center of Excellence in the Corpus Christi Bay Area, Texas

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) for establishment of the United States Navy Mine Warfare Center of Excellence (the ''Center'') in the Corpus Christi Bay Area, Texas.

The Navy proposes to collocate the majority of its mine warfare and mine counter measures assets in proximity to each other at the Ingleside/Corpus Christi Naval Complex. This will allow for comprehensive air and surface mine warfare training and joint operations. Congress directed the Navy to establish the ''Center'' at Naval Station Ingleside, Texas, in the FY 1994 Defense Appropriations Act. The DEIS evaluates the reasonable alternatives to implementing the proposed action in the Corpus Christi Bay area. In addition to the various facility location alternatives, a ''no action'' alternative was evaluated which the ''Center'' would not be established.

The proposed action includes new construction and/or modification of existing facilities at Naval Station Ingleside and Naval Air Station Corpus Christi, and proposes the establishment of training and operating areas in the Gulf of Mexico. Construction would consist of a magnetic silencing facility, an aviation mine counter measures sled facility, a small craft pier, and the construction and/or modification of facilities needed to support two MH–53E Sea Dragon helicopter squadrons and one explosive ordnance disposal mobil unit. The training and operating areas would be located off North Padre Island and within Mineral Management Service Lease Blocks 732, 733, 734, 793, 799, and 816. This would include an ordnance detonation area required for the detonation of practice mines using a maximum of 10 pounds of C–4 explosive. Surface restrictions in these areas would be established to allow for both daily training and quarterly integrated training. The establishment of the ''Center'' involves the transfer of approximately 4,820 military personnel and their families (approximately 4,877 dependents) to the Corpus Christi Bay Area.

Dredging activities associated with the project involve new work dredging and subsequent maintenance dredging of the magnetic silencing facility. Dredging for the magnetic silencing facility would require removal of between 250,000 and 410,000 cubic yards of material to obtain the depth of water required for facility and turning basin operations. The total 50-year dredging maintenance requirement could range between 400,000 to 650,000 cubic yards, depending upon the initial area dredged. The existing Navy disposal area near Ingleside would be used for dredge material disposal.

The DEIS has been distributed to various federal, state, and local agencies, elected officials, special interest groups, and interest individuals. It is also on file and available for review at the Corpus Christi Public Library (Main branch and Flour Bluff branch) and at the Ingleside Public Library. A limited number of single copies are available at the address listed at the end of this notice.

The Navy will conduct two public hearings to inform the public of the DEIS findings and to solicit comments: The first hearing will be on Tuesday, June 6, 1995, beginning at 7 p.m. at the Flour Bluff ISD Auditorium, 2505 Waldron Road, Flour Bluff, Texas; and the second hearing will be on Wednesday, June 7, 1995, beginning at 7 p.m. at the Ingleside High School Cafeteria, 640 Mustang Drive, Ingleside, Texas. Federal, state, and local agencies, and interested parties are invited to be present or represented at the hearing. Oral comments will be heard and transcribed by a stenographer. To assure accuracy of the record, all comments should be submitted in writing. All comments, both oral and written, will become part of the public record in the study. In the interest of available time, each speaker will be asked to limit oral

comments to five (5) minutes. Longer comments should be summarized at the public hearing and submitted in writing either at the hearing or mailed to the address listed at the end of this announcement. All written comments must be postmarked by June 19, 1995, to become part of the official record. The public hearing will be conducted in English, but the Navy will make every reasonable effort to accommodate requests for language interpreters or other special communication needs. Such requests must be made to the person listed below at least two days prior to the public hearings.

Additional information concerning this notice may be obtained by contacting: Mr. Will Sloger (Code 064WS), Southern Division, Naval Facilities Engineering Command, P.O. Box 190010, North Charleston, South Carolina 29419–9010, telephone (803) 743–0797.

Dated: May 9, 1995.

M.D. Schetzsle,

LT, JAGC, USNR, Alternative Federal Register Liaison Officer.

[FR Doc. 95–11757 Filed 5–11–95; 8:45 am]

BILLING CODE 3810–FF–M

Intent To Prepare an Environmental Impact Statement for the Proposed Master Land Withdrawal Naval Air Station Fallon, Nevada

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy announces its intent to prepare an Environmental Impact Statement (EIS) for the withdrawal of federally-owned lands around Naval Air Station (NAS) Fallon training ranges in Churchill County, Nevada.

The purpose of this action, termed Master Land Withdrawal, is to provide noise, safety, and off-range ordnance hazard buffers around training ranges. The need is based on the increased technological complexity of aerial training and the development and expansion of populated areas in the Fallon region over the last 50 years. The withdrawal footprint is based on the Department of Defense Range Air Installation Compatibility Use Zone (RAICUZ) study of 1982 and the NAS Fallon Range Hazard Analysis Mitigation Report of 1994. These reports define noise, safety, and land use compatibility zones to protect the public and the military users of the training ranges.

Located in the Lahontan Valley of Churchill County in the west central Nevada, NAS Fallon was transferred from the Army to the Navy in 1942. In 1953, NAS Fallon withdrew public lands for training ranges Bravo-16, Bravo-17, and Bravo-19. Due to technological advances in aircraft, weaponry, and training, public safety has become a concern around the training ranges. The proposed action would withdraw up to approximately 189,000 acres of additional land around the existing training ranges to provide safety and noise buffer zones. The Department of the Interior currently administers the lands proposed for withdrawal through the Bureau of Land Management (BLM) and Bureau of Reclamation (BUREC).

The mission of NAS Fallon is to provide realistic training and practice opportunities in the use of modern military equipment and tactics for military aircrews, primarily those of high performance jet fighters, strike-fighters, and electronic warfare support aircraft. The withdrawn lands are a critical resource for NAS Fallon in upholding its mission. The objectives of the proposed action are fourfold:

1. Meet training requirements for national defense.
2. Fulfill established operation and RAICUZ safety guidelines.
3. Facilitate protection of the public from off-range ordnance, and
4. Provide for continued public access to and safety on public lands adjacent to military withdrawals.

The proposed action would be consistent with the provisions of the Federal Land Policy and Management Act of 1976 (FLPMA), which defines withdrawal as ''an area of Federal land withheld from settlement, sale, location, or entry, under some or all of the general land laws for the purpose of limiting activities under these laws in order to maintain public values in the area; or reserving the area for a particular public purpose or program; or transferring jurisdiction over an area of Federal land * * * from one department, bureau, or agency to another * * *'' (43 U.S.C. 1701 section 103). The lands would be managed for military purposes, subject to valid existing rights, for a proposed term of 20 years. A Resource Management Plan will be developed for the withdrawn lands to provide for public safety by defining compatible public uses with military training operations.

Federal, state and local agencies, and interested individuals are encouraged to participate in a scoping process for the EIS. The purpose of the scoping process is to determine public issues and concerns that need to be addressed in the document and to assess what additional information is available. Two public scoping meetings will be held to receive oral and written comments.

The first will be held in Reno, Nevada on June 6, 1995 at 7 p.m. at the Airport Plaza Hotel, 1981 Terminal Way. The second will be held in Fallon, Nevada on June 7, 1995 at 7 p.m. at the Fallon Convention Center, 100 Campus Way. In the interest of available time, each speaker will be asked to limit oral comments to five (5) minutes. In addition, written comments may be submitted by June 14, 1995, to Commanding Officer, Engineering Field Activity West, Naval Facilities Engineering Command, 900 Commodore Drive, San Bruno, CA 94066–5006 (Attention: Mr. Sam Dennis, Code 185SD); telephone (415) 244–3007, fax (415) 244–3737.

Dated: May 9, 1995.

M.D. Schetzsle,

LT, JAGC, USNR, Alternative Federal Register Liaison Officer.

[FR Doc. 95–11756 Filed 5–11–95; 8:45 am]

BILLING CODE 3810–FF–M

Public Hearing for the Draft Environmental Impact Statement for Development of Facilities in San Diego to Support the Homeporting of One Nimitz Class Aircraft Carrier

Pursuant to section 102(2)(c) of the National Environmental Policy Act (NEPA) of 1969 as implemented by the Council on Environmental Quality regulations (40 CFR parts 1500–1508), the Department of the Navy has prepared and filed with the U.S. Environmental Protection Agency a Draft Environmental Impact Statement (DEIS) to comply with the 1993 Base Realignment and Closure (BRAC III) directive from Congress to relocate ships currently homeported at Naval Air Station Alameda to fleet concentrations in San Deigo and the Pacific Northwest. Affected ships include two NIMITZ class aircraft carriers, (CVNs), one of which will be realigned to San Diego and is the subject of the EIS.

A Notice of Intent (NOI) for this EIS was published in the **Federal Register** on July 27, 1993. A public scooping meeting for the proposed project was held on August 17, 1993, in Coronado, California. Due to revisions in the proposed action and new technical information, an NOI, which superseded all previous notices, was published in the **Federal Register** on December 28, 1994.

Pursuant to BRAC, the EIS will assess the potential environmental impacts

associated with the construction and operation of those facilities and infrastructure necessary to support the CVN and preserve the existing capability to accommodate one transient CVN. Homeporting a CVN will require dredging of the berthing areas and the San Diego Bay channel, a new berthing wharf involving bay fill, construction of new propulsion plant and ship maintenance facilities, and expanded utilities.

The EIS describes and evaluates potential homeport sites in San Diego Bay, three alternative berthing arrangements, dredge material disposal alternatives, and the ''no action'' alternative as required by NEPA. The EIS analyzes potential project specific impacts associated with a number of projects proposed for implementation during the next five years at Naval Air Station, North Island. No decision on the proposed action will be made until the NEPA process has been completed and the Navy releases a Record of Decision.

The EIS is available for review at the Coronado Public Library, 640 Orange Avenue, Coronado, California; San Diego Public Library, Science and Industry Section, 820 E Street, San Diego, California; Chula Vista Public Library, 365 F Street, Chula Vista, California; Imperial Beach Public Library, 810 Imperial Beach Boulevard, Imperial Beach, California; National City Public Library, 200 East 12th Street, National City, California; Encinitas Public Library, 540 Cornish Drive, Encinitas, California; and the Oceanside Public Library, 330 North Hill Street, Oceanside, California. All interested parties are invited to submit comments on the proposed action to the address listed at the end of this notice no later than June 26, 1995, to become part of the official record.

A public hearing to inform the public of the DEIS findings and to solicit comments will be held on Wednesday, June 7, 1995, beginning at 7 p.m., in the Coronado High School Auditorium, 650 D Avenue, Coronado, California.

Federal, state and local agencies, and interested parties are invited and urged to be present or be represented at the hearing. Oral statements will be heard and transcribed by a stenographer; however, to ensure accuracy of the record, all statements should be submitted in writing. All statements, both oral and written, will become part of the public record for the study. Equal weight will be given to both oral and written statements.

The EIS point of contract for receiving comments is: Commanding Officer, Southwest Division, Naval Facilities Engineering Command (Attention: Mr. Bob Hexom, Code 232RH), 1220 Pacific Highway, San Diego, California 92132–5190.

Dated: May 9, 1995.

M.D. Schetzsle,

LT, JAGC, USNR, Alternative Federal Register Liaison Officer.

[FR Doc. 95–11753 Filed 5–10–95; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF ENERGY

Site-Wide Environmental Impact Statement Los Alamos National Laboratory

AGENCY: U.S. Department of Energy.

ACTION: Notice of intent to prepare a Site-Wide Environmental Impact Statement for the Los Alamos National Laboratory.

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare a Site-Wide Environmental Impact Statement (SWEIS) for its Los Alamos National Laboratory (LANL), Los Alamos, New Mexico, a DOE multiprogram research and development laboratory. The SWEIS will be prepared pursuant to the National Environmental Policy Act (NEPA) of 1969, 42 USC 4321 et seq., the Council on Environmental Quality's NEPA regulations [40 CFR Parts 1500–1508] and the DOE NEPA regulations [10 CFR Part 1021]. It will analyze as alternatives various levels of LANL operations, including reasonable foreseeable new operations and facilities.

DOE initiated a prescoping process with an Advance Notice of Intent published in the **Federal Register** on August 10, 1994 [59 FR 40889]. This Notice of Intent reflects the consideration of comments provided during the prescoping process, including comments regarding NEPA reviews initiated or anticipated at the time of the Advance Notice of Intent, and issues and alternatives for the SWEIS.

DATES: The DOE invites other Federal agencies, the State, Indian Tribes, local governments, and the general public to comment on the scope of this SWEIS. The public scoping period starts with the publication of this notice in the **Federal Register** and will continue until June 30, 1995. DOE will consider all comments received or postmarked by that date in defining the scope of this SWEIS. Comments received or postmarked after that date will be considered to the extent practicable.

Public scoping meetings are scheduled to be held as follows:

June 13, 1995; Hilltop House Hotel, 400 Trinity Drive, Los Alamos, New Mexico 87544

June 14, 1995; Sweeney Center, 201 West Marcy Street, Santa Fe, New Mexico 87501

June 15, 1995; Northern New Mexico Community College, 1002 North Onate Street, Espanola, New Mexico 87532

The purpose of these meetings is to receive oral and written comments from the public. The meetings will use a workshop format to facilitate dialogue among DOE, LANL, and the public and will provide an opportunity for individuals to provide written or oral statements. The DOE will publish additional notices on the dates, times, and locations of the scoping meetings in local newspapers in advance of the scheduled meetings. Any necessary changes will be announced in the local media.

In addition to providing oral comments at the public scoping meetings, all interested parties are invited to record their comments, ask questions concerning the LANL SWEIS, request speaking times, request to be placed on the LANL SWEIS mailing or document distribution list, or request copies of the LANL SWEIS Implementation Plan (when available) by leaving a message on the LANL SWEIS Hotline at 1–800–898–6623. The Hotline will have instructions on how to record your comments and requests.

ADDRESSES: Written comments or suggestions to assist the DOE in identifying the appropriate scope of the LANL SWEIS should be directed to: Mr. Corey A. Cruz, U.S. Department of Energy, Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico, 87185–5400, or by facsimile at (505) 845–6392. For express delivery services, the appropriate address is Pennsylvania and H Streets, Kirtland Air Force Base, Albuquerque, NM 87116.

FOR FURTHER INFORMATION CONTACT: For further information on the SWEIS and the public scoping process, contact Corey Cruz at the address and telephone number listed above.

For information on DOE's NEPA process, please contact: Carol Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585. Ms. Borgstrom can be reached at (202) 586–4600, by facsimile at (202) 586–7031, or by leaving a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION:

Invitation to Comment

The public is invited to participate in the scoping process and is encouraged to comment on the preliminary alternatives and issues identified for the LANL SWEIS. The results of the scoping process will be documented in an Implementation Plan which will be made available to the public and will reflect how comments provided during the scoping process were incorporated or addressed.

Availability of Scoping Documents

Copies of all written comments, transcripts of all oral comments, and copies of the SWEIS Implementation Plan will be available at the following locations:

Los Alamos National Laboratory, Community Reading Room, Museum Park Office Complex, 1450 Central Avenue, Suite 101, Los Alamos, New Mexico 87544, 505–665–2127 or 1–800–543–2342

U.S. Department of Energy, National Atomic Museum Public Reading Room, Kirtland Air Force Base, Building 20358, Wyoming Boulevard, Albuquerque, New Mexico 87185, 505–845–6870/4378.

A full set of comments on the Advance Notice of Intent is available at the Los Alamos Community Reading Room.

LANL's Mission

Among other missions, DOE is responsible for the Federal government's nuclear weapons program, research and development of energy technologies, and basic science research. LANL is one of DOE's primary research and development laboratories. It was established in 1943 to provide research, design, and testing for nuclear weapons and nuclear materials, and remains one of the three laboratories in DOE's nuclear weapons complex. Over the past 50 years, LANL's mission has expanded to include research in energy, materials science, nuclear safeguards and security, biomedical science, computational science, environmental protection and cleanup, and other basic and applied science research. LANL provides these research and science services for DOE and other Federal agencies, universities, foreign countries, and private industry. LANL is one of the largest multidisciplinary research laboratories in the world, with an annual budget of approximately $1 billion and more than 10,000 contractor and subcontractor employees. LANL covers about 43 square miles of land held as a Federal reservation in north-central New Mexico in Los Alamos, Sandoval and Santa Fe Counties.

A report entitled ''Alternative Futures for the DOE National Laboratories'' (the ''Galvin Report''), prepared for the Secretary of Energy by the Secretary of Energy Advisory Board, was completed in February 1995. This independent review provided recommendations on the future missions of all DOE National Laboratories. Although the DOE has not yet fully determined which of these recommendations will be adopted, the preliminary SWEIS alternatives are structured to allow for inclusion of the report's recommendations specific to LANL operations.

The Role of the SWEIS in the DOE NEPA Compliance Strategy

The DOE has a policy [10 CFR 1021.330] of preparing SWEISs for certain large, multiple-facility sites, such as LANL. The purpose of a SWEIS is to provide DOE and its stakeholders with an analysis of the environmental impacts caused by ongoing and reasonably foreseeable new operations and facilities and reasonable alternatives at a DOE site, to provide a basis for site-wide decision making, and to improve and coordinate agency plans, functions, programs, and resource utilization. Additionally, a SWEIS is to provide an overall NEPA baseline for a site that is useful for tiering or as a reference when project-specific NEPA documents are prepared. The NEPA process allows for Federal, state, tribal, county, municipal, and public participation in the environmental review process. A SWEIS was last prepared for LANL in 1979 [DOE/EIS–0018]. The proposed SWEIS would replace that document as the baseline environmental impact statement regarding LANL operations.

A SWEIS is a useful aid for DOE management of its facilities and operations. It provides the DOE decision makers and the public with analyses of the cumulative environmental impacts of past, ongoing and reasonably foreseeable activities at a site and contrasts these with reasonable alternatives in order to inform decisions regarding the resources entrusted to DOE's care. A SWEIS can be used as a way to efficiently deal with multiple proposals and can help establish an efficient, environmentally sound and cost effective plan for operating the site and its facilities. In accordance with 10 CFR 1021.330(d), DOE will evaluate the SWEIS at least every five years after its completion to determine whether it remains adequate or should be supplemented or replaced with a new SWEIS.

The LANL Site-Wide Analysis

The SWEIS will address operations and activities that DOE foresees at LANL within approximately the next 10 years. The SWEIS will focus on operating practices and facility management, specifically with the intent to analyze the overall impacts of current and reasonably foreseeable operations at LANL. The DOE proposes for the SWEIS to include an analysis of land use requirements related to the operations at LANL, as well as DOE activities as the primary Natural Resources Trustee for LANL. The DOE proposes to use the SWEIS to analyze: mitigation measures for impacts of LANL operations; interim nuclear materials storage and management strategies for LANL; LANL environmental restoration strategies; and waste management strategies for LANL. Specific projects or facilities that are speculative and therefore not ready for analysis would not be addressed in the SWEIS. However, if such projects later become definite proposals for action they would be subject to subsequent project- or facility-specific NEPA reviews that would be tiered from the SWEIS.

The SWEIS is expected to facilitate and streamline subsequent NEPA reviews at LANL by allowing DOE to focus on project-specific issues and to narrow and simplify the scope of later reviews. This process is called ''tiering'' [40 CFR 1508.28]. DOE believes that the SWEIS analysis will provide adequate NEPA review for those activities and projects designated and analyzed within the SWEIS.

Preliminary Alternatives

The scoping process is an opportunity for the public to assist the DOE in determining the alternatives and issues for analysis. A preliminary set of alternatives and issues for evaluation in the SWEIS is identified below, after consideration of comments received during the prescoping process. In response to prescoping comments, a discussion of the relationship between programs and specific LANL operations has been included in each preliminary alternative description. Future programs and activities will be determined based on such factors as national needs, scientific developments, budgets, environmental impacts, the results of NEPA reviews such as the Stockpile Stewardship and Management Programmatic Environmental Impact Statement (PEIS) discussed below, and other considerations. Thus, the program discussions provided below are not all-inclusive and are only examples for the

facility operational levels described in the alternatives. For each of the alternatives discussed, waste management/environmental restoration activities, interim activities for nuclear materials storage and handling, and land requirements will be analyzed. The environmental impacts of both facilities and operations and cumulative site-wide operations will be assessed. DOE will continue to conduct ongoing activities as the SWEIS is being prepared.

No Action

The No Action alternative would continue current facility operations throughout LANL in support of assigned missions. NEPA regulations require analysis of the No Action alternative to provide a benchmark for comparison with environmental effects of the other alternatives. This alternative would include ongoing and proposed activities for which the NEPA reviews will have been completed prior to completion of the SWEIS. The current Waste Management/Environmental Restoration program plans (i.e., actions for which NEPA review will have been completed) will be reflected in this alternative, including specific strategies to address anticipated waste generated by facility and restoration operations.

This alternative reflects the current nuclear weapons program missions at LANL. This includes support of competence in nuclear weapons component fabrication technologies; nuclear weapons material processing to support technology competence, process development and improvement, and safe, secure storage of the nuclear material inventory; acceptance and processing of neutron sources from off-site (from licensees such as universities and corporations that no longer need them); maintenance of the hydrodynamic test program at projected material throughputs; destructive evaluation of plutonium components; continued weapons and other research and development operations using accelerators; continued operations at the Los Alamos Critical Experiments Facility in support of existing missions; and transportation and storage of nuclear material at currently projected levels.

Reduced Operation

This alternative would reflect a reduction in facility operations from those currently ongoing and planned. For example, nuclear materials processing activities would be reduced and consolidated. Reduced shipments and receipts of nuclear materials would also be reflected under this alternative, as would a reduced nuclear material inventory over the time period under analysis (as compared to inventory projections under the other alternatives). This alternative may include some construction projects to consolidate operations within existing facilities, maintain existing facilities, and replace existing facilities, if necessary. Specific waste management strategies would be developed to address the types and quantities of waste anticipated under this scenario. These strategies would consider off-site and on-site treatment and disposition options.

The programmatic context for this alternative is the maintenance of existing missions at a reduced scope. This alternative would be represented by one or more of the following: Maintenance of capability for fewer weapon production technologies; reduced nuclear materials processing (only to support safe, secure storage of the LANL inventory); support of only existing commitments regarding the processing of neutron sources from off-site; reduction in the materials throughput for hydrodynamic and other above ground weapon-related experiments; destructive evaluation of fewer plutonium components each year; reduction in weapons and other research and development use of accelerators; a reduced inventory and number of criticality experiments and training courses at the Los Alamos Critical Experiments Facility; and reduced transportation and storage of nuclear materials.

Expanded Operation

This alternative would reflect an increase in facility operations to the highest levels that can be supported by current facilities, and would evaluate those new facilities that are reasonably foreseeable. This could require construction projects to address safety, security and environmental compliance as well as to support reconfiguration of facility equipment and operations to optimize use of current facilities' capabilities. This could also require construction projects for reasonably foreseeable new facilities. Specific waste management strategies would be developed to address the increased types and quantities of waste anticipated under this scenario, considering off-site and on-site treatment and disposition options. These waste management strategies would include alternative approaches to accommodate the receipt of off-site waste for treatment and disposal, consistent with the Waste Management PEIS discussed below.

The programmatic context for this alternative is the continued support of existing missions, and additional missions which may be supported with the capabilities and capacities inherent in the existing facilities or which may require new facilities. Such program activities could include: low-level production of weapon components; increased throughput for nuclear materials processing; increased support of processing for off-site neutron sources; increased materials throughput for hydrodynamic and other test activities; destructive analysis of additional plutonium components each year; increased use of accelerators in support of weapons and other research and development missions; additional numbers and types of experiments at the Los Alamos Critical Experiments Facility; and increased transportation and storage of nuclear materials.

Other Alternatives Considered

DOE had asked in the Advance Notice of Intent whether analysis of an alternative that would describe phasing out all LANL operations and eventually decommissioning all facilities would be useful for comparison to ongoing activities. In response, the DOE received seven comments from the public. Four of the comments supported analysis of decontamination and decommissioning for the entire site; two recommended analysis of decontamination and decommissioning for ''nuclear'' related activities and one comment indicated the decontamination and decommissioning alternative was not reasonable and should not be analyzed. Of those supporting inclusion of a decontamination and decommissioning alternative, three appeared to support it as a determinant of useful comparative information and three advocated actual shutdown and decommissioning of some or all of LANL. The seven responses were obtained both orally and in writing from a population of over 500 comments from over 250 commentors.

DOE carefully considered these comments. DOE also recognizes that LANL has unique capabilities, diverse roles supporting a variety of national programs, and that there is an essential near-term need to manage and maintain the safety and stability of the existing nuclear materials inventory. Accordingly, in view of the limited community interest and DOE's view at this time that a decision to shut down LANL operations within the 5–10 year timeframe of the SWEIS would be highly unlikely, DOE plans not to expend the time and money that would be needed to analyze an alternative involving an orderly shutdown during

this period. The public is welcome to comment further on this issue during the scoping period.

Preliminary List of Issues To Be Addressed

The SWEIS will describe the potential environmental impacts of the alternatives, using available data where possible and obtaining additional data where necessary. In accordance with the Council on Environmental Quality Regulations (40 CFR 1500.4 and 1502.21), other documents, as appropriate, may be incorporated into the impacts analyses by reference, in whole or in part. The following preliminary list of issues was identified following the prescoping process. The DOE specifically invites suggestions for the addition or deletion of items on this list.

1. Water resources, particularly tritium in the groundwater and radioactive particles in streams and the Cochiti Reservoir.
2. Cultural resources, particularly regarding Native American access to land, flora of religious or medicinal significance, and protection of archeological and religious sites.
3. Air quality, particularly regarding compliance with Federal and state laws, and releases of radioactive and hazardous materials due to LANL operations.
4. Land use, particularly regarding use of DOE land by the public, radioactive contamination of the land, and burial of radioactive and hazardous materials.
5. Biota, particularly the effects of radioactive and hazardous releases on elk and the food chain, threatened and endangered species, and species of special concern.
6. Transportation, particularly regarding the risks of transporting nuclear material on and off the LANL site, and the need for integrating emergency plans with state, tribal, and local police and health organizations in case of a nuclear material release during transport.
7. Socioeconomics, particularly regarding the economic impact of LANL on the surrounding community.
8. Health effects, particularly regarding incidence of cancer in workers and the communities surrounding LANL, and other health effects on the public and workers.
9. Environmental justice, particularly whether or not activities at LANL disproportionately and adversely affect minority or low-income populations.
10. Noise/aesthetics, particularly regarding the visual, noise, and other aesthetic impacts of LANL facilities and operations on the surrounding communities and potential uses of adjacent land.

Additional issues raised by the public during the prescoping process include:

- National security policy (particularly the need for a nuclear stockpile, the need for stockpile stewardship, and the effect of LANL operations on international non-proliferation);
- The goals of, and funding for, environmental restoration;
- The transfer of land to Pueblos or to Los Alamos County;
- Laboratory management (particularly the responsiveness of LANL management to community concerns, the equity in LANL/DOE outreach programs, the equity of salary and hiring policies, encouragement of independent ideas, the management of LANL by the University of California, and the non-profit status of LANL); and
- The credibility of the DOE and LANL (reliability of information provided by DOE and LANL, concerns regarding the actual effect of public input on DOE decisions, and a lack of trust in the DOE to prepare the SWEIS in accordance with the laws and regulations).

While DOE considers these issues to be outside the scope of the SWEIS, DOE will attempt to address these concerns in the process of interacting with the public on the SWEIS and on other issues, by answering questions posed during the SWEIS process, directing stakeholders to other reviews where appropriate, providing requested information (to the extent allowed by laws and regulations), and explaining how public comment and input is considered in each step of the LANL SWEIS process.

Related NEPA Reviews

Currently, the DOE is analyzing several proposals for programmatic, site-specific, and project-specific action that affect LANL either directly or indirectly. These analyses are being performed as NEPA reviews in several programmatic, site-wide, and project-specific EISs and environmental assessments. The summaries below are intended to familiarize the reader with the purpose of these other NEPA reviews and how LANL is being considered in them.

Programmatic NEPA Reviews

The Waste Management PEIS [Notice of Intent, 55 FR 42633, October 22, 1990; also see 60 FR 4607, January 24, 1995] (formerly called the Environmental Restoration and Waste Management PEIS) will analyze the DOE plan to formulate and implement a national integrated Waste Management program. LANL is one of the alternative sites proposed to store and process transuranic radioactive waste and to store, process, and provide on-site disposal for low-level radioactive waste, which may include material generated at locations other than LANL. The waste management analyses in the SWEIS will address the facilities and operations necessary to implement a waste management strategy at LANL, consistent with the Waste Management PEIS.

The Nuclear Weapons Complex Reconfiguration PEIS [revised Notice of Intent, 59 FR 54175, October 28, 1994] was separated into the Tritium Supply and Recycling PEIS and the Stockpile Stewardship and Management PEIS. LANL is not an alternative site for the Tritium Supply and Recycling PEIS. However, the Stockpile Stewardship and Management PEIS will analyze changes in LANL's role in weapons research and development and may analyze aspects of a LANL weapon component production mission. Since public scoping for the Stockpile Stewardship and Management PEIS has not yet been initiated, LANL's role in the alternatives for this PEIS cannot now be predicted. The SWEIS is intended to provide the site-specific analysis for various levels of facility operations that could support a variety of program missions. The SWEIS will address LANL facility operations that are expected to be of primary interest to the public and DOE in support of potential future programs. In this manner, DOE intends to integrate programmatic analyses for the Stockpile Stewardship and Management PEIS with site-specific analyses of the SWEIS.

The Programmatic Spent Nuclear Fuel Management and Idaho National Engineering Laboratory Environmental Restoration and Waste Management Programs PEIS includes a programmatic analysis of transporting, processing, and storing spent nuclear reactor fuel [Notice of Availability, Final EIS, 60 FR 20992, April 28, 1995]. LANL has generated spent fuel and continues to store this material pending the outcome of programmatic decisions following the spent fuel PEIS. The nuclear material storage and handling analyses in the SWEIS will address the continued storage and potential disposition of this fuel, consistent with this PEIS.

The DOE is preparing a Storage and Disposition of Weapons-Usable Fissile Materials PEIS [Notice of Intent, 59 FR 31985, June 21, 1994]. This PEIS will analyze alternatives for the long-term storage and disposition of surplus nuclear materials, with the exception of surplus highly enriched uranium, in

order to minimize the risk of proliferation of nuclear weapons capability in the world. Phase I of the project would be to provide safe, controlled, inspectable interim storage of nuclear materials. Phase II would be long-term storage or disposition of surplus material. Among other things, this PEIS will analyze a new, consolidated long-term storage facility at five candidate sites (LANL is not a candidate site), as well as continued use of existing facilities for interim storage. On April 5, 1995, DOE published a Notice [65 FR 17344] amending the scope of this PEIS by removing the disposition of all surplus highly enriched uranium. Instead, DOE will prepare a separate EIS entitled Disposition of Surplus Highly Enriched Uranium. The scope of this EIS has not yet finally been determined, because the public scoping period only closed on May 1, 1995. LANL now stores some nuclear materials; since the SWEIS addresses approximately a 10-year period, it will analyze storage and handling of current and projected inventories prior to implementation of the decisions from Weapons-Usable Fissile Materials PEIS.

The DOE is preparing the Medical Isotope Production at Sandia National Laboratory/New Mexico and Los Alamos National Laboratory Environmental Assessment for the proposal to produce medical isotopes for medical applications such as diagnostics and chemotherapy [EA determination, November 15, 1994]. The proposal involves irradiating targets in a nuclear reactor at Sandia National Laboratory, Albuquerque, processing the material, and disposing of waste. Alternatives involving LANL facilities would only include fabricating targets at the Chemistry and Metallurgy Research Building and disposing of waste from target fabrication at LANL waste management areas. Target fabrication and associated activities are ongoing at LANL and as such, would be analyzed in the SWEIS to provide environmental impacts at a variety of operational levels.

Ongoing LANL NEPA Reviews

The DOE is preparing an EIS for the construction and operation of an enhanced radiographic hydrodynamic test facility at LANL. This EIS examines the alternatives to support some of the stockpile stewardship missions currently assigned to LANL in the absence of nuclear testing. The preferred alternative is to complete and operate the partially constructed Dual Axis Radiographic Hydrodynamic Test Facility. DOE expects that all or portions of this EIS will be incorporated by reference into the LANL SWEIS and that the decisions from this EIS will be reflected in the LANL No Action alternative. The Record of Decision for this EIS is scheduled for September 1995.

DOE had initiated or considered several other environmental analyses for specific proposed projects at LANL. Those presented in the LANL SWEIS Advance Notice of Intent are identified in Table I, with a summary of comments received on each project through the prescoping process and the DOE decision as to which project NEPA reviews will proceed immediately, which will be suspended for inclusion in the SWEIS, and those which will be deferred until after the SWEIS.

The results of the LANL project-level NEPA reviews that will precede completion of the SWEIS will be addressed in the No Action alternative. Projects for which NEPA reviews were suspended for inclusion in the SWEIS will be addressed in one or more alternatives and their impacts will be included in the cumulative impact analysis. It is also likely that additional projects will be proposed as the SWEIS process continues; each proposal will be reviewed to determine whether its NEPA process should proceed separately, should be included in the SWEIS, or should be deferred until after the SWEIS. The exact relationship between specific proposed projects and the SWEIS alternatives will be detailed in the Draft SWEIS.

The SWEIS Preparation Process

After the scoping period, DOE will prepare and publish the LANL SWEIS Implementation Plan, which will be placed in the Los Alamos National Laboratory Community Reading Room and the Atomic Museum Public Reading Room, and made available to members of the public upon request. This document will describe the DOE's plan for preparing the SWEIS, based upon the results of the scoping process. The Implementation Plan will include the revised alternatives and environmental issues which were refined through the scoping process, and will describe how comments received in the scoping process were considered in its development.

The DOE intends to complete the Draft EIS in early 1996 and will announce its availability in the **Federal Register** and through local media. The DOE will hold public hearings to solicit comments on the Draft EIS from the public, organizations, and other agencies, and will consider all comments in the preparation of the Final EIS. The DOE intends to complete the Final EIS in December 1996.

DOE expects to issue the Record of Decision in early 1997, but at least 30 days after a Notice of Availability of the Final EIS is published in the **Federal Register**.

Classified Material

DOE will review classified material while preparing this SWEIS. Within the limits of classification, DOE will provide to the public as much information as possible. Any classified material DOE needs to use to explain the purpose and need for action, or the uses, materials, or impacts analyzed in this SWEIS, will be segregated into a classified appendix or supplement.

Signed in Washington, D.C., this 5th day of May 1995, for the United States Department of Energy.

Peter Brush,

Principal Deputy Assistant Secretary, Environment, Safety and Health.

TABLE 1

Project	ANOI recommendation	Comments received	Proceed with independent NEPA review?
Radioactive Liquid Waste Treatment Facility.	Suspend the NEPA review for this project and address it in the SWEIS.	6 comments received. 4 concurred with the recommendation; 1 asserted that the existing treatment facility is thought to be leaking; 1 questioned why this project has to be in the SWEIS.	No—as long as the existing system can operate safely, DOE intends to analyze this proposed replacement in the SWEIS.
Chemistry and Metallurgy Research Building Upgrades.	Proceed immediately with the NEPA review for project actions for maintenance of the existing infrastructure, for improved safety of operations to workers and the public, for enhanced environmental management systems, and for improved security. Other upgrades should be suspended and addressed in the SWEIS.	16 comments received. 5 concurred with the recommendation; 5 indicated that additional information was required to develop a position on this subject; 3 indicated that DOE should pursue uses for this facility and funding which can better benefit society; and 3 opposed any upgrades prior to the completion of the SWEIS.	Yes—proceed with a review of the subset of proposed upgrades, as recommended in the ANOI. Additional upgrades will be analyzed in the SWEIS.
High Explosives Materials Test Facility.	Proceed with the NEPA review for this project immediately.	2 comments received. 1 concurred with the recommendation, given limited information; 1 opposed this recommendation, proposing that it be covered in the SWEIS.	No—the project has been cancelled.
Isotope Separator Facility.	Defer the NEPA review for this project until after the SWEIS.	3 comments received. All 3 concurred with the recommendation.	No—defer until after SWEIS.
Low Energy Accelerator Laboratory.	Proceed with the NEPA review for this project immediately.	3 comments received. All 3 opposed the recommendation.	Environmental Assessment has been completed and a Finding of No Significant Impact has been issued.
Nuclear Materials Storage Facility Upgrade.	The NEPA review for upgrades that would increase capacity should be suspended and addressed in the SWEIS. Activities to correct design deficiencies should proceed based upon previous NEPA documentation.	8 comments received. 3 concurred with the recommendation; 3 indicated that additional information was necessary regarding nuclear material storage at LANL; 1 opposed storage of weapons usable fissile materials of any kind; 1 opposed even repairs to this facility pending completion of the SWEIS.	No—repair and operate up to 6.6 metric tons; proposed capacity changes will be addressed in the SWEIS.
Safety Testing of Pits under Thermal Stress.	Proceed with the NEPA review for this project immediately.	4 comments received. 2 opposed the recommendation; 2 indicated that additional information was necessary regarding the benefits of this project.	No—this subject will be addressed in the SWEIS.
Transuranic Waste Drum Staging Building.	Proceed with the NEPA review for this project immediately.	2 comments received. Both opposed the recommendation.	Yes—in order to support staging of waste drums generated by ongoing activities.
Weapons Components Test Facility Relocation.	Proceed with the NEPA review for this project immediately.	3 comments received. 1 comment indicated concurrence with the recommendation; 1 comment indicated that additional information on this project was required; 1 comment indicated that public opinion on this subject was moot because the environmental assessment had since been completed.	Environmental assessment has been completed and a Finding of No Significant Impact has been issued.
Decontaminate, Decommission, and Demolish Building, TA–33–86.	Suspend the NEPA review for this project and address it in the SWEIS.	3 comments received. All 3 concurred with the recommendation.	No—this subject will be addressed in the SWEIS.
New Sanitary Landfill ..	Suspend the NEPA review for this project and address it in the SWEIS.	4 comments received. 3 concurred with the recommendation; 1 requested that more emphasis be placed on minimization of sanitary waste.	No—this subject will be addressed in the SWEIS.
Actinide Source Term Waste Test Program.	Proceed with the NEPA review for this project immediately.	3 comments received. 2 opposed the recommendation; 1 indicated that additional information was required to reach an opinion on this subject.	Environmental assessment has been completed and a Finding of No Significant Impact has been issued.

TABLE 1—Continued

Project	ANOI recommendation	Comments received	Proceed with independent NEPA review?
Controlled Air Incinerator Operations.	Suspend the NEPA review for treatment operations and address that in the SWEIS; no recommendations were made regarding the NEPA review for the proposed trial burn.	17 comments received. 2 concurred with the recommendation; 1 indicated that no aspects of incinerator operations be included in the SWEIS; 2 indicated that additional information on this subject was required; 5 indicated concerns with the impacts of incineration; 2 indicated opposition to incineration of waste; 1 indicated that alternatives to incineration should be examined with the same rigor as applied to incineration; 1 indicated LANL needs to obey all laws enacted for public protection; 1 indicated the need to study the environmental impacts of the incinerator; and 2 indicated that all incinerator activities (including the trial burn) be suspended and included in the SWEIS.	No—this subject, including the trial burn, will be addressed in the SWEIS. This process is being placed on stand-by pending completion of the SWEIS.
Expansion of Area G Low-Level Waste Disposal Area.	Suspend the NEPA review for this project and address it in the SWEIS.	19 comments received. 5 concurred with the recommendation; 4 indicated that additional information was required on this subject; 1 indicated that alternatives to burial should be pursued; 3 indicated concern regarding the scope and impact of Area G expansion; 1 indicated that environmental restoration waste should be considered weapons-related waste; 1 indicated that LANL is not in full compliance with regulations; 4 indicated opposition to any expansion of Area G.	No—this subject will be addressed in the SWEIS.
Hazardous Waste Treatment Facility and Mixed Waste Receiving and Storage Facility.	Proceed with the NEPA review for this project immediately.	3 comments received. 2 opposed the recommendation; 1 indicated no opinion on the recommendation.	Yes—to support near-term programmatic requirements.
High Explosives Wastewater Treatment Facility.	No initial recommendation was made regarding the NEPA review for this project.	5 comments received. 1 comment requested that DOE proceed promptly with NEPA documentation for this project; 2 indicated that additional information was required on this subject; 2 requested that the NEPA documentation for this project be suspended and addressed in the SWEIS.	Yes—to support near-term objectives regarding waste minimization and management.
Mixed Waste Disposal Facility.	No initial recommendation was made regarding the NEPA review for this project. However, the DOE proposed to proceed with an environmental assessment for the environmental restoration waste only.	4 comments received. 1 concurred with the DOE proposal; 3 opposed any action proceeding for this project prior to completion of the SWEIS.	Yes—for support of the environmental restoration program only. The use of this facility for other waste sources will be examined in the SWEIS.
National Biomedical Tracer Facility.	Defer the NEPA review for this project until after the SWEIS is completed.	3 comments received. All 3 concurred with the recommendation.	No—defer until after the SWEIS.
Laundry	Proceed with the NEPA review for this project immediately.	3 comments received. 2 opposed the recommendation; 1 indicated that this facility might benefit from analysis in the SWEIS, but noted insufficient information to reach a clear decision.	No—this subject will be addressed in the SWEIS.
Receipt and Storage of Nuclear Material for Criticality Experiment.	Proceed with the NEPA review for this project immediately.	3 comments received. All 3 opposed the recommendation.	Yes—to support the programmatic need for this material.
Hazardous Low-Level Radioactive, and Mixed Waste Treatment Skids.	Proceed with the NEPA review for this project immediately.	3 comments received. All 3 indicate support of the recommendation.	Yes—to support near term waste management program activities.
Replacement Waste Compactor.	Proceed with the NEPA review for this project immediately.	5 comments received. All 5 indicate support of the recommendation.	This proposed replacement has been categorically excluded from further NEPA review.
Radioisotope Heat Source Fabrication.	Proceed with the NEPA review for this project immediately.	3 comments received. All 3 indicate opposition to the recommendation.	No—this subject will be addressed in the SWEIS.

[FR Doc. 95–11806 Filed 5–11–95; 8:45 am]
BILLING CODE 6450–01–P

Environmental Management Site-Specific Advisory Board, Monticello Site

AGENCY: Department of Energy.
ACTION: Notice of Open Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Board Committee Meeting: Environmental Management Site-Specific Advisory Board, Monticello Site.

DATES AND TIMES: Tuesday, May 16, 1995 6:30 p.m.-8:00 p.m.

ADDRESSES: Monticello City Hall, Monticello, Utah 84535.

FOR FURTHER INFORMATION CONTACT: Audrey Berry, Public Affairs Specialist, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, CO, 81502 (303) 248–7727.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to advise DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

The Environmental Management Site-Specific Advisory Board, Monticello Site, will be discussing issues related to the reorganization of the advisory board.

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 Audrey Berry'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. This notice is being published less than 15 days before the date of the meeting, due to programmatic issues that had to be resolved prior to publication.

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 Audrey Berry, Department of Energy Grand Junction Projects Office, P.O. Box 2567, Grand Junction, CO 81502, or by calling her at (303)–248–7727.

Issued at Washington, DC on May 9, 1995.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 95–11805 Filed 5–11–95; 8:45 am]
BILLING CODE 6450–01–P

Office of Fossil Energy

[FE Docket No. 95–25–NG]

American Hunter Exploration Ltd.; Order Granting Blanket Authorization to Export Natural Gas to Canada

AGENCY: Office of Fossil Energy, DOE.
ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting American Hunter Exploration Ltd. authorization to export up to 100 Bcf of natural gas to Canada over a two-year term beginning on the date of the first export delivery.

This order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F–056, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., April 28, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–11804 Filed 5–11–95; 8:45 am]
BILLING CODE 6450–01–P

[FE Docket No. 95–24–NG]

CoWest Energy; Order Granting Blanket Authorization to Import and Export Natural Gas From and to Canada

AGENCY: Office of Fossil Energy, DOE.
ACTION: Notice of order.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting CoWest Energy blanket authorization to import and export up to a combined total of 400 Bcf of natural gas from and to Canada over a two-year term beginning on the date of first import or export delivery.

This order is available for inspection and copying in the Office of Fuels Programs docket room, 3F–056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C., April 28, 1995.

Clifford P. Tomaszewski,

Director, Office of Natural Gas, Office of Fuels Programs, Office of Fossil Energy.

[FR Doc. 95–11803 Filed 5–11–95; 8:45 am]
BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. EG95–49–000, et al.]

Southern Electric Wholesale Generators, Inc., et al.; Electric Rate and Corporate Regulation Filings

May 5, 1995.

Take notice that the following filings have been made with the Commission:

1. Southern Electric Wholesale Generators, Inc.

[Docket No. EG95–49–000]

On April 28, 1995, Southern Electric Wholesale Generators, Inc. (''SEWG''), 900 Ashwood Parkway, Suite 500, Atlanta, Georgia 30338, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

SEWG is a Delaware corporation that is engaged directly, or indirectly through one or more affiliates as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale. The Commission previously has determined that SEWG is an EWG.

SEWG intends to acquire 100% of the voting securities of Southern Energy Marketing, Inc. (''SEMI''). Concurrent with the filing of this application, SEMI has filed its own application for EWG status. SEMI owns an interest in an eligible facility consisting of a 222 MW coal-fired cogeneration facility that is presently under construction in King George County, Virginia.

Comment date: May 26, 1995, in accordance with Standard Paragraph E

at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

2. Southern Energy Marketing, Inc.

[Docket No. EG95–50–000]

On April 28, 1995, Southern Energy Marketing, Inc. (''SEMI''), 900 Ashwood Parkway, Suite 500, Atlanta, Georgia 30338, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator (''EWG'') status pursuant to Part 365 of the Commission's Regulations.

SEMI is a Delaware corporation that is engaged directly, or indirectly through one or more affiliates as defined in Section 2(a)(11)(B) of PUHCA, and exclusively in the business of owning or operating, or both owning and operating, all or part of one or more eligible facilities and selling electric energy at wholesale.

SEMI will own 5% of the voting securities of SEI Birchwood, Inc. (''SEI Birchwood''). The Commission previously has determined that SEI Birchwood is an EWG. SEI Birchwood owns 50% of Birchwood Power Partners, L.P. (''Birchwood Partners''). Birchwood Partners is an EWG formed to own and operate an eligible facility consisting of a 222 MW coal-fired cogeneration facility that is presently under construction in King George County, Virginia.

Comment date: May 26, 1995, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Metropolitan Edison Company and Pennsylvania Electric Company

[Docket No. EL95–41–000]

Take notice that on May 2, 1995, Metropolitan Edison Company (Met Ed) and Pennsylvania Electric Company (Penelec), electric operating subsidiaries of General Public Utilities Corporation (GPU) filed a Petition for Enforcement and for a Declaratory Order requesting that the Commission institute an enforcement action to enjoin and declare unlawful, the Pennsylvania Public Utilities Commission's (Pennsylvania PUC) rule for determining the existence of a QF developer's legally enforceable obligation to deliver capacity and energy to a utility; the Pennsylvania PUC's determination of payments to which QFs are entitled through reliance on the estimated cost of a single technology; the Pennsylvania PUC's application of that rate prescription in alleged disregard of competitive procurement programs that provide evidence that capacity and energy are available from other sources at substantially lower prices; and the Pennsylvania PUC's calculation of avoided costs on the basis of allegedly stale data that overstate the utility's need for capacity and the cost of alternative sources of power. The Petition also requests that the Commission declare, and through an enforcement petition seek a determination, that contracts and commitments resulting from these procedures are void *ab initio.*

Comment date: June 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

4. Black Hills Corporation v. PacifiCorp

[Docket No. EL95–42–000]

Take notice that on May 2, 1995, Black Hills Corporation, (Black Hills) which conducts its utility business under the name Black Hills Power and Light Company, filed a complaint against PacifiCorp and motion for summary disposition. Black Hills alleges that PacifiCorp has been misapplying a formula rate contained in its Rate Schedule No. 236 since 1987, and continues to do so. Black Hills seeks an order from the Commission by summary disposition directing PacifiCorp to comply with the filed rate schedule and ordering refunds and interest.

Comment date: June 5, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. Rainbow Energy Marketing Corp.

[Docket No. ER94–1061–004]

Take notice that on April 17, 1995, Rainbow Energy Marketing Corporation tendered for filing its quarterly report for transactions entered into for the quarter ending March 31, 1995, pursuant to Commission's letter order dated June 10, 1994 in Docket No. ER94–1061–000.

6. NorAm Energy Services, Inc.

[Docket No. ER94–1247–004]

Take notice that on April 14, 1995, NorAm Energy Services, Inc. (NES) tendered for filing its quarterly report for transactions entered into pursuant to NES's Rate Schedule FERC No. 1 for the first quarter of 1995. In addition NES filed an amendment to the April 14, 1995 filing on April 24, 1995.

7. Delmarva Power & Light Co.

[Docket No. ER95–521–000]

Take notice that on May 1, 1995, Delmarva Power & Light Company (Delmarva) of Wilmington, Delaware, filed an amendment to its filing of an eight year power supply contract (the Service Agreement) under which Delmarva will provide requirements service to the City of Seaford, Delaware (Seaford). Delmarva states that the Service Agreement supersedes Delmarva's Rate Schedule No. 62 under which Seaford currently receives services.

Delmarva originally filed the Service Agreement on a confidential basis. Pursuant to Commission order, Delmarva in its amended filing has refiled the Service Agreement on a non-confidential basis.

Delmarva, with Seaford's concurrence, requests an effective date of February 1, 1995.

The Service Agreement provides for the continuation of the requirements service previously furnished Seaford under Rate Schedule No. 62, but changes certain terms and conditions. The chief differences between the Service Agreement and Rate Schedule No. 62 are that the Service Agreement establishes a new rate for Seaford which is below the level of the rate currently charged Seaford and provides for future adjustments to the Seaford rate based on changes in the level of Delmarva's retail rates. The Service Agreement has an eight year term.

Delmarva states that the filing has been posted and has been served upon the affected customer and the Delaware Public Service Commission.

Comment date: May 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

8. Delmarva Power & Light Co.

[Docket No. ER95–524–000]

Take notice that on May 1, 1995, Delmarva Power & Light Company (Delmarva) of Wilmington, Delaware, filed an amendment to its filing of an eight-year power supply contract (the Service Agreement) under which Delmarva will provide requirements service to four Delaware Municipal customers, Lewes, Milford, Newark, and New Castle, respectively and a Dispatchable Service Agreement between Delmarva and Lewes. Delmarva states that the Service Agreement supersedes Delmarva's Rate Schedule Nos. 61, 66, 67, and 69 under which each customer previously received requirements service from Delmarva.

Delmarva originally filed the Service Agreements and Dispatchable

Generation Agreement on a confidential basis. Pursuant to Commission order, Delmarva in its amended filing has refiled the Service Agreements on a non-confidential basis.

Delmarva, with Seaford's concurrence, requests an effective date of February 1, 1995.

The Service Agreement provides for the continuation of the requirements service previously furnished the customer, but changes certain terms and conditions. The chief differences between the Service Agreement and the service currently furnished under each customers' currently effective rate schedule, are that the Service Agreement establishes a new rate for the customer which is below the level of the rate currently charged the customer and establish a base rate level for production service that is to apply when the Service Agreement becomes effective and provides for annual escalations in the base rate. The Service Agreement has an eight-year term. The dispatchable Service Agreement between Delmarva and Lewes provides the terms and conditions under which Lewes will supply a portion of its own energy needs and implements Article V of the Service Agreement between Delmarva and Lewes.

Delmarva states that the filing has been posted and has been served upon the affected customer and the Delaware Public Service Commission.

Comment date: May 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

9. Ocean State Power and Ocean State Power II

[Docket Nos. ER95–533–002, ER95–530–002]

Take notice that on April 28, 1995, Ocean State Power and Ocean State Power II (collectively ''Ocean State'') tendered for filing copies of its compliance filing in the above-referenced dockets in response to Ordering Paragraph (F) of the Federal Energy Regulatory Commission's March 30, 1995 Order Accepting For Filing Proposed Return on Equity Computations, Establishing and Deferring Hearing Procedures, and Consolidating Dockets, *Ocean State Power II,* 70 FERC ¶ 61,370 (1995). The filing includes the following revised supplements (the ''Supplements'') to its rate schedule with the Commission:

Supplement No. 1 to Supplement No. 17 to Rate Schedule FERC No. 1
Supplement No. 1 to Supplement No. 14 to Rate Schedule FERC No. 2
Supplement No. 1 to Supplement No. 13 to Rate Schedule FERC No. 3
Supplement No. 1 to Supplement No. 15 to Rate Schedule FERC No. 4
Supplement No. 1 to Supplement No. 16 to Rate Schedule FERC No. 5
Supplement No. 1 to Supplement No. 16 to Rate Schedule FERC No. 6
Supplement No. 1 to Supplement No. 15 to Rate Schedule FERC No. 7
Supplement No. 1 to Supplement No. 16 to Rate Schedule FERC No. 8

Copies of the Supplements have been served upon all parties on the Commission's official service list in the above-referenced proceedings.

Comment date: May 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

10. PSI Energy, Inc.

[Docket No. FA92–17–001]

Take notice that on July 11, 1994, PSI Energy, Inc. tendered for filing its refund report in the above-referenced docket.

Comment date: May 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

11. Dayton Power & Light Co.

[Docket No. FA93–66–001]

Take notice that on January 23, 1995, Dayton Power & Light Company tendered for filing its refund report in the above-referenced docket.

Comment date: May 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. Gordonsville Energy, L.P. (Unit I and Unit II)

[Docket Nos. QF92–166–005, QF92–167–005, and EL95–32–000]

On May 2, 1995, Gordonsville Energy, L.P. (Gordonsville) tendered for filing a supplement to its filing in these dockets.

This supplement pertains to technical and operational aspects of the facility and the status of the thermal host. No determination has been made that this submittal constitutes a complete filing.

Comment date: May 26, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. Southeastern Power Administration v. The Southern Company, Southern Company Services, Inc., Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, Savannah Electric & Power Company

[Docket No. TX95–5–000]

Take notice that on May 1, 1995, the Southeastern Power Administration of the United States Department of Energy, 2 Public Square, Elberton, GA 30635 (''Southeastern''), filed with the Federal Energy Regulatory Commission an Application requesting that the Commission order Southern Company Services, Inc. acting on behalf of the Southern Company, Alabama Power Company, Georgia Power Company, Gulf Power Company, Mississippi Power Company, and Savannah Electric & Power Company (collectively, ''Southern'' or ''Operating Companies''), to provide transmission services pursuant to Section 211 of the Federal Power Act.

Southeastern seeks a Commission Order directing Southern to provide firm network transmission service on an integrated, single-system basis for approximately 330 MW of capacity and energy to be delivered by Southern to Southeastern's customers from ten hydro-electric projects operated by the U.S. Army Corp of Engineers in the States of South Carolina, Georgia, and Alabama. Southeastern requests that Southern provide firm network integration transmission service on a single-system basis that is comparable to the Operating Companies' own native load use of their integrated transmission facilities, consistent with the Commission's comparability standard. Southeastern also asks the Commission to require transmission service over the individual Operating Companies' distribution facilities to certain of Southeastern's customers which are served at distribution voltages on the applicable Operating Company.

Southeastern further requests that Southern be directed by the Commission to provide back-up and non-firm transmission services, and certain ancillary and coordination services that are integral and necessary to the delivery of the capacity and energy allocations to the Southeastern customers from the aforementioned Federal hydro-electric projects.

Southeastern requests that all of the above-described services be provided by Southern for an initial term ending no earlier than November 30, 2004.

Comment date: June 2, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11712 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. EC95–11–000, et al.]

Tucson Electric Company, et al.; Electric Rate and Corporate Regulation Filings

May 4, 1995.

Take notice that the following filings have been made with the Commission:

1. Tucson Electric Power

[Docket No. EC95–11–000]

Take notice that on April 26, 1995 Tucson Electric Power Company (TEP) submitted an application pursuant to Section 203 of the Federal Power Act for authority to effect a ''disposition of facilities'' that would be deemed to occur as a result of implementation of a proposed holding company structure, all as more fully set forth in the application, which is on file with the Commission and open for public inspection.

The application states that implementation of the holding company structure proposed would be accomplished through the creation of a holding company of which TEP would be a subsidiary. It is stated that the proposed holding company structure is intended to facilitate the separation of TEP's traditional utility operations from its operations in other segments of the electric energy business. Such operation will provide the optimal structure for participation in the various segments of the evolving and expanding electric energy business, and will avoid cross-subsidization and the transfer of business risk from these other segments of the business to traditional utility operations. The holding company structure, it is said, will not affect jurisdictional facilities, rates or services.

Comment date: May 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

2. Pennsylvania Power & Light Company

[Docket No. ER95–720–000]

Take notice that on April 26, 1995, Pennsylvania Power & Light Company (''PP&L''), tendered for filing with the Federal Energy Regulatory Commission supplemental material relating to the above docket.

Comment date: May 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

3. Louis Dreyfus Electric Power Company

[Docket No. ER92–850–011]

Take notice that on April 27, 1995, Louis Dreyfus Electric Power Company tendered for filing a summary of its activity for the quarter ending March 31, 1995.

4. Consolidated Edison Company Of New York, Inc.

[Docket No. ER93–568–000]

Take notice that on April 27, 1995, Consolidated Edison Company of New York, Inc. (''Con Edison'') tendered for filing additional information concerning two agreements for the interconnection and delivery of energy between the JFK Cogeneration Project and the JFK International Airport.

Con Edison states that a copy of this filing has been served by mail upon KIAC Partners and the Port Authority of the New York and New Jersey.

Comment date: May 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

5. CRSS Power Marketing, Inc.

[Docket No. ER94–142–005]

Take notice on April 24, 1995, CRSS Power Marketing, Inc. tendered for filing its quarterly informational filing reporting no activity for the quarter ending March 31, 1995.

6. EDC Power Marketing, Inc.

[Docket No. ER94–1538–002]

Take notice on April 24, 1995, EDC Power Marketing, Inc. tendered for filing its quarterly informational filing reporting no activity for the quarter ending March 31, 1995.

7. Equitable Power Services Company

[Docket No. ER94–1539–003]

Take notice that on April 27, 1995, Equitable Power Services Company tendered for filing its quarterly report ending March 31, 1995, reporting no activity during this quarter.

8. Citizens Lehman Power Sales

[Docket No. ER94–1685–002]

Take notice that on April 27, 1995, Citizens Lehman Power Sales tendered for filing its quarterly report ending March 31, 1995 reporting no activity during this quarter.

9. Koch Power Services, Inc.

[Docket No. ER95–218–001]

Take notice that on April 26, 1995, Koch Power Services, Inc. filed certain information as required by the Commission's January 4, 1995 letter Order in Docket No. ER95–218–000. Copies of Koch Power Services, Inc.'s information filing are on file with the Commission and are available for public inspection.

10. Tenneco Energy Marketing Company

[Docket No. ER95–428–001]

Take notice that on April 27, 1995, Tenneco Energy Marketing Company tendered for filing its quarterly report for the period ending March 31, 1995, reporting no activity during this quarter.

11. New England Power Company

[Docket No. ER95–554–000]

Take notice that on April 26, 1995, New England Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: May 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

12. Washington Water Power Company

[Docket No. ER95–677–000]

Take notice that on April 19, 1995, Washington Water Power Company tendered for filing an amendment in the above-referenced docket.

Comment date: May 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

13. Northeast Utilities Service Company

[Docket No. ER95–946–000]

Take notice that Northeast Utilities Service Company (NUSCO) on April 24, 1995, tendered for filing, a Service Agreement with Enron Power Marketing, Inc. (Enron) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

NUSCO states that a copy of this filing has been mailed to Enron.

NUSCO requests that the Service Agreement become effective on April 1, 1995.

Comment date: May 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

14. New England Power Company

[Docket No. ER95–950–000]

Take notice that on April 26, 1995, New England Power Company (NEP) tendered for filing a Notice of Termination to the Service Agreement between NEP and Commonwealth Electric Company under NEP's FERC Electric Tariff, Original Volume No. 3.

Comment date: May 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

15. Northeast Utilities Service Company

[Docket No. ER95–952–000]

Take notice that Northeast Utilities Service Company (NUSCO), on April 26, 1995, tendered for filing, a Service Agreement and a Certificate of Concurrence with Vermont Public Power Supply Authority (VPPSA) under the NU System Companies' System Power Sales/Exchange Tariff No. 6.

NUSCO states that a copy of this filing has been mailed to VPPSA.

NUSCO requests that the Service Agreement become effective on May 1, 1995.

Comment date: May 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

16. Maine Public Service Company

[Docket No. ER95–954–000]

Take notice that on April 26, 1995, Maine Public Service Company (Maine Public), tendered for filing an agreement providing for short-term interim transmission for Central Maine Power Company.

Comment date: May 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

17. Robert Mehrabian

[Docket No. ID–2878–000]

Take notice that on April 24, 1995, Robert Mehrabian (Applicant) tendered for filing an application under Section 305(b) of the Federal Power Act to hold the following positions:

Outside Director: Duquesne Light Company
Outside Director: Mellon Bank Corporation
Outside Director: Mellon Bank, N.A.

Comment date: May 19, 1995, in accordance with Standard Paragraph E at the end of this notice.

18. Air Products Hycal Company, L.P.

[Docket No. QF95–260–000]

On April 25, 1995, Air Products Hycal Company, L.P., (Applicant), of 7201 Hamilton Boulevard, Allentown, Pennsylvania 18195–1501, submitted for filing an application for certification of a facility pursuant to Section 292.207(b) of the Commission's Regulations. No determination has been made that the submittal constitutes a complete filing.

According to the Applicant, the bottoming-cycle cogeneration facility will be located adjacent to Ultramar Inc.'s Wilmington Refinery, in Wilmington, California, and will consist of a steam-methane hydrogen reformer, heat recovery boilers, a double-extraction/condensing steam turbine generator, and a substation. Heat captured from the hydrogen production process will be used for power production. The maximum net electric power production capacity will be 20.9 MW. The facility is expected to begin commercial operation in January of 1996.

Comment date: June 12, 1995, in accordance with Standard Paragraph E at the end of this notice.

19. Central Hudson Gas & Electric Corporation

[Docket No. ER95–945–000]

Take notice that Central Hudson Gas and Electric Corporation (Central Hudson) on April 24, 1995, tendered for filing its development of actual costs for 1994 related to substation service provided to Consolidated Edison Company of New York, Inc. (Con Edison) in accordance with the provisions of its Rate Schedule FERC No. 43.

Central Hudson indicates that the actual cost amounted to $253,028 for 1994 and will be the basis on which estimated charges for 1995 will be billed.

Central Hudson requests waiver of the notice requirements to permit charges to become effective January 1, 1995 as agreed by the parties.

Central Hudson states that a copy of its filing was served on Con Edison and the State of New York Public Service Commission.

Comment date: May 18, 1995, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraphs

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11710 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. CP95–228–000]

Mississippi River Transmission Corp.; Notice of Intent to Prepare an Environmental Assessment for the Proposed Main Line System 1995 and 1996 Modernization Project and Request for Comments on Environmental Issues

May 8, 1995.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of the facilities proposed in the Main Line System 1995 and 1996 Modernization Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether to approve the project.

Summary of the Proposed Project

Mississippi River Transmission Corporation (MRT) proposes to modernize and improve the reliability of its Main Line System under a 16-year plan. The 16-year plan would address safety, system reliability, and rising operating cost. MRT is not seeking authority to implement its entire 16-year modernization plan. MRT seeks authority to implement only changes it proposes for 1995 and 1996. MRT indicates that its proposal would not affect the capacity of its Main Line System and service to any of its existing customers.

MRT's Main Line System consists of three pipelines which run roughly parallel from Perryville, Louisiana to the vicinity of St. Louis, Missouri. Main Line No. 1 is the oldest of the three lines. MRT proposes to abandon in place 93 miles of its Main Line No. 1, and as a consequence, MRT also proposes to make certain changes on its Main Line System. MRT requests Commission authorization in Docket No. CP95–228–000, for the following:

- Abandon in place about 93 miles of its Main Line No. 1 from milepost 214 in Jackson County, Arkansas to milepost 307 in Butler County, Missouri.
- Cut and cap existing Main Line No. 1 within the Poplar Bluff Compressor Station yard at milepost 307 in Butler County, Missouri.
- Retire one 1,000-horsepower (hp) compressor unit and replace it with a 5,850-hp compressor unit at the Biggers

[1] Mississippi River Transmission Corporation's application was filed with the Commission under Section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

Compressor Station at milepost 267 in Randolph County, Arkansas.

- Retire two 625-hp compressor units and replace them with a 5,850-hp compressor unit at the Tuckerman Compressor Station at milepost 220 in Jackson County, Arkansas.
- Cut and cap existing Main Line No. 1 within the existing Diaz Compressor Station yard and remove the block gate assembly, at milepost 214 in Jackson County, Arkansas.
- Relocate 13 delivery point laterals by extending the laterals across MRT's right-of-way from points (taps) of interconnection with Main Line No. 1 to Main Line No. 2 and/or Main Line No. 3, in Butler County, Missouri and Clay, Randolph, Lawrence, and Jackson Counties, Arkansas.
- Abandon in place, cut, and cap a short pipeline segment (20 to 40 feet) between Main Line No. 1 and Natural Gas Pipeline Company of America's facility, at milepost 260 in Randolph County, Arkansas.
- Abandon in place five short (20 to 40 feet) segments of pipe which serve as crossovers between Main Line No. 1 and Main Line No. 2, in Lawrence, Jackson, and Randolph Counties, Arkansas.
- Abandon and remove valves and headers on the north and south sides of the Black River at milepost 261 in Randolph County, Arkansas.
- Abandon and remove an orifice fitting at milepost 243 in Lawrence County, Arkansas.
- Abandon and remove 10 block gate assemblies in Jackson, Lawrence, Randolph, and Clay Counties, Arkansas, and Ripley and Butler Counties, Missouri.

The general location of the project facilities and specific locations for facilities are shown in appendix 1.[2]

Land Requirements

MRT indicates that no additional land would be required. All construction activities would occur within MRT's existing rights-of-way.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping.'' The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the proposed abandonment under these general headings:

- Soils.
- Water resources, fisheries, and wetlands.
- Vegetation and wildlife.
- Endangered and threatened species.
- Cultural resources.
- Air and noise quality.
- Public safety.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

Currently Identified Environmental Issue

We have already identified three issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by MRT. Keep in mind that this is a preliminary list. The list of issues may be added to, subtracted from, or changed based on your comments and our analysis. Issues are:

- Residences are located within 50 feet of the proposed project.
- Replacement of compressor units at the Biggers and Tuckerman Compressor Stations may increase ambient noise levels.
- Federally listed or candidate plants may occur in the project area.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address your letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., NE., Washington, DC 20426;
- Reference Docket No. CP95–228–000;
- Send a *copy* of your letter to: Mr. Herman K. Der, EA Project Manager, Federal Energy Regulatory Commission, 825 North Capitol St., NE., Room 7312, Washington, DC 20426; and
- Mail your comments so that they will be received in Washington, DC on or before June 12, 1995.

If you wish to receive a copy of the EA, you should request one from Mr. Herman K. Der at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

The date for filing of timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mr.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, Room 3104, 941 North Capitol Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

Herman K. Der, EA Project Manager, at (202) 208–0896.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11724 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–119–001]

Steuben Gas Storage Company; Notice of Intent To Prepare an Environmental Assessment for the Proposed Thomas Corners Gas Storage Field Project and Request for Comments on Environmental Issues

May 8, 1995.

On April 18, 1995, Steuben Gas Storage Company (Steuben) filed an amendment to its application which substantially changed the routing of its proposed 12-inch-diameter gathering header. The beginning and ending points and the approximate length of the gathering header, as well as all other aspects of Steuben's proposal remain unchanged by this amendment. This notice supplements the Federal Energy Regulatory Commission's (FERC or Commission) ''Notice of Intent to Prepare an Environmental Assessment for the Proposed Thomas Corners Gas Storage Field Project and Request for Comments on Environmental Issues'' issued March 3, 1995 (March 3 Notice).

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the construction and operation of facilities proposed in the Thomas Corners Gas Storage Field Project.[1] This EA will be used by the Commission in its decision-making process to determine whether an environmental impact statement is necessary and whether or not to approve the project.

Summary of the Proposed Project

Steuben requests Commission authorization to convert a depleted natural gas production field to storage use in Steuben County, New York. It proposes to construct and operate:

- 13 injection/withdrawal wells (11 new wells drilled from one central location and two converted from existing gas production wells);
- One observation well;
- 0.6 mile of 4-inch-diameter well laterals;
- 0.3 mile of 12-inch-diameter well laterals;
- A 3,284 horsepower compressor station;
- 6.5 miles of 12-inch-diameter gathering header including a pipeline drip and storage tank; and
- Dehydration facilities.

Steuben indicates that the proposed storage field, when fully developed, would have a working gas capacity of 5,300,000 thousand cubic feet of gas. Customers interested in using Steuben's storage service would have to arrange for their own transportation. Steuben's existing facilities are interconnected with the facilities of CNG Transmission Corporation (CNG) in the town of Woodhull, Steuben County, New York. The 6.5 miles of gathering header would connect the Thomas Corners Gas Storage Field to Steuben's existing facilities.

Steuben states that the storage facility would be developed in the nearly depleted Thomas Corners gas production reservoir. It lies about 3,530 feet below the surface. The aerial extent of the reservoir is about 430 acres.

The location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Steuben proposes to use a nominal 70-foot-wide right-of-way for construction of the 6.5 miles of 12-inch-diameter pipeline. Following construction, a 50-foot-wide easement would be permanently maintained; the remaining 20 feet would be restored and allowed to revert to its former use.

Additional working right-of-way width would be needed in areas of steep side slopes and in agricultural areas where topsoil would be segregated. Additional working space would also be needed adjacent to road and stream crossings. About 60 acres would be required for construction of the 12-inch-diameter gathering header.

A total of 37 acres would be needed for construction of the Thomas Corners Gas Storage Field. All new injection/withdrawal wells would be directionally drilled from one central pad area covering approximately 31 acres. The wells would be drilled at 150-foot centers around the perimeter of the pad area. All of the 4- and 12-inch-diameter well laterals would be constructed within the central well pad area.

An additional 6-acre work space would be required adjacent to the pad area for drilling, completion, maintenance operations, and equipment staging. After construction is complete, this area would be used for the dehydration facilities.

The proposed compressor station would be located on Steuben's existing Adrian Compressor Station site.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. We call this ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission requests public comments on the scope of the issues it will address in the EA. All comments received are taken into account during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

The EA will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils.
- Water resources, fisheries and wetlands.
- Vegetation and wildlife.
- Endangered and threatened species.
- Public safety.
- Land use.
- Cultural resources.
- Hazardous waste.
- Air and noise quality.

We will also evaluate possible alternatives to the proposed project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, state, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we recommend that the Commission approve or not approve the project.

[1] Steuben's application was filed with the Commission under section 7 of the Natural Gas Act and Parts 157 and 284 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies are available from the Commission's Public Reference and Files Maintenance Branch, Room 3104, 941 North Capitol Street, N.E., Washington, D.C. 20426, or call (202) 208–1371. Copies of the appendices were sent to all those receiving this notice in the mail.

Currently Identified Environmental Issues

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by Steuben. Keep in mind that this is a preliminary list. The list of issues may be added to, subtracted from, or changed based on your comments and our analysis. Issues are:

- The project would cross three perennial streams: Mud Hollow Brook, the Canisteo River, an unnamed tributary of the Canisteo River.
- The 12-inch-diameter header would be constructed within Catatunk Road and Canisteo River Road between approximately mileposts 1 and 2.6 (see appendix 1).
- About 25 acres of upland forest would be disturbed.
- A 3,284 horsepower compressor station would be constructed adjacent to Steuben's existing Adrian Compressor Station which may increase existing sound levels.

In addition, the following concerns were raised in response to our March 3 Notice:

- The EA should include standards required for slope stabilization and erosion control during and after pipeline construction.
- Prime agricultural lands should be identified.
- Restoration should include monitoring of agricultural lands.
- Fishery resources of the streams crossed should be identified.
- The EA should identify any threatened or endangered species potentially found along the proposed route.
- Safety features to ensure that no gas leaks during all aspects of operation should be described.
- All residences potentially affected during construction should be identified.
- All active or abandoned hazardous waste sites should be identified.

Public Participation

You can make a difference by sending a letter addressing your specific comments or concerns about the project. You should focus on the potential environmental effects of the proposal, alternatives to the proposal (including alternative routes), and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please follow the instructions below to ensure that your comments are received and properly recorded:

- Address you letter to: Lois Cashell, Secretary, Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Washington, D.C. 20426;
- Reference Docket No. CP95–119–001;
- Send a copy of your letter to: Mr. Howard J. Wheeler, EA Project Manager, Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Room 7312, Washington, D.C. 20426; and
- Mail your comments so that they will be received in Washington, D.C. on or before June 12, 1995.

If you wish to receive a copy of the EA, you should request one from Mr. Wheeler at the above address.

Becoming an Intervenor

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding or become an ''intervenor''. Among other things, intervenors have the right to receive copies of case-related Commission documents and filings by other intervenors. Likewise, each intervenor must provide copies of its filings to all other parties. If you want to become an intervenor you must file a Motion to Intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) (see appendix 2).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your scoping comments considered.

Additional information about the proposed project is available from Mr. Howard Wheeler, EA Project Manager, at (202) 208–2299.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11725 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–464–000, et al.]

Continental Natural Gas, Inc., et al.; Natural Gas Certificate Filings

May 4, 1995.

Take notice that the following filings have been made with the Commission:

1. Continental Natural Gas, Inc. Complainant, vs. Colorado Interstate Gas Company Respondent

[Docket No. CP95–464–000]

Take notice that on May 3, 1995, Continental Natural Gas Company (Continental), 1400 SouthBoston, Tulsa, Oklahoma 74119, filed with the Commission in Docket No. CP95–464–000 a complaint, motion for a cease and desist order, and a motion for order directing physical interconnections pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, against Colorado Interstate Gas Company (CIG) (Respondent), alleging violations of the Natural Gas Act (NGA); Section 7(b)—Unauthorized abandonment of facilities and services, Section 7(c)—Unauthorized modification of facilities, and Section 284 of the Commission Regulations-discrimination in favor of its non-jurisdictional processing affiliate, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

Continental, an Oklahoma corporation with its principal place of business in Tulsa, Oklahoma, engaged in the gathering, processing and marketing of natural gas, is also a gathering and transportation customer on CIG's system and operates a natural gas processing plant connected to CIG's system.

CIG, a Delaware corporation, with principal place of business in Colorado Springs, Colorado, is engaged in the business of gathering and interstate transmission of natural gas. CIG's system stretches from Texas to Wyoming.

Continental requests that the Commission direct CIG to cease and desist in its plans to reconfigure the Mocane Compressor Station and direct CIG to provide Continental with the requested mainline and gathering interconnections necessary to continue the needed compression at the Mocane Station. Continental states that its Warren processing plant is located on CIG's mainline, immediately downstream from the Mocane Compressor Station (also on CIG's mainline) in Beaver County, OK, which is essential to ensuring access to gas supply for the Warren plant. Continental alleges that CIG plans to abandon (without Commission approval) a significant portion of the compression at the Mocane Station and to appropriate such compression (modification) for the primary benefit of its non-jurisdictional processing affiliate. Continental states that the abandonment of that compression will significantly reduce the throughput capability of the Mocane Station and will cause severe harm to Continental.

As explained by Continental, Continental has requested that CIG provide it with certain mainline and gathering interconnects in order to maintain as well as maximize current

and future access to the gas supply behind the Mocane Gathering System. However, CIG has withheld authorization for these interconnects, as asserted by Continental, but CIG has recently provided similar interconnections to CIG's processing affiliate. Continental states that CIG has offered no explanation for such discrimination. As a result, Continental requests that the Commission (1) direct CIG to cease and desist in its plans to reconfigure the Mocane Compressor Station and (2) direct CIG to provide Continental with the requested mainline and gathering interconnections.

Comment date: June 5, 1995, in accordance with the first paragraph of Standard Paragraph F at the end of this notice.

2. Transwestern Pipeline Company

[Docket No. CP95–70–001]

Take notice that on May 1, 1995, Transwestern Pipeline Company (Transwestern), Post Office Box 1188, Houston, Texas 77251–1188 filed an amendment (Amendment) to its original application in Docket No. CP95–770–000, which was filed pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities by transfer to Transwestern Gathering Company (TGC), a wholly-owned subsidiary of Transwestern.[1] Transwestern states that the Amendment incorporates minor revisions and corrections to ensure consistency among the captioned proceeding, Transwestern's refunctionalization proceeding in Docket No. CP94–254 and Transwestern's abandonment proceeding in Docket No. CP94–751, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transwestern states that, in response to a June 7, 1994, data request from the Commission in the refunctionalization proceeding, it conducted an in-depth review and analysis of each facility in its entire system, resulting in a different functionalization of the facilities from that originally filed. It is stated that the response was filed September 6, 1994.

On October 3, 1994, Transwestern states that it supplemented its data response by making some substantial, but mostly miscellaneous corrections and revisions to the refunctionalization of facilities. On November 14, 1994, Transwestern contends that it again supplemented its data response with a summary on its proposed adjustments to plant and depreciation resulting from the refunctionalization proposed in the data response.

Also on November 14, 1994, Transwestern submits that it filed an application in Docket No. CP95–70–000 proposing to spindown certain compression, plants, metering, dehydration and pipeline facilities, along with certain agreements and services, by transfer to TGC. Essentially, Transwestern proposed to spindown to TGC all of its facilities functionalized as gathering in the refunctionalization proceeding.

On December 5, 1994, Transwestern filed a Petition for Declaratory Order in Docket No. CP95–112–000 seeking the Commission to declare that upon completion of the acquisition by TGC of the facilities being spun down from Transwestern, such facilities and the services provided through them would be exempt from Commission jurisdiction.

Subsequent to the filing of the spindown, Transwestern contends that it was determined that certain minor revisions and corrections were required to the application in this proceeding.

Comment date: May 25, 1995, in accordance with Standard Paragraph F at the end of this notice.

3. Transwestern Pipeline Company

[Docket No. CP94–254–001]

Take notice that on May 1, 1995, Transwestern Pipeline Company (Transwestern), P. O. Box 1188, Houston, Texas 77251–1188, filed in Docket No. CP94–254–001 an amendment (Amendment) to its original application filed in the captioned proceeding on February 25, 1994 pursuant to Sections 7(b) and (c) of the Natural Gas Act for a certificate of public convenience and necessity and abandonment authorization relating to the proposed refunctionalization of certain facilities from production and gathering to transmission and from transmission to production and gathering, respectively. Transwestern states that it filed the Amendment to fully incorporate the functionalization of facilities proposed in its data response filed on September 6, 1994, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Transwestern states that, in response to a June 7, 1994, data request from the Commission, it conducted an in-depth review and analysis of each facility in its entire system, resulting in a different functionalization of the facilities from that originally filed. It is stated that the response was filed September 6, 1994.

On October 3, 1994, Transwestern states that it supplemented its data response by making some substantial, but mostly miscellaneous corrections and revisions to the refunctionalization of facilities. On November 14, 1994, Transwestern contends that it again supplemented its data response with a summary on its proposed adjustments to plant and depreciation resulting from the refunctionalization proposed in the data response.

Also on November 14, 1994, Transwestern submits that it filed an application in Docket No. CP95–70–000 proposing to spindown certain compression, plants, metering, dehydration and pipeline facilities, along with certain agreements and services, by transfer to Transwestern Gathering Company (TGC). Essentially, Transwestern proposed to spindown to TGC all of its facilities functionalized as gathering in the refunctionalization proceeding.

On December 5, 1994, Transwestern filed a Petition for Declaratory Order in Docket No. CP95–112–000 seeking the Commission to declare that upon completion of the acquisition by TGC of the facilities being spun down from Transwestern, such facilities and the services provided through them would be exempt from Commission jurisdiction.

Transwestern states that the refunctionalization of facilities contained in the data response is fully consistent with the Commission's primary function test. In addition, it is stated that the refunctionalization proposed in the data response is the basis of the spindown to TGC. Therefore, to avoid confusion, to ensure consistency among the refunctionalization, spindown and petition for declaratory order and to ensure a consistent Commission record, Transwestern requests that its original application in the refunctionalization proceeding be amended to fully incorporate the functionalization of facilities proposed in Transwestern's data response, as amended.

Comment date: May 25, 1995, in accordance with Standard Paragraph F at the end of this notice.

4. Mississippi River Transmission Corporation NorAm Field Services Corp.

[Docket No. CP95–376–000]

Take notice that on April 28, 1995 Mississippi River Transmission Corporation (MRT) 9900 Clayton Road, St. Louis, Missouri 63124, and NorAm Field Services Corp. (NFS) 525 Milam,

[1] Transwestern states that the facilities which are proposed to be transferred to TGC mirror the facilities which are identified in the data response filed on September 6, 1994, in Docket No. CP94–254–000 (Refunctionalization Proceeding).

Shreveport, Louisiana 71101, jointly filed in Docket No. CP95–376–000 an application pursuant to Section 7(b) and Rule 207. MRT is proposing to abandon by sale and transfer, certain gathering facilities to, its affiliate, NFS. NFS is petitioning the Commission for a declaratory order, wherein the Commission declines to assert jurisdiction over the gathering facilities once the facilities become the property of NFS, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, pursuant to Section 7(b) of the Natural Gas Act, MRT proposes to abandon by sale to NFS, four discrete, certificated gathering systems which MRT states are remote from its transmission system. The four gathering systems are: Mills Ranch in Wheeler County, Texas; Little Washita in Grady County, Oklahoma; North Reydon in Roger Mills County, Oklahoma; and Southwest New Liberty in Beckham County, Oklahoma. In addition, pursuant to Rule 207 of the Commission's Rules of Practice and Procedure, 18 CFR 385.207, MRT and NFS petition the Commission for an order declaring that the facilities are exempt from Commission regulations under Section 1(b) of the Natural Gas Act.

MRT states that because the gathering facilities are remote from its transmission system, they are not integral to MRT's operations in the post-restructuring environment. It is further stated that although all of the facilities have been certificated, they have historically been functionalized as gathering facilities for ratemaking purposes, and that such facilities clearly qualify as gathering facilities under the modified primary function test. It is averred that NFS is engaged in the business of providing exclusively non-jurisdictional gathering services in competition with producers, gatherers and intrastate pipelines; and that NFS will operate the facilities in essentially the same manner as they have been operated by MRT. It is stated that the net book value of the subject facilities as of December 31, 1994 was $810,430.

Comment date: May 25, 1995, in accordance with Standard Paragraph F at the end of this notice.

5. Transwestern Pipeline Company

[Docket No. CP94–751–002]

Take notice that on May 1, 1995, Transwestern Pipeline Company (Transwestern), Post Office Box 1188, Houston, Texas 77251–1188 filed an amendment (Amendment) to its original application in Docket No. CP94–751–000, which was filed pursuant to Section 7(b) of the Natural Gas Act for an order granting permission and approval to abandon certain facilities. Transwestern states that the Amendment reflects the sale of certain facilities to third parties, the determination that certain of the facilities have already been abandoned and the determination that gas is currently flowing through certain of the wellhead facilities, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that in the process of analyzing Transwestern's system in response to the May 27, 1994 series of gathering orders issued by the Commission and while preparing for further proceedings in Transwestern's refunctionalization proceeding in Docket No. CP94–254–000, it was discovered that certain field facilities, including compressors, plants, meters, dehydrators and miscellaneous associated facilities are no longer used and useful or are uneconomical or otherwise unnecessary for continued operation of the pipeline. Therefore, Transwestern states that it filed the original abandonment application on August 30, 1994. Transwestern determined that it would be most practical and efficient to first seek an order authorizing the abandonment of facilities in Docket No. CP94–751–000 before seeking the refunctionalization of Transwestern's remaining facilities in Docket No. CP94–254–000. Transwestern states that it felt that this sequencing would avoid the necessity of needlessly determining the facilities primary function when they were proposed to be abandoned.

Transwestern states that it has now been determined that certain additional revisions are necessary to the application in Docket No. CP94–751–000 to reflect the sale of certain facilities to third parties, the determination that certain of the facilities have already been abandoned and the determination that gas is currently flowing through certain of the wellhead facilities.

On November 14, 1994, Transwestern submits that it filed an application in Docket No. CP95–70–000 proposing to spindown certain compression, plants, metering, dehydration and pipeline facilities, along with certain agreements and services, by transfer to Transwestern Gathering Company (TGC). Essentially, Transwestern proposed to spindown to TGC all of its facilities functionalized as gathering in the refunctionalization proceeding.

On December 5, 1994, Transwestern filed a Petition for Declaratory Order in Docket No. CP95–112–000 seeking the Commission to declare that upon completion of the acquisition by TGC of the facilities being spun down from Transwestern, such facilities and the services provided through them would be exempt from Commission jurisdiction. In general, Transwestern contends that where facilities are removed from the instant abandonment application to be sold to third parties, such facilities are included in an amendment to Transwestern's spindown proceeding in Docket No. CP95–70–000 filed concurrently and will be accordingly spundown to TGC prior to the sale to a third party.

Comment date: May 25, 1995, in accordance with Standard Paragraph F at the end of this notice.

Standard Paragraphs

F. Any person desiring to be heard or to make any protest with reference to said application should on or before the comment date, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and/or permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for applicant to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11711 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–P

[Project No. 2035 Colorado]

City and County of Denver; Notice of Intent to File an Application for a New License

May 8, 1995.

Take notice that City and County of Denver, the existing licensee for the Gross Reservoir Hydroelectric Project No. 2035, also known as Reservoir #22, filed a timely notice of intent to file an application for a new license, pursuant to 18 CFR 16.6 of the Commission's Regulations. The original license for Project No. 2035 was issued effective May 1, 1950, and expires April 30, 2000.

The project is located on South Boulder Creek in Boulder County, Colorado. The principal works of the Gross Project include a dam and a reservoir with a capacity of 41,811 acre-feet designed primarily to supply water to Denver for municipal purposes. Also licensed, but not constructed, are a conduit 18,500 feet long, a powerhouse with a capacity of about 10,500 horsepower, a substation and a connection to a transmission line owned by the Public Service Company of Colorado.

Pursuant to 18 CFR 16.7, the licensee is required henceforth to make available certain information to the public. This information is now available from the licensee at Central Records, Denver Water, 1600 W. 12th Ave., Denver, CO 80254.

Pursuant to 18 CFR 16.8, 16.9 and 16.10, each application for a new license and any competing license applications must be filed with the Commission at least 24 months prior to the expiration of the existing license. All applications for license for this project must be filed by April 30, 1998.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11722 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–276–000]

East Tennessee Natural Gas Co.; Notice of Compliance Filing

May 8, 1995.

Take notice that on May 3, 1995, East Tennessee National Gas Company (East Tennessee), tendered for filing its First Revised Sheet Nos. 139, 140, and 143 in compliance with Order No. 577, issued by the Commission in the above-referenced docket on April 4, 1995.

East Tennessee states that copies of the filing have been served to all affected customers and state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests should be filed on or before May 15, 1995. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11721 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–480–000]

K N Interstate Gas Transmission Co.; Notice of Request Under Blanket Authorization

May 8, 1995.

Take notice that on May 3, 1995, K N Interstate Gas Transmission Co. (KNI), P.O. Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP95–480–000 a request pursuant to Section 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate 14 new delivery taps for retail customers in Nebraska, under KNI's blanket certificate issued in Docket No. CP82–140–000 *et al.*, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

KNI proposes to construct and operate the taps and appurtenant facilities for delivery to K N Energy, Inc. (K N), a local distribution company, on behalf of K N's customers located on KNI's system, as detailed in the appendix. KNI states that the proposed deliveries are within K N's current entitlement from KNI. It is further stated that the deliveries would have no adverse impact on KNI's peak day or annual deliveries and that the additional taps are not prohibited by KNI's FERC Gas Tariff.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instance request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

APPENDIX

County	Volume (Mcf)		End use	Cost
	Peak day	Annual		
Red Willow	2	145	Domestic	$400
Boone	3	175	Domestic	400
Sherman	7	430	Commercial	850

APPENDIX—Continued

County	Volume (Mcf)		End use	Cost
	Peak day	Annual		
Phelps	29	260	Grain Dryer.	1,150
Phelps	14	475	Irrigation	850
Phelps	3	200	Domestic	400
Buffalo	30	990	Irrigation	1,150
Nuckolls	31	1,030	Irrigation	1,150
Deuel	11	651	Domestic	400
Brown	24	792	Irrigation	850
Buffalo	24	792	Irrigation	850
Furnas	14	475	Irrigation	850
Fillmore	120	3,960	Irrigation	2,500
Dawson	5	324	Domestic	400

[FR Doc. 95–11719 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–275–000]

Midwestern Gas Transmission Co.; Notice of Compliance Filing

May 8, 1995.

Take notice that on May 3, 1995, Midwestern Gas Transmission Company (Midwestern), tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, First Revised Sheet No. 89, First Revised Sheet No. 90 and First Revised Sheet No. 97 in compliance with Order No. 577, issued by the Commission in the above-referenced docket on April 4, 1995. The effective date for the proposed tariff sheets is May 4, 1995.

Midwestern states that copies of the filing has been mailed to all affected customers and state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with Sections 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214. All such petitions or protests should be filed on or before May 15, 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 this proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file and available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11714 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–273–000]

Petal Gas Storage Co.; Notice of Proposed Changes in FERC Gas Tariff

May 8, 1995.

Take notice that on May 3, 1995, Petal Gas Storage Company (Petal), tendered for filing proposed changes in its FERC Gas Tariff, Volume No. 1.

Petal states that the proposed changes are intended to allow Petal to provide its firm customers to use the more flexible capacity release procedures set forth by the Commission in Order No. 577. Since Order No. 577 has an effective date of May 4, 1995, Petal requests a waiver from the Commission of Section 154.22 of its Regulations, so that the revisions to Petal's Tariff may also be made effective May 4, 1995.

Petal states that copies of the filing were served on the company's firm customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with 385.214 and 285.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 15, 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. 95–11716 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MG88–26–007]

Texas Eastern Transmission Corp.; Notice of Filing

May 8, 1995.

Take notice that on April 28, 1995, Texas Eastern Transmission Corporation (Texas Eastern) submitted revised standards of conduct under Order Nos. 497 *et seq.*[1] and Order No. 566–A.[2] Texas Eastern states that it is revising its standards of conduct to reflect the Commission's April 17, 1995, Order on Standards of Conduct.[3]

Texas Eastern states that copies of this filing have been mailed to all parties on

[1] Order No. 497, 53 FR 22139 (June 14, 1988), FERC Stats. & Regs. ¶ 30,820 (1988) (Regulations Preambles 1986–1990); Order No. 497–A, *order on rehearing,* 54 FR 52781 (December 22, 1989), FERC Stats. & Regs. 30,868 (1989) (Regulations Preambles 1986–1990); Order No. 497–B, *order extending sunset date,* 55 FR 53291 (December 28, 1990), FERC Stats. & Regs. ¶ 30,908 (1990) (Regulations Preambles 1986–1990); Order No. 497–C, *order extending sunset date,* 57 FR 9 (January 2, 1992), III FERC Stats. & Regs. ¶ 30,934 (1991), rehearing denied, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date,* III FERC Stats. & Regs. ¶ 30,958 (December 4, 1992), 57 FR 58978 (December 14, 1992); Order No. 497–E, *order on rehearing and extending sunset date,* 59 FR 243 (January 4, 1994), 65 FERC ¶ 61,381 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification,* 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24, 1994); and Order No. 497–G, *order extending sunset date,* 59 FR 32884 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,997 (June 17, 1994); Order No. 566–A, *order on rehearing,* 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order on rehearing,* 59 FR 65707 (December 21, 1994); 69 FERC ¶ 61,334 (December 14, 1994); *appeal docketed, Conoco, Inc. v. FERC,* D.C. Cir. Docket No. 94–1745 (December 14, 1994).

[3] 71 FERC ¶ 61,054 (1995).

the official service list compiled by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before May 23, 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. 95–11718 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–274–000]

Transcontinental Gas Pipe Line Corp.; Notice of Filing

May 8, 1995.

Take notice that on May 3, 1995, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing certain revised tariff sheets to Third Revised Volume No. 1 of its FERC Gas Tariff enumerated in Appendix A attached to the filing.

Transco states that the purpose of the instant filing is to revise Transco's capacity release tariff provisions set forth in Section 42 of the General Terms and Conditions of its Volume No. 1 tariff to comply with Order No. 577 issued March 29, 1995 in Docket No. RP95–5–000.

Transco states that it has served copies of the instant filing to its customers, State Commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests should be filed on or before May 15, 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. 95–11715 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MG90–3–005]

Trunkline LNG Co., Notice of Filing

May 8, 1995.

Take notice that on April 28, 1995, Trunkline LNG Company (Trunkline LNG) submitted revised standards of conduct under Order Nos. 497 *et seq.*[1] and Order No. 566–A.[2] Trunkline LNG states that it is revising its standards of conduct to reflect the Commission's April 17, 1995, Order on Standards of Conduct.[3]

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protests should be filed on or before May 23, 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. 95–11723 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP95–277–000]

Williston Basin Interstate Pipeline Co.; Notice of Compliance Filing

May 8, 1995.

Take notice that on May 4, 1995, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing revised tariff sheets to Second Revised Volume No. 1 of its FERC Gas Tariff.

Williston Basin states that the revised tariff sheets revise Section 17 of Williston Basin's FERC Gas Tariff, Second Revised Volume No. 1 to conform to the Commission's Order No. 577 issued March 29, 1995 in Docket No. RM95–5–000.

Williston Basin has requested that the Commission accept this filing to become effective May 4, 1995, the effective date of Order No. 577.

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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before May 15, 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 to the proceeding 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. 95–11720 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP94–267–005]

Wyoming Interstate Company, Ltd.; Notice of Tariff Compliance Filing

May 8, 1995.

Take notice that on May 3, 1995, Wyoming Interstate Company, Ltd.

[1] Order No. 497, 53 FR 22139 (June 14, 1988), FERC Stats. & Regs. ¶ 30,820 (1988) (Regulations Preambles 1986–1990); Order No. 497–A, *order on rehearing,* 54 FR 52781 (December 22, 1989), FERC Stats. & Regs. 30,868 (1989) (Regulations Preambles 1986–1990); Order No. 497–B, *order extending sunset date,* 55 FR 53291 (December 28, 1990), FERC Stats. & Regs. ¶ 30,908 (1990) (Regulations Preambles 1986–1990); Order No. 497–C, *order extending sunset date,* 57 FR 9 (January 2, 1992), III FERC Stats. & Regs. ¶ 30,934 (1991), rehearing denied, 57 FR 5815 (February 18, 1992), 58 FERC ¶ 61,139 (1992); Tenneco Gas v. FERC (affirmed in part and remanded in part), 969 F.2d 1187 (D.C. Cir. 1992); Order No. 497–D, *order on remand and extending sunset date,* III FERC Stats. & Regs. ¶ 30,958 (December 4, 1992), 57 FR 58978 (December 14, 1992); Order No. 497–E, *order on rehearing and extending sunset date,* 59 FR 243 (January 4, 1994), 65 FERC ¶ 61,381 (December 23, 1993); Order No. 497–F, *order denying rehearing and granting clarification,* 59 FR 15336 (April 1, 1994), 66 FERC ¶ 61,347 (March 24 1994); and Order No. 497–G, *order extending sunset date,* 59 FR 32884 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,996 (June 17, 1994).

[2] Standards of Conduct and Reporting Requirements for Transportation and Affiliate Transactions, Order No. 566, 59 FR 32885 (June 27, 1994), III FERC Stats. & Regs. ¶ 30,997 (June 17, 1994); Order No. 566–A, *order on rehearing,* 59 FR 52896 (October 20, 1994), 69 FERC ¶ 61,044 (October 14, 1994); Order No. 566–B, *order on rehearing,* 59 FR 65707 (December 21, 1994); 69 FERC ¶ 61,334 (December 14, 1994); *appeal docketed, Conoco, Inc. v. FERC,* D.C. Cir. Docket No. 94–1745 (December 14, 1994).

[13] 71 FERC ¶ 61,054 (1995).

(WIC), tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1 and Second Revised Volume No. 2.

WIC states that the revised tariff sheets were filed to comply with the letter order issued March 3, 1995, in Docket No. RP94–267–000, et al. (Order). This Order approved the Stipulation and Agreement (Stipulation) filed by WIC on December 28, 1994. The Stipulation establishes rates for WIC for the period beginning on December 1, 1994. Accordingly,

WIC submitted for filing the following tariff sheets:

First Revised Volume No. 1

2nd Substitute 2nd Revised Sheet No. 5
Original Sheet No. 5.1
Second Revised Sheet No. 14
Second Revised Sheet No. 15
Original Revised Sheet No. 15A
Second Revised Sheet No. 16
Second Revised Sheet No. 17
Second Revised Sheet No. 18
Second Revised Sheet No. 52
First Revised Sheet No. 53

Second Revised Volume No. 2

2nd Substitute 2nd Revised Sheet No. 4
Original Sheet No. 4A
Third Revised Sheet No. 5
First Revised Sheet No. 9
First Revised Sheet No. 16
First Revised Sheet No. 22
Second Revised Sheet No. 25
First Revised Sheet No. 34
First Revised Sheet No. 35
Second Revised Sheet No. 36
Original Sheet No. 36A
Second Revised Sheet No. 37
Original Sheet No. 37A
Second Revised Sheet No. 38
Second Revised Sheet No. 39
Original Sheet No. 39A
First Revised Sheet No. 40
First Revised Sheet No. 72
Second Revised Sheet No. 82
First Revised Sheet No. 83

WIC states that copies of the filing were served on all parties in this proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capital Street, N.E., Washington D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests should be filed on or before May 15, 1995. Protestants will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11717 Filed 5–11–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–4722–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared April 03, 1995 Through April 07, 1995 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 260–5076.

An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 1995 (72 FR 19047).

Draft EISs

ERP No. DS–DOE–L09805–00 Rating EC1, Business Plan to Operate Electric Utility Market, Transmission Services and Fish and Wildlife Activities, Updated and New Information, Funding and Implementation, WA, ID, NM, NV, MT, UT, OR, CA, AZ, WY and British Columbia.

Summary: EPA expressed environmental concerns and recommended that BPA review the decision to select the ''Market-Driven'' alternative as the proposed action and requested that BPA further incorporate conservation resource protection into the plan.

ERP No. DS–FHW–K40105–CA Rating LO, Devil's Slide Bypass Improvement, CA–1 from Half Moon Bay Airport to Linda Mar Boulevard, Preferred Alternative Estimated Future Project-Generated Noise Study, Funding, Pacifica and San Mateo Counties, CA.

Summary: EPA recommended that wherever possible earthen berms be used as noise barriers rather than noise walls because they will allow wildlife movement through the area. EPA also suggested that FHWA look at air conformity, surface water and runoff, wetlands, and endangered species during the project reevaluation.

ERP No. DS–NOA–A91060–00 Rating LO, Western 1995 Atlantic Bluefin Tuna Fishery, Regulation Amendment, Updated Information, Implementation.

Summary: EPA had no objection to the program.

Final EISs

ERP No. F–BLM–J65210–CO, Royal Gorge Resource Management Plan, Implementation, Canon City District, several counties, CO.

Summary: EPA continued to express environmental concerns regarding the proposed action particularly as it relates to monitoring and evaluation management, EPA recommended that monitoring and evaluation management be made a requirement in the ROD.

ERP No. F–COE–K36110–CA, Petaluma River Flood Control Improvements, Implementation, City of Petaluma, Sonoma County, CA.

Summary: EPA continued to expressed environmental concerns regarding water quality impacts, hazardous waste management, cumulative impacts and mitigation to wetland areas.

ERP No. F–UAF–G11023–TX, Bergstrom Air Force Base (AFB) Disposal and Reuse, Implementation and Possible Permits Issuance, Travis County, TX.

Summary: EPA had no objection to the proposed actions.

Dated: May 9, 1995.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 95–11796 Filed 5–11–95; 8:45 am]

BILLING CODE 6560–50–U

[ER–FRL–4722–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 260–5076 OR (202) 260–5075. Weekly receipt of Environmental Impact Statements Filed May 1, 1995 Through May 5, 1995 Pursuant to 40 CFR 1506.9.

EIS No. 950179, Draft EIS, NPS, NH, Saint-Gaudens National Historic Site, General Management Plan and Development Concept Plan, Implementation Possible COE Section 404 Permit, Sullivan County, NH, Due: July 10, 1995, Contact: Steve Walasewicz (603) 675–2175.

EIS No. 950180, Draft EIS, FHW, AL, Birmingham Northern Beltline Project, Construction, I–59/20 west to I–59 northeast in the City of Birmingham, Funding and Possible COE Section 404 Permit, Jefferson, County, AL, Due: July 3, 1995, Contact: Joe D. Wilkerson (334) 223–7370.

EIS No. 950181, Final EIS, USA, WA, Fort Lewis Military Installation

Comprehensive Solid Waste Management Program, Implementation, City of DuPont, Pierce and Thurston Counties, WA, Due: June 12, 1995, Contact: Timothy P. Julius (703) 696–8078.

EIS No. 950182, Draft EIS, NOA, FL, Florida Keys National Marine Sanctuary Comprehensive Management Plan, Implementation, Special-Use-Permit, Monroe County, FL, Due: December 31, 1995, Contact: Billy Causey (305) 743–2437.

EIS No. 950183, Draft EIS, SFW, CA, Multiple Species Conservation Program Planning Area, Issuance of a Permit to Allow Incidental Take of Threatened and Endangered Species, San Diego, County, CA, Due: June 26, 1995, Contact: Laura Hill (503) 231–6241.

EIS No. 950184, Draft EIS, DOE, Programmatic EIS—Uranium Mill Tailings Remedial Action Ground Water Project, Implementation, Clean up of 24 Mill Sites, Due: June 26, 1995, Contact: Rich Sena (505) 845–6307.

EIS No. 950185, Draft EIS, DOE, NM, Dual Axis Radiographic Hydrodynamic Test (DARHT) Facility, Construction and Operation, Approval of Operating Permit, Los Alamos National Laboratory (LANL), Los Alamos and Santa Fe Counties, NM, Due: June 26, 1995, Contact: Diane Webb (505) 665–6353.

EIS No. 950186, Draft EIS, AFS, Gypsy Moth Management in the United States: A Cooperative Approach, Implementation, US, Due: June 26, 1995, Contact: Charles Bare (301) 734–8247.

EIS No. 950187, Draft EIS, USN, FL, Naval Training Center Orlando Disposal and Reuse, Implementation, Orange County, FL, Due: June 26, 1995, Contact: Ronnie Laftimore (803) 743–0888.

EIS No. 950188, Draft EIS, USN, CA, San Diego Homeporting Facilities Construction and Operation to Support Berthing One NIMITZ Class Aircraft Carrier, Implementation, San Diego County, CA, Due: June 26, 1995, Contact: Robert Hexton (619) 532–3824.

Amended Notices

EIS No. 910277, Draft EIS, AFS, OR, White King and Lucky Lass Uranium Mine Cleanup and Rehabilitation, Section 404, NPDES Permit and Special Use Permit, Licenses Approval, Fremont National Forest, Lakeview Ranger District, Lake County, OR, Due: November 07, 1991, Contact: Felix R. Miera Jr. (503) 947–3334.

Published FR 08–23–91—Officially Canceled by Preparing Agency.

EIS No. 950040, Draft EIS, AFS, CA, California Spotted Owl Habitat Management Plan, Implementation, Sierra Nevada National Forests, CA, Due: July 10, 1995, Contact: Janice Gauthier (916) 979–2020.

Published FR: 2–3–95—Review period extended.

EIS No. 950068, Draft EIS, BLM, CA, NV, Alturas 345 Kilovolt (Kv) Electric Power Transmission Line Project, Construction, Operation and Maintenance, Right-of-Way Grant Approval, Special-Use-Permit and COE Section 404 Permit, Susanville District, Modoc, Lassen and Sierra Counties, CA and Washoe County, NV, Due: June 02, 1995, Contact: Peter Humm (916) 257–0456.

Published FR 03–10–95—Review period extended.

EIS No. 950073, Draft EIS, BLM, AZ, Grand Canyon National Park General Management Plan, Implementation, Coconino and Mohave Counties, AZ, Due: May 11, 1995, Contact: Larry L. Norris (303) 969–2267.

Published FR 03–10–95—Review period extended.

EIS No. 950106, Draft EIS, NPS, WA, Mountain Goat Management Within Olympic National Park, Implementation, Clallan, Grays Harbor, Jefferson and Mason Counties, WA, Due: July 17, 1995, Contact: Paul Crawford (360) 452–4501.

Published FR—03–31–95 Review period extended.

EIS No. 950167, Draft Supplement, DOE, WA, Puget Power Northwest Washington Electric Transmission Project, Updated Information, Construction and Operation, Whatcon and Skagit Counties, WA, Due: June 19, 1995, Contact: Ken Barnhart (503) 230–3667.

Published FR—05–05–95 Due Date Correction.

Dated: May 9, 1995.

William D. Dickerson,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 95–11795 Filed 5–11–95; 8:45 am]

BILLING CODE 6560–50–U

[FRL–5206–5]

Water Pollution Control; Approval of Application by the State of Florida to Administer the National Pollutant Discharge Elimination System (NPDES) Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Approval of application.

SUMMARY: On May, 1, 1995, the Regional Administrator for the Environmental Protection Agency (EPA), Region IV, approved the application by the State of Florida to administer the National Pollutant Discharge Elimination System (NPDES) program for regulating point source discharges of pollutants into surface waters within the State. The State NPDES program, as authorized, is a phased NPDES program encompassing permitting for: (1) domestic discharges; (2) industrial discharges, including those which also have storm water discharges; and (3) the pretreatment program for Publicly Owned Treatment Works. Storm water discharges from municipal separate storm sewer systems (MS4's), individual storm water-only discharges, storm water general permits, and Federal facility discharges are to be phased in by the year 2000. Further, the State of Florida is not being authorized to administer a sewage sludge management program.

EFFECTIVE DATE: May 1, 1995.

FOR FURTHER INFORMATION CONTACT: Ms. Dee Stewart, Environmental Engineer, Permits Section, U.S. EPA Region IV, 345 Courtland Street, NE. Atlanta, Georgia, 30365, 404/347–3012, ext. 2928. The administrative record (which comprises approximately 1650 pages) can be obtained from the Florida Department of Environmental Protection (FDEP) office in Tallahassee, Florida or the EPA office in Atlanta, Georgia at a minimal cost per page.

SUPPLEMENTARY INFORMATION: The Governor of Florida requested NPDES program approval on November 21, 1994, by submitting a complete program application. Several modifications were made to the application based on public comments and discussions between the EPA and FDEP, and as allowed by Federal regulations. These modifications include the clarification of Section III.C. and additions of Attachments A, B, and C, to the Memorandum of Agreement (MOA). Attachment A, represents permits under active Federal enforcement at the time of authorization which EPA will complete the enforcement action but FDEP will assume permitting, compliance, and future enforcement authority for. Attachment B represents permits for which an evidentiary hearing has been requested at the time of program authorization and EPA will retain full jurisdiction until the matter is resolved. Attachment C represents certain facilities as agreed upon by FDEP and EPA where EPA will retain full jurisdiction of these NPDES permits following authorization. Section IV.C.1.a of the MOA was changed to

allow for EPA review of all discharges which may affect the waters of another state or Indian Lands. The final changes, including the signing of the MOA by the Regional Administrator for EPA, Region IV and the Secretary for FDEP, were completed on May 1, 1995.

Florida's application was described in the **Federal Register** on January 27, 1995, at 60 FR 5390 and in notices published in: The Orlando Sentinel, Pensacola News-Journal, Tallahassee Democrat, News-Press, The Tampa Tribune, The Palm Beach Post, Key West Citizen, The Florida Times-Union, and The Miami Herald, on that same date. Copies of Florida's application were available for review at the EPA Region IV office and at any FDEP office, copying was also available at a minimal cost per page.

As part of the public comment process, EPA conducted four public hearings on Florida's application. The hearings occurred on March 7, 1995, in Orlando, Florida, and on March 9, 1995, in Tallahassee, Florida, at 10:00 a.m and 7:00 p.m. on each day. EPA accepted written comments from the public until March 13, 1995. All comments or objections presented at the public hearings or received in writing by EPA Region IV by March 13, 1995, were considered by EPA.

Comments were received regarding the following issues: (1) The language in Section IV.E. of the MOA representing endangered species, (2) The language in Section IV.B. of the MOA representing procedures and policies by which draft and proposed permits will be reviewed, (3) Concern regarding Florida's ability to administer the NPDES program, (4) Concern with FDEP and the South Florida Water Management District regarding its water quality obligations as provided in the Federal Everglades Case Settlement, (5) Concern with the Florida Everglades Forever Act, (6) Concern with Florida's implementation and enforcement of its Minimum Water Flows and Level Law, (7) Concern regarding the possible degradation of the Central Everglades following state program approval, (8) Concern that the United States (including the Environmental Protection Agency) owes the Miccosukee Tribe of Indians of Florida a trust responsibility to protect tribal land and resources which might be violated by delegation of the Florida NPDES program, (9) Concern that NPDES authorization should be held in abeyance until existing and future NPDES challenges pertaining to the Everglades Storm Water Treatment Areas are settled, (10) Concern that discharges beyond the territorial seas (Federal waters) will continue to be permitted by EPA, and (11) Comments regarding overall benefits resulting from authorization. EPA's response to all comments are contained in this notice. The comments and hearing record are contained in the administrative record supporting this notice.

I. Comment Concerning the Language in Section IV.E. of the MOA Representing Endangered Species

Informal consultation was initiated under Section 7 of the Endangered Species Act (ESA) during a meeting scheduled between the National Marine Fisheries Service (NMFS), U.S. Fish and Wildlife Service (FWS), FDEP, and EPA on June 16, 1994. This consultation was opened to utilize the expertise of the NMFS and FWS to evaluate EPA's assessment of potential effects on Federally listed species and critical habitat in the State of Florida. Since NMFS was unable to attend, a letter dated June 23, 1994, was sent to the NMFS reaffirming the initiation of informal consultation with NMFS.

A mechanism to address possible adverse impacts to Federally listed species and their habitats associated with state-issued NPDES permits was developed through discussions with FDEP, NMFS, FWS, and EPA. The measures and provision agreed upon are represented in Section IV.E. of the MOA. In letters, both dated December 16, 1994, EPA requested concurrence from NMFS and FWS with EPA's determination that the authorization of the FDEP NPDES permit program is ''not likely to adversely affect'' listed species or their critical habitat, pursuant to 50 CFR 402.13. FWS concurred with this determination on December 21, 1994, and NMFS concurred with this determination on January 18, 1995.

On December 15, 1994, EPA requested concurrence from the Florida Bureau of Historic Preservation with EPA's determination that NPDES program approval for FDEP will have no effect on the preservation of historic properties within the State of Florida with respect to the National Historic Preservation Act. Florida's Bureau of Historic Preservation concurred with EPA's determination in a letter dated March 3, 1995.

A. Comments

Two organizations provided specific comments suggesting clarification that all ESA issues resulting in an EPA objection be limited to impacts associated to the permitted discharge. Their comments pertained to Section IV.E. of the MOA and the concern that it could provide a framework by which a Section 7 review of a draft permit being reviewed by EPA would focus upon the permit issuance or other aspects of the permit process that are unrelated to the discharge allowed under the permit.

B. EPA's Response

Section 7 of the ESA requires interagency cooperation between the Services and all Federal agencies. Section 7(a)(1) requires all agencies to review and utilize their programs in furtherance of the purposes of the ESA. Section 7(a)(2) requires each Federal agency, in consultation with and with the assistance of the Services, to insure that any action is not likely to jeopardize an endangered species or adversely affect critical habitat. The Federal action which underwent Section 7(a)(2) consultation with the Services was EPA's approval of Florida's administration of the NPDES program.

Section IV.E. of the MOA was an important factor in developing EPA's approval of the State NPDES program. Because issuance of a state NPDES permit and EPA's review of a proposed state permit does not trigger Section 7 of the ESA, the MOA calls for close coordination between EPA, the State, and the Services to ensure that the state-issued permits are not likely to jeopardize the continued existence of Federally listed species. Since the Services are natural resource agencies with several areas of responsibilities and maintain the right to comment on any issue, as does the public, the MOA should not attempt to limit the scope of the Services' review of a draft state NPDES permit. The authority provided by the CWA, on the other hand, only allows the State and EPA to ensure that the permitted discharge will comply with applicable CWA requirements, including compliance with state water quality standards. EPA is moreover only authorized to object to a state permit that is outside the guidelines and requirements of the CWA (402(d)). EPA's review therefore will focus on impacts on the discharge subject to CWA requirements. EPA believes that the MOA between the State of Florida and EPA adequately and appropriately addresses ESA concerns.

II. The Language in Section IV.B. of the MOA Representing Procedures and Policies by Which Draft and Proposed Permits Will Be Reviewed

A. Comments

One organization provided comments requesting that Section IV.B. of the MOA be changed to require that the basis of EPA's objections be provided to

the permit applicant when EPA makes an objection to a proposed permit, and FDEP denies the permit or issues the permit in accordance with the EPA objections.

B. EPA's Response

EPA does not believe that additional notification in the MOA is necessary. Florida Administrative Code (FAC) Section 620.510(18)(b) (November 29, 1994) requires that if EPA objects in accordance with 40 CFR 123.44 to the issuance of an NPDES permit, FDEP shall address EPA's objections in the issuance or denial of the NPDES permit. In accordance with the FAC, FDEP will advise the applicant of the basis for the EPA objections and EPA believes that additional language for the MOA is not necessary. In addition, EPA is required by 40 CFR 123.44(a)(1) to send a copy of any comment, objection or recommendation on any draft NPDES permit to the permit applicant.

III. Concern Regarding Florida's Ability to Administer the NPDES Program

A. Comments

Three commentors contend that Florida is unqualified to administer the NPDES program for regulating discharges of pollutants into water of the U.S. The commentors stated that FDEP was unable to maintain an un-biased position and an objective appearance while collecting and evaluating information required for an NPDES permit, especially with respect to FDEP's Northeast District Office. One commentor expressed concern that Florida does not utilize a centralized wastewater permitting system and stated that delegation to local government agencies within the state would be in violation of the Clean Water Act (CWA).

B. Response

EPA disagrees. EPA is not in the practice of speculating on future program implementation. EPA reviewed the State program submission and found it complete and sufficient under Federal law. On November 21, 1994, the State of Florida submitted its formal State Program Submission requesting EPA approval for authorization to administer the NPDES program under Sections 402(b) and 304(i) of the CWA. The submittal included a complete program description (including funding, personnel requirements and organization, and enforcement procedures), an Independent Counsel's Statement, copies of applicable State statutes and regulations, and a MOA to be executed by the EPA, Region IV, Regional Administrator and the FDEP Secretary. On December 28, 1994, EPA informed the State of Florida that EPA had reviewed the submittal and found it ''complete'' under the requirements of 40 CFR Part 123. Modifications to this package, based on discussions between EPA and FDEP, were submitted to EPA in a letter, with attachments, dated February 2, 1995. EPA reviewed the program submittal and modifications and determined that it meets the requirements of Section 402(b) of the CWA and Federal regulations, which include, among other things, authority to issue permits which comply with the CWA, authority to impose civil and criminal penalties for permit violations, and authority to ensure the public is given notice and opportunity for a hearing on each proposed NPDES permit issuance. Finally, EPA examined all public comments and considered the overall advantages and disadvantages of authorizing NPDES program administration by the State of Florida.

The State program MOA as approved, also provides ample opportunity for continuing Federal oversight of the State program. EPA may review, in accordance with Section IV.C of the MOA, certain draft permits, sufficiency of permit applications, permit revisions, revocations, and reissuances for: (a) Discharges which may affect the waters of another state or Indian Tribe, (b) discharges proposed to be regulated by general permits, (c) discharges from Publicly Owned Treatment Works with a permitted daily average discharge of at least 1.0 million gallons per day, (d) discharges from any major facility or facilities within any of the industrial categories listed in Appendix A to 40 CFR Part 122, (e) discharges from sources other than a. through d. with an average discharge exceeding 0.5 million gallons per day, and (f) discharges from Publicly Owned Treatment Works required to have a pretreatment program. In accordance with the MOA, EPA has the right to request review, at any time, on any other NPDES permit.

The EPA permit review process is outlined in the MOA. On the date the draft permit is sent to the applicant, FDEP will send EPA Region IV one copy of the public notice, draft permit, application, and the fact sheet or statement of basis associated with the draft permit. When applicable, the submittal will be accompanied by a new source/new discharger determination. If the initial permit information supplied by FDEP is inadequate to determine whether the draft permit meets the guidelines and requirements of the CWA, EPA may, in accordance with 40 CFR 123.44(d)(2) request additional information. If EPA determines the draft permit is insufficient, EPA shall have 90 days from the date the draft permit is sent to EPA to supply specific grounds for objection, and the terms and conditions which should be included in the permit. These written objections must be based upon one or more of the criteria identified in 40 CFR 123.44(c). Following expiration of the period for public comment for the draft permit, FDEP will prepare a proposed permit. If the proposed permit is the same as the draft permit defined in the public notice, EPA has not objected to such draft permit, and valid and significant public comments have not been made, FDEP may assume EPA has waived their review of the proposed permit and issue the permit without further review by EPA. In all other cases, FDEP will send EPA one copy of the proposed permit, recommendations of any other affected State, and copies of written comments and hearing records, including the response to comments prepared under 40 CFR 124.17 to EPA for review. If EPA objects to the proposed permit, in accordance with 40 CFR 123.44, FDEP will deny the proposed permit or will issue a permit in accordance with EPA objections and will mail a copy of the final permit to EPA. This review process will ensure that FDEP is operating an authorized NPDES program in accordance with the requirements of the CWA.

In response to the commentors other concern, as the State Program is approved, there will be no subdelegation of permitting authority outside of the FDEP. Although in 1987, the CWA was amended to allow for NPDES program authorization to more than one state agency, the state program request must demonstrate equivalent scope and stringency to the CWA and the agency(ies) seeking program approval must have statewide jurisdiction over the class or categories of discharges it seeks to regulate. As is provided in the MOA, the FDEP will be the State Agency implementing the NPDES permitting program and EPA concurs with the management of the NPDES program in this manner. The State is not authorized to delegate any authority to any local agency.

IV. Concern with FDEP and the South Florida Water Management District and Its Water Quality Obligations as Provided in the Federal Everglades Case Settlement

Comment

One commentor contended that the Florida Department of Environmental Protection and the South Florida Water

Management District have violated and continue to violate their water quality obligations in the Federal Everglades Case Settlement [*United States of America* vs. *South Florida Water Management District et al.,* 847 F.Supp. 1567 (S.D. Fla. 1992)]. The commentor asserted that the proposed changes to the settlement attest those violations.

Response

EPA reviewed the program submittal and modifications and determined that it meets the requirements of Section 402(b) of the CWA and Federal regulations. (See response to Comment III, above.) The Federal Everglades Case Settlement is not relevant to EPA's determination.

V. Concern With the Florida Everglades Forever Act

Comment

One commentor contended that Chapter 373.4592 (Supp. 1994), Florida Statutes, also known as the Everglades Forever Act of 1994 (EFA), violates the Federal Everglades Case Settlement and the CWA, and that Florida is failing to enforce water quality standards as a result of the passage of the EFA. The commentor contended that its testimony to the Florida Legislature, a summary authored by the U.S. Department of Interior, and other documented statements, outline the deficiencies of the EFA. The commentor further claimed that the refusal by FDEP to allow the Florida Environmental Regulation Commission (ERC) to consider its petition for a numeric phosphorus standard, and statements by FDEP in appellate court act as admissions of weakening water quality standards and estops the State of Florida from claiming otherwise. In addition, the commentor stated that FDEP did not properly submit the EFA for EPA review, that FDEP has failed to respond to EPA's questions about the law, and that the authorization of the NPDES program should not be decided while litigation against EPA is pending concerning the necessity of EPA approval of the EFA under the CWA.

Response

This issue is not relevant to EPA's determination of completeness or sufficiency of the State NPDES Program submission. EPA has made a determination the Florida's NPDES program submission and modifications meet the requirements of Section 402(b) and 304(i) of the CWA. The passage of the EFA was a State action, and the litigation concerning the necessity of EPA approval of the EFA is not relevant to EPA's determination concerning NPDES program authorization. It must be noted that the EFA was submitted by the State to EPA on October 1, 1994. Based upon review of the entire statute, EPA does not consider the EFA to be a revision of existing water quality standards, or to change existing designated uses. FDEP and EPA are in agreement that the EFA is not a change to water quality standards but instead provides a compliance schedule for bringing existing sources of pollution into compliance with State water quality standards.

VI. Concern With Florida's Implementation and Enforcement of Its Minimum Water Flows and Level Law

Comment

One commentor asserted that FDEP and the South Florida Water Management District have failed to implement and enforce the State's minimum water flows and levels law for more than two decades and is thus unqualified to administer the NPDES Program.

Response

EPA has made a determination the Florida's NPDES program submission and modifications meet the requirements of Section 402(b) and 304(i) of the CWA. As part of this determination, EPA reviewed FDEP's resources and believes that FDEP has adequate resources to administer the NPDES program. Chapter 373.042, Florida Statutes, Minimum Water Flows and Levels, is a state law which is not relevant to the NPDES regulations in Section 402 of the CWA or EPA's determination because it deals with a quantity and not a water quality issue. In addition, if necessary, EPA retains federal oversight authority, as discussed above.

VII. Concern Regarding Potential Degradation of the Central Everglades Following State Program Approval

Comment

One commentor claimed that the State of Florida has improperly allowed continued degradation and pollution of the central Everglades, which include Water Conservation Area (WCA) 3–A and the lands of Miccosukee Tribe of Indians of Florida. The commentor further asserted that the lack of enforcement on the part of the State has irreparably harmed and degraded the Everglades and allowed phosphorus-laden discharges into the Everglades and other state water bodies in excess of two hundred (200) parts per billion.

Response

EPA has made a determination the Florida's NPDES program submission and modifications meet the requirements of Section 402(b) and 304(i) of the CWA. The issue to which the commentor refers is being addressed by the Federal Everglades Case Settlement [*United States of America* vs. *South Florida Water Management District et al.,* 847 F.Supp. 1567 (S.D. Fla. 1992)]. That case and the issues associated with it are not relevant to EPA's decision on authorization of Florida's application for the NPDES program.

VIII. Comment Stating that the United States (Including the Environmental Protection Agency) Owes the Miccosukee Tribe of Indians of Florida (Miccosukee Tribe) a Trust Responsibility to Protect Tribal Land and Resources Which Might be Violated by Delegation of the Florida NPDES Program

Comment

One commentor contended that the United States (including the EPA) owes the Miccosukee Tribe a trust responsibility to protect tribal land and resources, and that said trust responsibility would be violated by the delegation of the State of Florida's NPDES program.

Response

As a Federal agency, EPA recognizes the Federal trust responsibility to the Miccosukee Tribe and other Indian Tribes. However, EPA believes that the authorization to the State of Florida to administer the NPDES program will not violate that trust responsibility.

EPA must reiterate that, at this time, it retains full jurisdiction to administer the NPDES program on the Miccosukee Tribe's Reservation. Until the Miccosukee Tribe seeks program authorization, all permit application and related issues concerning discharges on the Miccosukee Reservation must be directed to EPA Region IV. Further, as noted above, EPA retains the authority to ensure compliance with water quality standards, including any water quality standard set by and approved by EPA by one Miccosukee Tribe. In addition, the Miccosukee Tribe may petition for water quality standards and Section 401 certification authority or NPDES program authority under Sections 303, 402, 405 and 518 of the CWA.

Finally, as noted in Comment III above, EPA does not ''delegate'' a state permitting program. Rather, EPA authorizes the state to implement the

permitting program, as provided for under the CWA and 40 C.F.R. Part 123, while retaining program oversight authority for permitting and enforcement activities. Should the State of Florida fail to implement its NPDES program in accordance with the CWA, EPA has the authority to rescind authorization.

IX. Comment that NPDES Authorization Should be Held in Abeyance Until Existing and Future NPDES Challenges Pertaining to the Everglades Storm Water Treatment Areas are Settled

Comment

One commentor asserted that the State of Florida's application for authorization to administer the NPDES program should be denied or held in abeyance until the existing and future NPDES permit challenges pertaining to the Everglades Storm Water Treatment Areas (STAs) are settled.

Response

EPA disagrees. This comment is not relevant to EPA's decision on authorization of Florida's application for the NPDES program. The NPDES permit for the Everglades Nutrient Removal (ENR) Project (NPDES No. FL0043885), referenced in Comment IX above, is one of several permits currently being challenged through the evidentiary hearing process (40 CFR Part 124). Section III.C.3. of the MOA states that, for permits for which an evidentiary hearing has been requested at the time of program authorization, EPA will retain full jurisdiction until resolution of the administrative challenge or expiration of the permit. These permits are listed in Attachment B to the MOA. In addition, in accordance with Section III.C.4. and listed on Attachment C to the MOA, which represents certain facilities as agreed upon by FDEP and EPA where EPA will retain full jurisdiction to issue these NPDES permits following authorization, EPA and FDEP have agreed that EPA will retain full jurisdiction for the ENR Project (NPDES No. FL0043885), until such time that FDEP and the permittee are notified by EPA that full jurisdiction has been transferred to FDEP. FDEP shall retain its rights under Section 401 of the CWA to consider certification to any NPDES permit issued by EPA. Any NPDES permit issued to any STA must meet state water quality standards and all applicable Federal regulations. Therefore, EPA believes that the argument presented above by the commentor is not relevant to EPA's determination.

X. Concern that Discharges Beyond the Territorial Seas (Federal Waters) Will Continue to be Permitted by EPA

A. Comments

One commentor suggested that EPA specifically state in the MOA that dischargers to waters beyond the territorial seas (Federal waters) will not be included in the State of Florida's NPDES program authorization.

B. Response

EPA, as listed in Attachment C of the MOA (which represents certain facilities as agreed upon by FDEP and EPA where EPA will retain full jurisdiction to issue these NPDES permits following authorization), will contain all facilities which discharge into waters outside the jurisdiction of the State (i.e., beyond the territorial sea (Federal waters)).

XI. Comments Regarding Overall Benefits Resulting from Authorization

A. Comments

EPA received comments from three organizations supporting the delegation of NPDES authority to Florida. These comments clearly indicated support for delegation because:

1. It would result in the consolidation of wastewater permitting into one permitting agency,
2. Provide cost benefits to those who pay to have facilities permitted,
3. As well as, reduce the confusion of separate permitting and enforcement.

These comments stated the opinion that State and Federal governments, the public, and the environment will benefit from delegation of NPDES authority to Florida.

B. Response

Comment noted and supported by EPA's response to comment number III. above.

Conclusion

EPA is announcing today the approval of the State of Florida NPDES permitting program on May 1, 1995. The State of Florida has demonstrated that it adequately meets the requirements for program authorization as defined in Sections 402 and 304(i) of the CWA and at 40 CFR Parts 123 and 403. The State program will implement state law in lieu of the Federally administered program. The U.S. Fish and Wildlife Service concurred with the EPA ''not likely to adversely affect'' determination. This authorization also represents a phased NPDES program authorization encompassing permitting for: (1) Domestic discharges; (2) Industrial discharges, including those which also have storm water discharges; and (3) pretreatment. Storm water discharges from municipal separate storm sewer systems (MS4's), individual storm water-only discharges, storm water general permits, and Federal facility discharges are to be phased in by the year 2000 for administration by the State. The State is required to submit a program modification for authorization of jurisdiction of these types of NPDES permits to EPA for approval in accordance with the schedule set forth in the MOA. This authorization does not include the sludge management program.

At this time, EPA has full jurisdiction of NPDES program authority for Indian Lands. All permit applications and related issues concerning discharges on Federal Indian Reservations or Indian Tribal Lands will be directed to EPA Region IV.

Federal Register Notice of Approval of State NPDES Programs or Modifications

EPA must provide **Federal Register** notice of any action by the Agency approving or modifying a State NPDES program. Today's **Federal Register** notice is to announce the approval of Florida's authority to administer the phased NPDES permit program.

Review Under Regulatory Flexibility Act and Executive Order 12866

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules that may have a significant impact on a substantial number of entities.

State NPDES Program Status

State	Approved State NPDES permit program	Approved to regulate federal facilities	Approved State pretreatment program	Approved general permits program
Alabama	10/19/79	10/19/79	10/19/79	06/26/91
Arkansas	11/01/86	11/01/86	11/01/86	11/01/86
California	05/14/73	05/05/78	09/22/89	09/22/89

State	Approved State NPDES permit program	Approved to regulate federal facilities	Approved State pretreatment program	Approved general permits program
Colorado	03/27/75	.....	.....	03/04/83
Connecticut	09/26/73	01/09/89	06/03/81	03/10/92
Delaware	04/01/74	.....	.....	10/23/92
Georgia	06/28/74	12/08/80	03/12/81	01/28/91
Hawaii	11/28/74	06/01/79	08/12/83	09/30/91
Illinois	10/23/77	09/20/79	.....	01/04/84
Indiana	01/01/75	12/09/78	.....	04/02/91
Iowa	08/10/78	08/10/78	06/03/81	08/12/92
Kansas	06/28/74	08/28/85	.....	11/24/93
Kentucky	09/30/83	09/30/83	09/30/83	09/30/83
Maryland	09/05/74	11/10/87	09/30/85	09/30/91
Michigan	10/17/73	12/09/78	04/16/85	11/29/93
Minnesota	06/30/74	12/09/78	07/16/79	12/15/87
Mississippi	05/01/74	01/28/83	05/13/82	09/27/91
Missouri	10/30/74	06/26/79	06/03/81	12/12/85
Montana	06/10/74	06/23/81	.....	04/29/83
Nebraska	06/12/74	11/02/79	09/07/84	07/20/89
Nevada	09/19/75	08/31/78	.....	07/27/92
New Jersey	04/13/82	04/13/82	04/13/82	04/13/82
New York	10/28/75	06/13/80	.....	10/15/92
North Carolina	10/19/75	09/28/84	06/14/82	09/06/91
North Dakota	06/13/75	01/22/90	.....	01/22/90
Ohio	03/11/74	01/28/83	07/27/83	08/17/92
Oregon	09/26/73	03/02/79	03/12/81	02/23/82
Pennsylvania	06/30/78	06/30/78	.....	08/02/91
Rhode Island	09/17/84	09/17/84	09/17/84	09/17/84
South Carolina	06/10/75	09/26/80	04/09/82	09/03/92
South Dakota	12/30/93	12/30/93	12/30/93	*12/30/93
Tennessee	12/28/77	09/30/86	08/10/83	04/18/91
Utah	07/07/87	07/07/87	07/07/87	07/07/87
Vermont	03/11/74	.....	03/16/82	08/26/93
Virgin Islands	06/30/76	.....	.....	.....
Virginia	03/31/75	02/09/82	04/14/89	05/20/91
Washington	11/14/73	.....	09/30/86	09/26/89
West Virginia	05/10/82	05/10/82	05/10/82	05/10/82
Wisconsin	02/04/74	11/26/79	12/24/80	12/19/86
Wyoming	01/30/75	05/18/81	.....	09/24/91
Totals	40	35	28	39

Number of Fully Authorized Programs (Federal Facilities, Pretreatment, General Permits) = 25.

Review Under Regulatory Flexibility Act and Executive Order 12866

Under the Regulatory Flexibility Act, EPA is required to prepare a Regulatory Flexibility Analysis for all rules that may have a significant impact on a substantial number of entities. The proposed approval of the Florida NPDES program does not alter the regulatory control over any industrial category. No new substantive requirements are established by this action. Therefore, because this notice does not have a significant impact on a substantial number of small entities, a Regulatory Flexibility Analysis is not needed.

On October 12, 1993, the Office of Management and Budget exempted this Agency action from the requirements of Executive Order 12866.

John H. Hankinson, Jr.,

Regional Administrator.

[FR Doc. 95–11792 Filed 5–11–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL RESERVE SYSTEM

Farmers & Merchants Bank Employee Stock Ownership Plan; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices.'' Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 26, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Farmers & Merchants Bank Employee Stock Ownership Plan, Forest, Mississippi, in organization, to acquire Bankers Capital Corporation, Forest, Mississippi, and thereby engage in making, acquiring or servicing loans or other extensions of credit, pursuant to § 225.25(b)(1) of the Board's Regulation Y. The proposed activity will be conducted throughout the State of Mississippi.

Board of Governors of the Federal Reserve System, May 8, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–11754 Filed 5–11–95; 8:45 am]

BILLING CODE 6210–01–F

Omega Financial Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than June 5, 1995.

A. Federal Reserve Bank of Philadelphia (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105:

1. Omega Financial Corp., State College, Pennsylvania; to acquire 100 percent of the voting shares of Montour Bank Danville, Pennsylvania.

Board of Governors of the Federal Reserve System, May 8, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–11755 Filed 5–11–95; 8:45 am]

BILLING CODE 6210–01–F

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board

AGENCY: General Accounting Office.

ACTION: Notice of Public Hearing.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463), as amended, notice is hereby given that a public hearing of the Federal Accounting Standards Advisory Board will be held on Wednesday, May 24, 1995 from 9:00 A.M. to 4:30 P.M. in room 7C13 of the General Accounting Office, 441 G St., N.W., Washington, D.C.

The purpose of the hearing is to hear testimony from interested parties on the *Accounting for Property, Plant and Equipment* exposure draft, issued on February 28, 1995.

Any interested person may attend the hearing as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Executive Staff Director, 750 First St., N.E., Room 1001, Washington, D.C. 20002, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 91–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: May 8, 1995.

Ronald S. Young,

Executive Director.

[FR Doc. 95–11768 Filed 5–11–95; 8:45 am]

BILLING CODE 1610–01–M

Federal Accounting Standards Advisory Board; Meeting

AGENCY: General Accounting Office.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463), as amended, notice is hereby given that the monthly meeting of the Federal Accounting Standards Advisory Board will be held on Thursday, May 25 from 9 a.m. to 4 p.m. in room 7C13 of the General Accounting Office, 441 G St., NW., Washington, DC.

The agenda for the meeting includes discussions of issues related to the *Accounting for Property, Plant, and Equipment, Accounting for Liabilities of the Federal Government*, and *Supplemental Stewardship Reporting* Exposure Drafts.

We advise that other items may be added to the agenda; interested parties should contact the Staff Director for more specific information and to confirm the date of the meeting. Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Executive Staff Director, 750 First St., NE., Room 1001, Washington, DC 20002, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: May 8, 1995.

Ronald S. Young,

Executive Director.

[FR Doc. 95–11769 Filed 5–11–95; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[(Program Announcement No. ACYF–HS 93600–951A)]

A Head Start on Science Demonstration Project; Grant Availability

AGENCY: Administration on Children, Youth and Families (ACYF), Administration for Children and Families, HHS.

ACTION: Extension of due dates for receipt of applications for the program announcement cited above.

SUMMARY: This notice amends program announcement number 93600–951 published in the **Federal Register** on February 1, 1995, by extending the due date for submission of applications to May 16, 1995.

FOR FURTHER INFORMATION CONTACT: Jean Simpson (202) 205–8421.

SUPPLEMENTARY INFORMATION: On February 1, 1995 the Administration on Children, Youth and Families published a program announcement in the **Federal Register** soliciting applications from

colleges or universities to demonstrate and evaluate a summer institute prototype on their campus during the summers of 1996 and 1997 on the topic of ''A Head Start on Science'', with follow up assistance to graduates as they implement their new skills at their local Head Start programs. In year two of the grant period, the successful applicant also will recruit, fund and mentor another teacher education college or university to implement the ''Head Start on Science'' approach.

Because of the recent disaster in Oklahoma City which disrupted normal work schedules for the larger community, we are allowing all prospective applicants more time to submit their applications. Therefore, we are extending the due dates for submission of applications by two weeks to May 16, 1995.

(Catalog of Federal Domestic Assistance Program Number 93.600, Project Head Start)

Dated: May 8, 1995.

Olivia A. Golden,

Commissioner, Administration on Children, Youth and Families.

[FR Doc. 95–11802 Filed 5–11–95; 8:45 am]

BILLING CODE 4184–01–P

Centers for Disease Control and Prevention

[Announcement 549]

Program for Playground Safety

Introduction

The Centers for Disease Control and Prevention (CDC), announces the availability of fiscal year (FY) 1995 funds for a cooperative agreement for the establishment of a Program for Playground Safety.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Unintentional Injuries. (For ordering a copy of ''Healthy People 2000,'' see the section **Where To Obtain Additional Information.**)

Authority

This program announcement is authorized under Sections 301, 317, and 391–394 (42 U.S.C. 241, 247b, and 280b–280b–3) of the Public Health Service Act as amended.

Smoke-Free Workplace

PHS strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Applications may be submitted by public and private, nonprofit and for-profit organizations and governments and their agencies. Thus, universities, colleges, research institutions, hospitals, other public and private organizations, State and local health departments or their bona fide agents or instrumentalities, federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations, and small, minority- and/or women-owned businesses are eligible to apply.

Availability of Funds

Approximately $550,000 is available in FY 1995 to fund one award. It is expected that the award will begin on or about September 30, 1995, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may vary and are subject to change.

A continuation award within the project period will be made on the basis of satisfactory progress and the availability of funds.

Purpose

The purpose of this cooperative agreement is to establish a Program for Playground Safety to assume a lead capacity for prevention and control of playground injuries to children and the promotion of safer playgrounds.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities), and CDC will be responsible for the activities listed under B. (CDC Activities).

A. Recipient Activities

1. Develop a national agenda and plan for the prevention of playground injuries. Steps involved in producing this plan shall include:

a. Prepare a state of the art review of playground injuries and known and effective strategies for their prevention. Production of this review should involve key researchers and leaders in the field of playground injury prevention, and include relevant disciplines such as behavioral science, child development, engineering, leisure studies, environmental sciences, and public health;

b. Convene one or more meetings of relevant parties, experts and organizations to discuss the review, assess the current issues, set and prioritize goals, and consider methods to achieve those goals;

c. Produce a draft national plan and circulate it for comment among relevant parties and;

d. Finalize, publish and disseminate the plan.

Expected collaborators in the development, review, and endorsement of the plan include researchers, injury control specialists (e.g., CDC-funded Injury Control Research Center staff), playground operators (e.g., Department of Parks and Recreation staff, Department of Education staff, day care center operators), manufacturers of playground equipment and surfaces, playground regulators, and playground users. The plan should identify surveillance, research, evaluation, training, and programmatic needs and activities to reduce playground injuries. In particular, the plan should include a research agenda that defines the priority research questions to be answered and the methods to answer them, including the variables to be measured, the methods for measuring those variables, the type of study design and necessary size of the study, and the costs of such a study. (It is not anticipated that the recipient will undertake all of the planned research.) Data needs for all elements (e.g., surveillance, training) should be identified. The plan should contain recommendations targeted at playground operators, manufacturers, regulators, users, and other relevant parties. The plan should include estimates of the necessary resources for each aspect of the plan, as well as a timetable. The plan should be completed within one year of funding to help guide future activities.

Activities 2–5 below may be completed at any time during the three-year project period.

2. Establish a clearinghouse for materials on the prevention of playground injuries and safe playgrounds. This activity includes identifying, collecting, and classifying existing materials on playground design and safety and playground injury prevention. The activity also includes identifying and cataloging nationwide activities and intervention projects related to playground injury prevention and safety. These materials should be made easily available to others. The applicant should provide the public, schools, municipalities and others with a forum, including research findings, for

answering questions about playground injury prevention. A toll-free hotline should be set up and advertised; electronic access to materials should be provided; and the presence of the clearinghouse should be advertised.

3. Disseminate information regarding playground safety and the prevention of injuries on the playground. The dissemination should be active and regular and national in scope. It should help translate scientific information into easily understandable terms. The dissemination should reach both the public and those responsible for playground design, purchase, construction, maintenance, oversight, and use. The dissemination should include both the media (e.g., newspapers, magazines) and relevant technical forums (e.g., journals, meetings).

4. Develop a training curriculum for playground safety inspections and teachers in schools and day care centers. Prepare, produce, and disseminate such materials widely, including an evaluation of the effectiveness of the training. Evaluate the effectiveness of the inspection process in reducing hazards on the playground. Define the necessary competencies of those persons conducting playground inspections and produce a test of those competencies.

5. Conduct research on the performance of playground surfaces. The applicant should assemble *all* available surfaces (e.g., loose-fill materials, grass, and proprietary materials) and conduct shock absorbing tests of these materials according to the American Society for Testing and Materials (ASTM) Number 1292 procedure. (For ordering a copy of ASTM Number 1292, see the section **Where To Obtain Additional Information**.) To help guide the choice of materials for protecting from indoor falls from playground equipment, the surfaces to be tested should include samples of play mats, wrestling mats and other mat materials that may possess impact attenuating properties. Drop heights should be increased in 1-foot increments and the attendant peak G and HIC results reported. Heights should be increased until peak G exceeds 200 or HIC exceeds 1000. For loose fill materials, depths should be varied at four, six, nine, and twelve inches. The effect of the 18″ × 18″ containment box should be ascertained by varying the box size. The results of these tests should be widely disseminated.

6. Provide a full-time director/coordinator and staff who have authority, responsibility, and expertise to carry out the undertaking.

B. CDC Activities

1. Provide consultation in the development of a national agenda and plan for the prevention of playground injuries. This includes a review of the draft national plan prior to circulation among relevant parties.

2. Provide assistance on the types of materials to be identified, collected, and classified prior to inclusion in the clearinghouse inventory.

3. Collaborate in the development of a strategic plan for dissemination of information regarding playground safety and prevention of injuries on the playground.

4. Provide advice and assistance in the development of a training curriculum for playground safety inspections and teachers in schools and day care centers.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria:

1. Background and Need (15%)

The extent to which the applicant presents justification for each projected activity in terms of magnitude of the problem, experience in this area, and how the likely results of the activity will impact the problem.

2. Goals and Objectives (15%)

The extent to which the goal(s) and objectives are relevant to the purpose of the proposal, feasible for accomplishment during the project period, measurable, and specific in terms of what is to be done and the time involved. The extent to which the objectives address all activities necessary to accomplish the purpose of the proposal.

3. Methods (40%)

The extent to which the applicant provides a detailed description of all proposed activities which are likely to achieve each objective and overall program goal(s) and which includes designation of responsibility for each action undertaken. The extent to which the applicant provides a reasonable and complete schedule for implementing all activities. The extent to which position descriptions, lines of command, and collaborations are appropriate to accomplishment of program goal(s) and objectives.

4. Evaluation (10%)

The extent to which the proposed evaluation plan is detailed and will document program process and outcome. The extent to which the applicant demonstrates staff and/or collaborator availability, expertise, and capacity to perform the evaluation.

5. Facilities, Staff, and Resources (20%)

The extent to which the applicant can provide adequate facilities, staff and/or collaborators, and resources to accomplish the proposed goal(s) and objectives during the project period. The extent to which the applicant demonstrates staff and/or collaborator availability, expertise, previous experience, and capacity to perform the undertaking successfully.

6. Budget and Justification (Not Scored)

The extent to which the applicant provides a detailed budget and narrative justification consistent with the stated objectives and planned program activities.

7. Human Subjects (Not Scored)

The applicant must clearly state whether or not human subjects will be used in research.

Executive Order 12372

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should forward them to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E13, Atlanta, GA 30305, no later than 60 days after the application deadline. The granting agency does not guarantee to ''accommodate or explain'' for State process recommendations it receives after that date.

Indian tribes are strongly encouraged to request tribal government review of the proposed application. If tribal governments have any tribal process recommendations on applications

submitted to CDC, they should forward them to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E13, Atlanta, GA 30305, no later than 60 days after the application deadline. The granting agency does not guarantee to ''accommodate or explain'' for State process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 94.136.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations, 45 CFR part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by the appropriate institutional review committees. In addition to other applicable committees, Indian Health Service (IHS) institutional review committees also must review the project if any component of IHS will be involved or will support the research. If any American Indian community is involved, its tribal government must also approve that portion of the project applicable to it. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 (OMB Number 0937–0189) must be submitted to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E13, Atlanta, GA 30305, on or before July 14, 1995.

1. Deadline: Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date; or

b. Sent on or before the deadline date and received in time for submission to the independent review committee. For proof of timely mailing, applicant must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.

2. Late Applications: Applications that do not meet the criteria in 1.a. or 1.b. above are considered late. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

To receive additional written information call (404) 332–4561. You will be asked to leave your name, address, and phone number and will need to refer to Announcement 549. You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Adrienne Brown, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Mailstop E13, Atlanta, GA 30305, telephone (404) 842–6634. Programmatic assistance may be obtained from Tim W. Groza, M.P.A., National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE., Mailstop K63, Atlanta, GA 30341–3724, telephone (404) 488–4652.

Please refer to Announcement 549 when requesting information and submitting an application.

Potential applicants may obtain a copy of ''Healthy People 2000'' (Full Report, Stock No. 017–001–00474–0) or ''Healthy People 2000'' (Summary Report, Stock No. 017–001–00473–1) referenced in the ''Introduction'' through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

A copy of American Society for Testing and Materials (ASTM) Number 1292 may be obtained from ASTM, Customer Services, 1916 Race Street, Philadelphia, PA 19103–1187, telephone (215) 299–5585.

Dated: May 8, 1995.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–11764 Filed 5–11–95; 8:45 am]

BILLING CODE 4163–18–P

[Announcement 536]

State-Based Evaluation of Trends and Risk Factors in Morbidity and Mortality From Sickle Cell Disease After Newborn Screening; Availability of Funds for Fiscal Year 1995

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1995 funds for a cooperative agreement program for the State- based evaluation of trends and risk factors in morbidity and mortality from sickle cell disease (SCD) after newborn screening.

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a PHS-led national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Maternal and Infant Health. (For ordering a copy of ''Healthy People 2000,'' see the section entitled **Where To Obtain Additional Information.**)

Authority

This program is authorized under sections 301 and 317 of the Public Health Service Act (42 U.S.C. 241 and 247b), as amended.

Smoke-Free Workplace

PHS strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Eligible applicants are the official public health agencies of States or their bona fide agents or instrumentalities. This includes the District of Columbia, American Samoa, the Commonwealth of

Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of Palau, and federally recognized Indian tribal governments. Each applicant must have a minimum of 50 newborns identified each year, for at least the past five years, with presumed Hemoglobin SS, SC, or S/β-thalassemia. Each applicant must also have an existing mechanism for ascertaining health outcomes for these children.

Note: Eligible applicants may enter into contracts, including consortia agreements, as necessary to meet the essential requirements of this program and to strengthen the overall application, provided that the lead organization is a State.

Availability of Funds

Approximately $100,000 is available in FY 1995 to fund one to three awards. It is expected that the average award will be $50,000. It is expected that the awards will begin on or about September 30, 1995, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis of satisfactory progress, the need to continue the program, and the availability of funds.

Purpose

These awards will support State programs that are already involved with the follow-up of children with SCD ascertained through their newborn screening programs. Data from this program will be used to determine the proportion of affected newborns who receive appropriate health care, which will measure progress toward the applicable ''Healthy People 2000'' objectives.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities), and CDC will be responsible for the activities under B. (CDC Activities).

A. Recipient Activities

1. Refine existing efforts to ascertain follow-up information about cohorts of children with SCD, including vital status and other relevant data, such as major illnesses and hospitalizations. The database of outcomes will contain a core common to all collaborating States. Individual States may, at their option, develop a non-core section to account for local conditions.

2. Determine risk factors for mortality and morbidity from SCD including (but not limited to) extent of medical care follow-up, location of treatment, use of penicillin prophylaxis, immunization patterns, and other relevant factors. The risk factor database will contain a core common to all collaborating States. Individual States may, at their option, develop a non-core section to account for local conditions.

3. Conduct a collaborative case-control study of risk factors for mortality and morbidity.

4. Design and implement a mechanism for reducing all data to computer readable form.

5. Engage, and collaborate with, other States and CDC in the timely sharing, joint analysis and publication of pooled data.

B. CDC Activities

1. Assist recipients in standardizing and implementing collection of outcome data for the SCD cohorts.

2. Assist recipients in developing a common data-collection instrument and database of risk factors for mortality and morbidity.

3. Assist recipients in designing and implementing a case-control study of risk factors for mortality and morbidity.

4. Assist recipients in designing and implementing a mechanism for reducing data to computer readable form.

5. Assist with statistical analyses, interpretation, and dissemination of applicable results.

6. Provide technical assistance.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria:

1. Need and Purpose (10%)

Responsiveness to the objectives of the cooperative agreement program, including the applicant's recognition of the public health significance of the problem and the relevance of the proposed project to the purpose of the agreement.

2. Project Description and Methods (45%)

a. Strength of the project design in describing the objectives of the proposed project.

b. Strength of the project design in describing the attributes of the State SCD newborn screening database as related to the purposes of the project.

c. Quality, extent, and history of the State newborn screening program, including the population base and percent of State residents screened, the cumulative number of infants identified with SCD since the inception of screening, the existence of an established database of identified infants, and efforts to ascertain mortality and morbidity over time.

d. Quality of the project design in describing the technical approach, including identification of available State resources for follow-up; description of proposed and existing follow-up methods; and description of methods for ascertaining risk factors for mortality and morbidity.

e. Ability to protect the confidentiality of data.

f. Strength of the project design in describing the steps to be taken in planning and implementing the project.

3. Capability and Experience (25%)

a. Demonstration of capability to conduct a project of this nature, including reputation in the field, ability to access all necessary data, and ability to demonstrate a pre-eminent position as an appropriate agency to carry out the project.

b. Demonstration of ability to identify, organize, and determine appropriate responsibilities among the applicant, CDC, and other participants.

c. Demonstration of applicant's successful experience and performance in conducting and evaluating similar projects, including the strength and value to the project of any collaborating organizations.

4. Staffing and Management Resources (20%)

a. Demonstration that proposed Project Director is knowledgeable regarding newborn screening and prevention of SCD complications, and has management capabilities, scientific skills, and experience with prevention activities, as evidenced by publications, program summaries, or other materials that document prior work. Demonstration of a minimum of five percent time commitment to the project by the proposed Project Director.

b. Demonstration that proposed professional staff are the appropriate mix of professional disciplines based on their training, experience, and expertise in their disciplines, as evidenced by publications, program summaries, or other materials that document prior work. Demonstration of a mimimum of twenty percent time commitment by the proposed professional staff that is sufficient to accomplish the project.

c. Demonstration of ability to provide facilities and other necessary management or administrative resources.

5. Budget (Not Scored)

Extent to which the project budget is reasonable, clearly justified, and consistent with the intended use of funds.

6. Human Subjects (Not Scored)

The applicant must clearly state whether or not human subjects will be used in their research.

Executive Order 12372

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E13, Atlanta, Georgia 30305, no later than 60 days after the application deadline. The Program Announcement Number and Program Title should be referenced on the documents. The granting agency does not guarantee to ''accommodate or explain'' for State process recommendations it receives after that date.

Indian Tribes are strongly encouraged to request tribal government review of the proposed application. If tribal governments have any tribal process recommendations on applications submitted to CDC, they should send them to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E13, Atlanta, Georgia 30305, no later than 60 days after the application deadline. The Program Announcement Number and Program Title should be referenced on the documents. The granting agency does not guarantee to ''accommodate or explain'' for State process recommendations it receives after that date.

Public Health System Reporting Requirement

This program is not subject to the Public Health Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.283.

Other Requirements

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations, 45 CFR part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by the appropriate institutional review committees. In addition to other applicable committees, Indian Health Service (IHS) institutional review committees also must review the project if any component of IHS will be involved or will support the research. If any American Indian community is involved, its tribal government must also approve that portion of the project applicable to it. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and are funded by the cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 (OMB Number 0937–0189) must be submitted to Henry S. Cassell, III, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E13, Atlanta, Georgia 30305, on or before July 14, 1995.

1. Deadline: Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date; or

b. Sent on or before the deadline date and received in time for submission for the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

2. Late Applications: Applications which do not meet the criteria in 1.a. or 1.b. above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from Adrienne Brown, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E13, Atlanta, Georgia 30305, telephone (404) 842–6634. Programmatic technical assistance may be obtained from Richard S. Olney, M.D., M.P.H., Division of Birth Defects and Developmental Disabilities, National Center for Environmental Health, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE., Mailstop F45, Atlanta, Georgia 30341, telephone (404) 488–7176, electronic mail rso0@cehbddd.em.cdc.gov.

Please refer to Announcement 536 when requesting information or submitting an application.

Potential applicants may obtain a copy of ''Healthy People 2000'' (Full Report, Stock No. 017–001–00474–0) or —Healthy People 2000'' (Summary Report, Stock No. 017-001–00473–1) referenced in the **Introduction** through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Dated: May 8, 1995.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–11765 Filed 5–11–95; 8:45 am]

BILLING CODE 4163–18–P

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Sexually Transmitted Diseases (STD) Accelerated Prevention Campaign Enhanced Projects for STD Prevention in High Risk Youth: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Disease, Disability, and Injury Prevention and Control SEP: Sexually Transmitted Diseases (STD) Accelerated Prevention Campaign Enhanced Projects for STD Prevention in High Risk Youth.

Time and Dates: 8:30 a.m.–4:30 p.m., June 21, 1995; 8:30 a.m.–4:30 p.m., June 22, 1995; 10 a.m.–4:30 p.m., June 23, 1995.

Place: Corporate Square, Building 11, Room 2320, Corporate Square Boulevard, Atlanta, Georgia 30329.

Status: Closed.

Matters To Be Discussed: The meeting will include the review, discussion, and evaluation of applications received in response to the program announcement for STD Accelerated Prevention Campaign Enhanced Projects for STD Prevention in High Risk Youth. The applications being reviewed include information of a confidential nature, including personal information concerning individuals associated with the applications

The meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Associate Director for Management and Operations, CDC, pursuant to Pub. L. 92–463.

Contact Person for More Information: Richard Conlon, Acting Chief, Resource Analysis Office (E07), National Center for Prevention Services, CDC, Corporate Square, Corporate Square Boulevard, Atlanta, Georgia 30329, telephone 404/639–8023.

Dated: May 5, 1995.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–11770 Filed 5–11–95; 8:45 am]

BILLING CODE 4163–18–M

Public Health Service

Agency Forms Undergoing Paperwork Reduction Act Review

Each Friday the Public Health Service (PHS) publishes a list of information collection requests under review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the PHS Reports Clearance Office on (202) 690–7100.

The following requests have been submitted for review since the list was last published on May 5.

1. Evaluation of NIH Implementation of Section 491 of the Public Health Service Act, Mandating a Program of Protection for Research Subjects—0925–0404—Revision—The evaluation of the performance of the system of protections for human subjects of research will update information on outcome, output, process and resources to develop comprehensive and systematic data on effectiveness of protections and possible recommendations for improvement by means of survey, interview, and review of records and data of awardee institutions. Respondents: Individuals or households; Not-for-profit institutions; State, Local or Tribal Government; Number of Respondents: 2,358; Number of Responses per Respondent: 1; Average Burden per Response: 0.513 hour; Estimated Annual Burden: 1,210 hours. Send comments to Shannah Koss, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

2. National Nursing Home Expenditure Survey: National Medical Expenditure Survey, Pretest, Rounds 2 and 3—0935–0095—Revision—Nursing home staffs and community respondents will provide data on a sample of facilities and a sample of residents of those facilities. Data will be collected on the use of nursing homes, expenditures for care, resident characteristics, and services provided. This survey is a pretest of instruments and procedures for the nursing home component of the 1996 National Medical Expenditure Survey (NMES-3). Respondents: Individuals or households; Business or other for-profit; Number of Respondents: 495; Number of Responses per Respondent: 1.2; Average Burden per Response: 1.46 hours; Estimated Annual Burden: 866 hours. Send comments to Shannah Koss, Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Written Comments and recommendations concerning the purposed information collections should be sent within 30 days of this notice directly to the individual designated.

Dated: May 8, 1995.

James Scanlon,

Director, Data Policy Staff, Office of the Assistant Secretary for Health and PHS Reports Clearance Officer.

[FR Doc. 95–11779 Filed 5–11–95; 8:45 am]

BILLING CODE 4160–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Community Planning and Development

[Docket No. N–95–1917; FR–3778–N–36]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: May 12, 1995.

ADDRESSES: For further information, contact David Pollack, Department of Housing and Urban Development, Room 7254, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TDD number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless v. Veterans Administration*, No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: May 5, 1995.

Jacquie M. Lawing,

Deputy Assistant Secretary for Economic Development.

[FR Doc. 95–11521 Filed 5–11–95; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 51890; OR–080–05–1430–01: G5–117]

Reality Action; Proposed Direct Sale

May 2, 1995.

The following described public land has been examined and determined to be suitable for transfer out of Federal ownership by modified competitive sale under the authority of Sections 203 and

209 of the Federal Land Policy and Management Act of 1976, as amended (90 Stat. 2750; 43 U.S.C. 1713 and 90 Stat. 2757; 43 U.S.C. 1719), at not less than the appraised fair market value:

Willamette Meridian, Oregon

T. 4 S., R. 4 E.,
Sec. 11, Lot 3.

The above-described parcel contains 2.44 acres in Clackamas County.

The parcel will not be offered for sale until at least 60 days after publication of this notice in the **Federal Register.** The fair market value of the parcel has not yet been determined. Anyone interested in knowing the value may request this information from the address shown below.

The above-described land is hereby segregated from appropriation under the public land laws, including the mining laws, but not from sale under the above-cited statute, for 270 days or until title transfer is completed or the segregation is terminated by publication in the **Federal Register**, whichever occurs first.

The parcel is difficult and uneconomic to manage as part of the public lands and is not suitable for management by another Federal department or agency. No significant resource values will be affected by this transfer. Because of the parcel's relatively small size, its best use is to merge it with one of the adjoining ownerships. Use of the modified competitive sale procedures will avoid an inappropriate land ownership pattern. The sale is consistent with the Eastside Management Framework Plan and the public interest will be served by offering this parcel for sale.

Modified Bidding Procedures

Modified bidding procedures are being used pursuant to 43 CFR 2711.3–2. Bidders must be United States citizens and 18 years of age or older. The parcel is being offered only to Francis H. and Ilene M. Smith (fee owners of Tax Lot 1303, Map 4 4E 10) and Richard D. Mott (fee owner of Tax Lot 1701, Map 4 4E 10).

Sealed written bids, delivered or mailed, must be received by the Bureau of Land Management, Salem District Office, 1717 Fabry Road SE, Salem, Oregon 97306, prior to 11:00 a.m. on Wednesday, June 28, 1995. Each written sealed bid must be accompanied by a certified check, postal money order, bank draft or cashier's check, made payable to USDI—Bureau of Land Management for not less than 10 percent of the amount bid. The sealed bid envelopes must be clearly marked in the lower left hand corner, ''Bid for Public Land Sale OR 51890''.

The written sealed bids will be opened and an apparent high bid will be declared at the sale. The apparent high bidder and any other designated bidder will be notified. In case of a tie of bids submitted by the designated bidders, the interested bidders would be given an opportunity to submit an additional sealed bid within 30 days of notification of eligibility. The total purchase for the land shall be paid within 180 days of the date of this sale.

The terms, conditions, and reservations applicable to the sale are as follows:

1. The mineral interests being offered for conveyance have no known mineral value. A bid submitted will also constitute an application for conveyance of the mineral estate, in accordance with Section 209 of the Federal Land Policy and Management Act. All qualified bidders must include with their bid a nonrefundable $50.00 filing fee for the conveyance of the mineral estate.

2. The bargain and sale deed will subject to:

a. Rights-of-way for ditches or canals will be reserved to the United States under 43 U.S.C. 945; and

b. All valid existing rights and reservations of record.

Detailed information concerning the sale is available for review at the Salem District Office, address above.

For a period of 45 days from the date of publication of this notice in the **Federal Register,** interested parties may submit comments to the Cascades Area Manager, Salem District Office, address above. Any adverse comments will be reviewed by the Salem District Manager, who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, this realty action will become the final determination of the Department of the Interior.

Richard C. Prather,

Cascades Area Manager.

[FR Doc. 95–11703 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–33–M

[WY–930–05–1430–01]

Termination of Classification and Opening Order; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: This notice terminates a small tract classification and opens certain lands near Rawlins, WY, that were classified for lease and sale under he Small Tract Act of June 1, 1938 (52 Stat. 609), as amended.

EFFECTIVE DATE: May 12, 1995.

FOR FURTHER INFORMATION CONTACT: Janet Booth, Wyoming State Office, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, WY 82003, 307–775–6124.

SUPPLEMENTARY INFORMATION: Classification Order No. 14 dated February 23, 1954, segregated the lands from all forms of appropriation under the public land laws, including location under the mining laws, except as to application under the mineral leasing laws and the Small Tract Act. The Small Tract Act was repealed by Section 702 of the Federal Land Policy and Management Act of October 21, 1976 (43 U.S.C. 1701). Accordingly, the classification is no longer applicable

Pursuant to the regulations contained in 43 C.F.R. 2091.7–1(b)(2), at 9 a.m. on May 12, 1995, Classification Order No. 14 dated February 23, 1954, is hereby terminated insofar as it affects the following described land:

Sixth Principal Meridian, Wyoming

T. 21 N., R. 88 W.,
Sec. 24, Lot 53 (formerly Lot 19).

The area described contains 4.82 acres in Carbon County, WY.

At 9 a.m. on May 12, 1995, the lands will open to the operation of the public land laws generally, and to location under the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. This notice serves as a record clearing action only.

Melvin Schlagel,

Realty Specialist.

[FR Doc. 95–11766 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–22–M

[ID–014–05–1220–00–E–241A]

Camping Closure Order; Lower Snake River Ecosystem

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of camping closure order.

SUMMARY: Notice is hereby given that effective immediately, the undeveloped site in the Cascade Resource Area known as the Porter Creek Day Use Area is closed to camping. The closed area is generally described as follows:

East of the Payette River, west of State Highway 55, approximately .2 miles north of the mouth of Porter Creek, T. 7 N., R. 2 E., section 11, lot 4, and section 14, lot 1.

Past camping use of this small, undeveloped site has caused considerable adverse impacts to the area including vegetative damage, riparian area degradation, water quality impacts,

and sanitation problems. The intended effect of this action is to eliminate degradation of the area by campers. Camping closure signs will be posted at the site.

The authority for this closure is 43 CFR 8364.1. The closure is in conformance with the Cascade Resource Management Plan. It will remain in effect until rescinded or modified by the authorized officer.

FOR FURTHER INFORMATION CONTACT: John Fend, Cascade Resource Area Manager, 3948 Development Avenue, Boise, Idaho 83705, telephone (208) 384–3370.

Dated: May 2, 1995.

R.E. Schmitt,

Acting Ecosystem Manager.

[FR Doc. 95–11776 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–GG–P

[OR–942–00–1420–00: G5–115]

Filing of Plats of Survey: Oregon/ Washington

AGENCY: Bureau of Land Management.

ACTION: Notice.

SUMMARY: The plats of survey of the following described lands are scheduled to be officially filed in the Oregon State Office, Portland, Oregon, thirty (30) calendar days from the date of this publication.

Willamette Meridian

Oregon

T. 37 S., R. 2 E., accepted March 28, 1995
T. 38 S., R. 4 E., accepted March 17, 1995
T. 15 S., R. 1 W., accepted March 7, 1995
T. 17 S., R. 2 W., accepted April 28, 1995
T. 36 S., R. 5 W., accepted March 3, 1995
T. 10 S., R. 10 W., accepted April 11, 1995
(2 Sheets)
T. 18 S., R. 12 W., accepted April 11, 1995

Washington

T. 16 N., R. 19 E., accepted March 30, 1995

If protests against a survey, as shown on any of the above plat(s), are received prior to the date of official filing, the filing will be stayed pending consideration of the protest(s). A plat will not be officially filed until the day after all protests have been dismissed and become final or appeals from the dismissal affirmed.

The plat(s) will be placed in the open files of the Oregon State Office, Bureau of Land Management, 1515 S.W. 5th Avenue, Portland, Oregon 97201, and will be available to the public as a matter of information only. Copies of the plat(s) may be obtained from the above office upon required payment. A person or party who wishes to protest against a survey must file with the State Director, Bureau of Land Management, Portland, Oregon, a notice that they wish to protest prior to the proposed official filing date given above. A statement of reasons for a protest may be filed with the notice of protest to the State Director, or the statement of reasons must be filed with the State Director within thirty (30) days after the proposed official filing date.

The above-listed plats represent dependent resurveys, survey and subdivision.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, (1515 S.W. 5th Avenue,) P.O. Box 2965, Portland, Oregon 97208.

Dated: May 3, 1995.

Robert D. DeViney, Jr.,

Acting Chief, Branch of Realty and Records Services.

[FR Doc. 95–11699 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–33–M

[NM–018–1430–01; NMNM 90102]

New Mexico; Termination of Segregative Effect of Proposed Withdrawal for Sipapu Ski Area Expansion

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The temporary 2-year segregation of a proposed withdrawal of approximately 770.00 acres of National Forest System lands for the Sipapu Ski Area expansion expires on June 17, 1995, and the land will be opened to mining.

EFFECTIVE DATE: June 18, 1995.

FOR FURTHER INFORMATION CONTACT: Hal Knox, Bureau of Land Management, Taos Resource Area, 224 Cruz Alta Road, Taos, New Mexico 87571, (505) 758–8851.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Withdrawal was published in the **Federal Register**, 58 FR 33461, June 17, 1993, which segregated the land described therein for up to 2 years from location and entry under the United States mining laws, subject to valid existing rights, but not from other forms of disposition which may by law be made of National Forest System land. The proposed withdrawal was not completed within the 2-year segregation period and the segregation expires on June 17, 1995. The termination will not affect the processing of the proposed withdrawal.

The land is described as follows:

New Mexico Principal Meridian

Carson National Forest

T. 22 N., R. 13 E.,
Sec. 8, E½SE¼NE¼ and E½NE¼SE¼, unsurveyed and within the Santa Barbara Grant Survey;
Sec. 9, S½S½N½N½, S½N½, SW¼, and N½SE¼, unsurveyed and within the Santa Barbara Grant Survey;
Sec. 10, lots 2 and 3, and approximately 23.01 acres in the SW¼NW¼ partly unsurveyed and within the Santa Barbara Grant Survey (excluding SHC Patent No. 883043), and approximately 5.01 acres of the NW¼SE¼ partly unsurveyed and within the Santa Barbara Grant Survey, and SW¼NE¼;
Sec. 15, SE¼NW¼ and N½SW¼, unsurveyed and within the Santa Barbara Grant Survey;
Sec. 16, NE¼NW¼, unsurveyed and within the Santa Barbara Grant Survey.

The areas described aggregate approximately 770.00 acres in Taos County.

At 9 a.m. on June 18, 1995, the land will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, and other segregations of record. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States.

Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: May 2, 1995.

Michael R. Ford,

District Manager.

[FR Doc. 95–11702 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–FB–P

[NM–018–1430–01;NMNM 93820]

Notice of Proposed Withdrawal and Opportunity for Public Meeting; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management proposes to withdraw 291.10 acres of public lands in Rio Arriba County, New Mexico to protect four pueblo ruins within the Ojo Caliente Area of Critical Environmental Concern (ACEC). This notice closes the

lands for up to two years from surface entry and mining. The lands will remain open to mineral leasing.

DATES: Comments and requests for a public meeting must be received August 10, 1995.

ADDRESSES: Comments and meeting requests should be sent to the Albuquerque District Manager, Bureau of Land Management, 435 Montano NE, Albuquerque, New Mexico 87107.

FOR FURTHER INFORMATION CONTACT: Hal Knox, BLM Taos Resource Area Office, 224 Cruz Alta Road, Taos, NM 87571, (505) 758–8851.

SUPPLEMENTARY INFORMATION: On May 1, 1995, a petition was approved allowing the Bureau of Land Management to file an application to withdraw the following described public lands from settlement, sale, location, or entry under the general land laws, including the mining laws, subject to valid existing rights.

New Mexico Principal Meridian

T. 23 N., R. 8 E.,
Sec. 1, lot 5 and W½SE¼NW¼;
Sec. 13, lots 13 and 14;
Sec. 24, N½NE¼NE¼ and NW¼NE¼.
T. 24 N., R. 8 E.,
Sec. 12, lots 17 and 18;
Sec. 13, lot 6;
Sec. 23, lots 11 and 12.

The areas described aggregate 291.10 acres in Rio Arriba County, New Mexico.

The purpose of the proposed withdrawal is to protect four large Tewa Indian pueblo ruins dating from the Classic Period (1350–1550 AD). Three of the pueblos are listed on the National Register of Historic Places and the fourth is eligible for nomination.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections, in connection with the proposed withdrawal, may present their views in writing to the Albuquerque District Manager of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Albuquerque District Manager within 90 days from the date of publication of this notice.

Upon a determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the lands will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature, but only with the approval of an authorized officer of the Bureau of Land Management.

Dated: March 29, 1995.

Michael R. Ford,

District Manager.

[FR Doc. 95–11807 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–FB–P

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–799715

Applicant: The Living Desert, Palm Desert, CA

The applicant requests a permit to import 1 female captive born cheetah (*Acionyx jabatus*) from the National Zoological Gardens, Pretoria, South Africa to the Living Desert for enhancement of the species through breeding.

PRT–802008

Applicant: M. William Boller, Elma, NY

The applicant requests a permit to import one male bontebok (*Damaliscus pygargus dorcas*) culled from the captive herd maintained by Mr. M. Weinand, Bedford, Republic of South Africa, for the purpose of enhancement of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 420(c), Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: May 8, 1995.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 95–11739 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–55–P

Endangered Species Permits Issued for the Months of January, February, and March 1995

Notice is hereby given that the U.S. Fish and Wildlife Service has taken the following action with regard to permit applications duly received according to section 10 of the Endangered Species Act of 1973, as amended (16 U.S.C. 1539, *et seq.*). Each permit listed as issued was granted only after it was determined that it was applied for in good faith, that by granting the permit it will not be to the disadvantage of the endangered species, and that it will be consistent with the purpose and policy set forth in the Endangers Species Act of 1993, as amended.

MONTHLY FEDERAL REGISTER REPORT

	Permit No.	Date
January		
Audubon Zoological Garden	795196	1/06/95
Peregrine Fund, Inc	798035	1/06/95
W. R. Thompson, Jr	796018	1/09/95
Circus Tihany	794720	1/09/95
Enrique Segovia	794994	1/10/95
International Crane Foundation	795219	1/11/95
Patricia Wainright	796145	1/13/95
Patrich Wainright	795191	1/13/95
USFWS, Regional Director, Reg. 2	795522	1/13/95
Patricia Wainright	795195	1/13/95
Patricia Wainright	795190	1/13/95
Northern Animal Exchange, Ltd.	770742	1/19/95
Gems of the Jungle	793049	1/23/95
Florida Atlantic University	795477	1/25/95

MONTHLY FEDERAL REGISTER REPORT—Continued

	Permit No.	Date
February		
Roger Gregg	796328	2/03/95
Steven Rohrback	796329	2/03/95
Lubee Foundation, Inc.	797414	2/08/95
Carle Foundation	691972	2/08/95
Charles Hawkey	797694	2/08/95
John Shadd	797900	2/13/95
David Owens	792842	2/14/95
Kevin Thommes	795000	2/17/95
Riverbanks Zoological Park	799227	2/22/95
Int'l Wildlife Veterinary Services	797485	2/22/95
March		
Cincinnati Zoo	792583	3/02/95
Keith Evans	783660	3/03/95
Michelle Pomeroy	794583	3/27/95
Wildlife Conservation Society	793320	3/29/95
Mark Rohde	788774	3/39/95
Texas A & M University	796331	3/30/95
Michel Bergerac	796661	3/30/95

Additional information on these permit may be requested by contacting the Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203, telephone (703/358–2104) during normal business hours (7:45 a.m. 4:15 p.m.) weekdays.

Dated: May 8, 1995.

Caroline Anderson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 95–11740 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–55–M

Availability of a Draft Environmental Impact Report/Environmental Impact Statement for Issuance of a Permit to Allow Incidental Take of Threatened and Endangered Species Within the Multiple Species Conservation Program Planning Area in San Diego County, CA

AGENCY: Fish and Wildlife, Interior.

ACTION: Notice of availability.

SUMMARY: This notice announces the availability of a draft joint Environmental Impact Report/Environmental Impact Statement (DEIR/DEIS) for the proposed incidental take of species listed pursuant to the Endangered Species Act of 1973, as amended (Act). The proposed take would occur due to urban development in southwestern San Diego County, California. The County of San Diego and cities of San Diego, Chula Vista, Coronado, Del Mar, El Cajon, Imperial Beach, La Mesa, Lemon Grove, National City, Poway, and Santee (applicants) intend to apply to the U.S. Fish and Wildlife Service (Service) for incidental take permits pursuant to section 10(a)(1)(B) of the Act.

The Service anticipates that the applicants will request permits for 10 listed animals: the threatened Western snowy plover (*Charadrius alexandrinus nivosus*) and coastal California gnatcatcher (*Polioptila californica californica*); and the endangered Riverside fairy shrimp (*Streptocephalus woottoni*), California brown pelican (*Pelecanus occidentalis californicus*), bald eagle (*Haliaeetus leucocephalus*), light-footed clapper rail (*Rallus longirostris levipes*), California least tern (*Sterna antillarum*), southwestern willow flycatcher (*Empidonax traillii extimus*), least Bell's vireo (*Vireo bellii pusillus*), and Pacific pocket mouse (*Perognathus longimembris pacificus*).

The Service also anticipates that the applicants will request covered species agreements for 3 endangered plants, 4 plants and 1 animal proposed for listing, and 39 other unlisted species (26 plants, 9 birds, 2 reptiles, 1 mammal, and 1 invertebrate). The exact number of species included in these covered species agreements may change between the draft and final EIR/EIS. The purpose of the agreements is to conserve listed and unlisted species, thereby reducing the uncertainty associated with development and future species' listings.

The programmatic DEIR/DEIS evaluates the effects on the human environment expected to occur from proposed issuance of the permits and covered species agreements. Incidental take would be minimized and mitigated by implementation of the regional Multiple Species Conservation Program (MSCP) plan. This notice is provided pursuant to section 10(c) of the Act and National Environmental Policy Act regulations (40 CFR 1506.6).

In addition, Federal approval of the MSCP plan is required as part of the special 4(d) rule for the California gnatcatcher. Incidental take of the gnatcatcher is allowed under section 4(d) of the Act if take results from activities conducted pursuant to the California Natural Community Conservation Planning (NCCP) Act, the NCCP Process Guidelines, and the NCCP Southern California Coastal Sage Scrub Conservation Guidelines.

DATES: Written comments on the DEIR/DEIS should be received on or before June 26, 1995.

ADDRESSES: Comments should be addressed to Mr. Gail Kobetich, Field Supervisor, U.S. Fish and Wildlife Service, 2730 Loker Avenue, Carlsbad, California 92008. Comments also may be sent by facsimile to telephone (619) 431–9618.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy Gilbert, Fish and Wildlife Biologist, at the above address, telephone (619) 431–9440. Individuals wishing copies of the DEIR/DEIS should immediately contact Ms. Gilbert. Copies of the DEIR/DEIS have been sent to City and County libraries in the greater San Diego area, and to all agencies and individuals who participated in the scoping process or requested copies. In addition, copies of the draft MSCP Plan are available at public libraries and can be obtained by contacting the City of San Diego Clean Water Program, 600 B Street, Suite 500, San Diego, California 92101, telephone (619) 533–4200. Upon receipt of an official permit application, the Service will officially announce availability of the final MSCP Plan for public review as required by section 10(c) of the Act.

SUPPLEMENTARY INFORMATION: Under section 9 of the Act and its implementing regulations, wildlife listed as threatened or endangered are protected from ''taking.'' The Act defines take, in part, as killing, harming, or harassing listed wildlife. Service regulations further define harm to include significant habitat modification that results in death or injury of listed wildlife (50 CFR 17.3). Under limited circumstances, the Service may issue permits to take listed wildlife if such taking is incidental to, and not the purpose of, otherwise lawful activities. The taking prohibitions of the Act do not apply to listed plants on private lands unless such take would violate State law. Regulations governing permits are in 50 CFR 17.22 and 17.32. Under section 10(a)(1)(B) of the Act, the Service may issue incidental take permits for listed animals with an approved conservation plan. Among other criteria, issuance of such permits must not jeopardize the existence of listed species, both plant and animal.

The proposed action would allow incidental take of listed animals over a 30-year period. Take would occur on approximately 314,900 acres of habitat within the 581,600-acre planning area. Approximately 102,400 acres of the planning area is already developed. To mitigate the impacts of the proposed take, the applicants propose establishment of a 164,300-acre preserve within the boundaries of a Multiple Habitat Planning Area (MHPA). According to the draft MSCP plan, 24 habitats would be conserved under the

MHPA, including 6 rare or protected habitats. Fifty-seven species are proposed to be adequately protected under the MHPA. The Service would issue incidental take permits for listed animal species and covered species agreements for listed and unlisted plant and animal species that are adequately protected.

The DEIR/DEIS considers the environmental consequences of 5 alternatives, including the proposed action and no action alternatives. Under the no action or no project alternative, the regional MSCP would not be implemented. Jurisdictions would either avoid take of listed species within the planning area or apply for individual 10(a) permits on a project-by-project basis. Existing land use and environmental regulations would apply to all projects proposed within the planning area. Existing regulatory practices require mitigation for impacts to sensitive species and habitats resulting in lands being set aside for open-space preservation. Analyses indicate that the amount of land potentially conserved within the MSCP planning area under the no action alternative would be similar to that conserved under the proposed action (MHPA). However, under the no action alternative, greater habitat fragmentation would likely occur because the lands set aside for open-space preservation would not be assembled in coordination with a regional preserve design.

Other alternatives consider different preserve configurations. The coastal sage scrub (CSS) scenario would conserve 84,900 acres. According to the MSCP plan, CSS would include 21 habitats, providing adequate protection for 2 habitats, neither of which is rare. Twenty-six species would be covered under CSS. The biologically preferred (BP) scenario would conserve 167,000 acres. According to the MSCP plan, BP would include 24 habitats, adequately protecting 9. Of these 9 habitats, 7 are considered rare. Seventy-three species are proposed to be adequately protected under BP. The public lands (PL) scenario would conserve 147,000 acres. According to the MSCP plan, PL would include 24 habitats and adequately protect 6, all of which are rare. Thirty-five species are proposed to be adequately protected under PL.

Local jurisdictions would implement their respective portions of the MSCP plan. Preserve establishment would be a cooperative effort among Federal, State, and local governments and private landowners. These groups would manage habitat on certain lands they currently own and on additional lands acquired for the preserve. Additional lands within the preserve would be acquired as compensation for impacts to habitat both inside and outside the preserve.

In addition to off-site mitigation, take within the preserve would be avoided or minimized through local land-use regulation, environmental review, and resource protection guidelines. Land-use regulations would emphasize avoidance by limiting encroachment onto sensitive biological resources. Long-term preserve management plans would be prepared to address habitat management and land-use issues. The MSCP plan provides guidelines for vegetative restoration and reintroduction, fencing, signs, fire management, grazing, predator and exotic species control, insects and disease, lighting, and other factors.

Each jurisdiction would sign an individual implementing agreement (IA) with the Service and California Department of Fish and Game to (1) obtain permits to take listed animals, (2) obtain covered species agreements and assurances for listed plants and unlisted plants and animals, and (3) identify the specific responsibilities of each party in implementing the MSCP plan. Each jurisdiction would then exercise its land-use review and approval powers in accordance with its IA and the MSCP. The 5 percent limit on interim take of coastal sage scrub, imposed as part of the NCCP program and special 4(d) rule, would be replaced by the conditions of each jurisdiction's IA.

Each jurisdiction would be expected to adopt the final configuration of the MSCP preserve within its boundary and adopt the recommendations of the MSCP through amendment of its General plan or other applicable plans. Zoning would be retained or properties rezoned, as needed, and zoning regulations amended to reflect the preserve boundaries and to achieve consistency with the MSCP plan. The MSCP guidelines for compatible land uses in and adjacent to the preserve are expected to be incorporated into the General Plan, zoning regulations, and approval process for projects, including adoption of appropriate mitigation guidelines. Procedures and regulations for interim controls will be necessary to address activities that would potentially impact sensitive habitats prior to issuance of permits to individual jurisdictions.

Dated: May 4, 1995.

Thomas Dwyer,

Deputy Regional Director, Region 1, Portland, Oregon

[FR Doc. 95–11630 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–55–P

Sport Fishing and Boating Partnership Council; Notice of Meeting

Summary: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App., this notice announces a regularly scheduled meeting of the Sport Fishing and Boating Partnership Council. This meeting is sponsored by the Council. Interested persons may attend, make oral statements to the Council or may file written statements for consideration. Summary minutes of the meeting will be maintained by the Coordinator for the Council at 4040 North Fairfax Drive, Arlington, VA 22203, and will be available for public inspection during regular business hours (7:30–4:00) Monday through Friday within 30 days following the meeting. Personal copies may be purchased for the cost of duplication.

Date: The meeting will be held on June 6, 1995, from 12:30 p.m.–5:00 p.m.

Place: The meeting will be held at the American Automobile Association Hdqtrs., 1440 New York Avenue, NW, Suite 200, Washington, D.C.

Agenda: The Council will receive reports from the Initiatives, Boating, Ethics, and Education Committees.

Contact Person for More Information: For further information individuals may contact Chris Dlugokenski, Council Coordinator, at 703 358–1777.

Dated: May 2, 1995.

Mollie H. Beattie,

Director.

[FR Doc. 95–11700 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–55–M

Minerals Management Service

Announcement of Workshop on Proposed Policy Options for Outer Continental Shelf (OCS) Natural Gas and Oil Resource Management

AGENCY: Minerals Management Service, Interior.

ACTION: The Minerals Management Service (MMS) will hold a workshop at the Gulf of Mexico Regional Office located at 1201 Elmwood Park Boulevard, Jefferson, Louisiana 70123, on June 12–13, 1995.

The agenda will cover the following policies:

- Bid Adequacy Procedures (bidding methods and number of bid and geometric average evaluation of the tract rules).
- Increased Flexibility in Length of Lease Terms, with Possible Changes in Rental Rates and Minimum Bids (and provision for suspension and

continuation of lease in effect with longer time periods between drilling).

- Information on Tracts with Indicated Hydrocarbons.
- Royalty Policies for New Leases (to offer lower royalties on offered tracts and suspend or reduce royalties based on market factors).
- Royalty Policies for Active Leases (expense and capital investment-type projects).
- Other Related Issues.

The meeting is open to the public. The first day will consist of both individual and joint MMS-industry panel discussions. The morning session will focus on issues such as bid adequacy, minimum bid levels, rentals, tract sizes, longer lease terms, and information on tracts with indicated hydrocarbons. The afternoon session will address royalty rates on new leases and extensions in the primary term on existing leases through modification of drilling requirements. It will also include an overview of the proposed MMS guidelines for royalty relief on active leases and the purpose they are designed to achieve. The second day will be reserved for more detailed technical discussions of how the proposed royalty relief guidelines would apply to representative lease operations. Selected examples and case studies will be considered in the afternoon session of the second day.

Interested parties are invited to attend both sessions, but it could be especially valuable for those responsible for the preparation of applications for royalty relief under the proposed guidelines to attend on the second day. These persons would include petroleum engineers, accountants, financial analysts and production managers.

REGISTRATION: Since seating will be limited, those wishing to attend any part of the 2-day session should register in advance and indicate which day(s) they plan to be present. Reservations should be made by phone (703–787–1628) or facsimile (703–787–1621) no later than May 31, 1995, to Ms. Karen Decker, Minerals Management Service, Mail Stop–4200, 381 Elden Street, Herndon, Virginia 22070.

COMMENTS: Written comments on the workshop and/or the individual topics covered should be sent by mail to the attention of Ms. Mary Vavrina, Economic Evaluation Branch, Minerals Management Service, 381 Elden Street, MS–4220, Herndon, Virginia, 22070, or at the above facsimile number. For more detail on the issues that MMS would like respondents to address, see the Call for Comment on Proposed Policy Options published in the **Federal Register** on April 20, 1995 (60 FR 19767).

DATES: Monday, June 12, and Tuesday, June 13, 1995.

ADDRESSES: The Gulf of Mexico Regional Office, Minerals Management Service, Elmwood Towers Building, Conference Rooms 111–115, 1201 Elmwood Park Boulevard, Jefferson, Louisiana 70123—Contact person: Barney Congdon, (504) 736–2595.

FOR FURTHER INFORMATION CONTACT:

Contact Ms. Mary Vavrina in Herndon, Virginia, at the address or facsimile number listed above, or call her directly at (703) 787–1540.

Dated: May 8, 1995.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 95–11823 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–MR–M

National Park Service

Notice of Issuance of a Prospectus for the Operation of a Guided Trail Ride Service Within Kalaupapa National Historic Park

Summary: The National Park Service has issued a Prospectus for a Concession Contract for the operation of a guided trail ride service at Kalaupapa National Historical Park.

Supplementary Information: The operation will provide the public with an opportunity to take an equestrian, guided trail ride down the historic pali trail into the community of Kalaupapa. The historic trail transcends a cliff and is approximately 2 miles in length involving the negotiation 26 switchbacks. Upon arriving at the bottom of the trail, the public will be given a tour of the historic district by a local resident.

To receive a copy of the Prospectus, contact the following either by mail or telephone: National Park Service, Concession Program Management Division, 600 Harrison Street, Suite 600, San Francisco, CA 94107–1327, or call: (415) 744–3981–Teresa Jackson.

Applications must be received by June 27, 1995, at the above address by the close of business day at 4:00 p.m. Western Daylight Saving Time.

Dated: May 5, 1995.

Stephen G. Crabtree,

Acting Regional Director, Western Region.

[FR Doc. 95–11798 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–70–P

Final General Management Plan/ Environmental Impact Statement; Haleakala National Park, Hawaii; Notice of Availability

Summary: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (P.L. 91–190, as amended), the National Park Service, Department of Interior, has prepared a Final General Management Plan and Environmental Impact Statement (FGMP/EIS) that describes and analyzes a proposal and two alternatives for the future management, use, and development of Haleakala National Park, Maui County, Hawaii.

The General Management Plan calls for acquiring lands adjacent to the park found to contain significant natural or cultural resources; this also will permit improvements in visitor access. The plan also calls for developing new facilities and the upgrading of existing facilities to improve the quality of visitor services. These improvements are needed to accommodate the substantial increases that have occurred in Haleakala's visitation over the past few decades. Additional research programs are also called for to refine and supplement the existing resource base data.

The Draft General Management Plan/ Environmental Impact Statement (DGMP/EIS) was released for public review on May 3, 1994 and the public comment period closed on July 30, 1994. Fifteen written comments were received. The FGMP/EIS incorporates minor modifications and clarifications in response to some of these comments, although no significant new issues or concerns were surfaced. The same proposal and alternatives were evaluated in the DGMP/EIS and the FGMP/EIS.

Supplementary Information: The no-action period on this final general management plan and environmental impact statement will extend for 30 days after Notice of its availability is published by the Environmental Protection Agency in the **Federal Register**.

For copies of the FGMP/EIS, or for further information, please contact: Superintendent, Haleakala National Park, P.O. Box 369, Makawao, Maui 96768.

Dated: April 11, 1995.

Patricia L. Newbacher,

Regional Director, Western Region.

FR Doc. 95–11801 Filed 5–11–95 8:45 am]

BILLING CODE 4310–70–M

Dayton Aviation Heritage Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Dayton Aviation Heritage Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

MEETING DATE AND TIME: Thursday, June 15, 1995; 2 to 4 p.m.

ADDRESSES: Innerwest Priority Board conference room, 1024 West Third Street, Dayton, Ohio 45407.

This business meeting will be open to the public. Space and facilities to accommodate members of the public are limited and persons accommodated on a first-come, first-served basis. The Chairman will permit attendees to address the Commission, but may restrict the length of presentations. An agenda will be available from the National Park Service, Midwest Region, 1 week prior to the meeting.

FOR FURTHER INFORMATION CONTACT: William Gibson, Superintendent, Dayton Aviation, National Park Service, P.O. Box 9280, Wright Brothers Station, Dayton, Ohio 45409, or telephone 513–225–7705.

SUPPLEMENTARY INFORMATION: The Dayton Aviation Heritage Commission was established by Public Law 102–419, October 16, 1992.

Dated: April 28, 1995.

William W. Schenk,

Regional Director, Midwest Region.

[FR Doc. 95–11788 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–70–P

Mississippi River Coordinating Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice announces an upcoming meeting of the Mississippi River Coordinating Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Public Law 92–463).

MEETING DATE AND TIME: Wednesday, July 12, 1995; 6:30 p.m. to 9:30 p.m.

ADDRESSES: Saint Anthony Main Event Centre, 219 S.E. Main Street, Minneapolis, Minnesota.

An agenda for the meeting will be available by June 21, 1995, from the Superintendent of the Mississippi National River and Recreation Area at the address below. Public statements about matters related to the Mississippi National River and Recreation Area will be taken at the meeting.

SUPPLEMENTARY INFORMATION: The Mississippi River Coordinating Commission was established by PL 100–696, November 18, 1988.

FOR FURTHER INFORMATION CONTACT: Superintendent JoAnn Kyral, Mississippi National River and Recreation Area, 175 East Fifth Street, Suite 418, St. Paul, MN 55101 (612–290–4160).

Dated: May 4, 1995.

William W. Schenk,

Regional Director.

[FR Doc. 95–11789 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–70–P

Niobrara Scenic River Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Niobrara Scenic River Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

MEETING DATE AND TIME: Monday, June 12, 1995; 1:00 p.m.

ADDRESSES: Keya Paha County High School, Springview, Nebraska.

Agenda topics include:

1. Discussion of the draft alternatives for the Niobrara Scenic River from the planning team meeting on May 17 and 18.

2. The opportunity for public comment and proposed agenda, date, and time, of the next Advisory Commission meeting.

The meeting is open to the public. Interested persons may make oral/written presentation to the Commission or file written statements. Requests for time for making presentations may be made to the Superintendent prior to the meeting or to the Chair at the beginning of the meeting. In order to accomplish the agenda for the meeting, the Chair may want to limit or schedule public presentations.

The meeting will be recorded for documentation and a summary in the form of minutes will be transcribed for dissemination. Minutes of the meeting will be made available to the public after approval by the Commission members. Copies of the minutes may be requested by contacting the Superintendent. An audio tape of the meeting will be available at the headquarters office of the Niobrara/Missouri National Scenic Riverways in O'Neill, Nebraska.

SUPPLEMENTARY INFORMATION: The Advisory Group was established by the law that established the Niobrara Scenic River, Public Law 102–50. The purpose of the group, according to its charter, is to advise the Secretary of the Interior on matters pertaining to the development of a management plan, and management and operation of the 40 mile and 30 mile segments of the Niobrara River designated by section 2 of Public Law 102–50 which lie outside the boundary of the Fort Niobrara National Wildlife Refuge and that segment of the Niobrara River from its confluence with Chimney Creek to its confluence with Rock Creek.

FOR FURTHER INFORMATION CONTACT: Warren Hill, Superintendent, Niobrara/Missouri National Scenic Riverways, P.O. Box 591, O'Neill, Nebraska 68763–0591, 402–336–3970.

Dated: April 28, 1995.

William W. Schenk,

Regional Director.

[FR Doc. 95–11799 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–70–P

Sleeping Bear Dunes National Lakeshore Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets the schedule for the forthcoming meeting of the Sleeping Bear Dunes National Lakeshore Advisory Commission. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

MEETING DATE AND TIME: Friday, July 14, 1995; 9:30 a.m., until 12 noon.

ADDRESSES: Lake Township Hall, 5153 Scenic Drive, Honor, Michigan. The agenda for the meeting consists of the Chairman's welcome; minutes of the previous meeting; statement of purpose; update on park activities; old business; new business; public input; next meeting date; adjournment. The meeting is open to the public.

SUPPLEMENTARY INFORMATION: The Advisory Commission was established by Pub. L. 91–479. The purpose of the commission, according to its charter, is to advise the Secretary of the Interior with respect to matters relating to the administration, protection, and development of the Sleeping Bear Dunes National Lakeshore, including the establishment of zoning by-laws, construction, and administration of scenic roads, procurement of land, condemnation of commercial property, and the preparation and implementation of the land and water use management plan.

FOR FURTHER INFORMATION CONTACT: Ivan Miller, Superintendent, 9922 Front

Street, Empire, Michigan 49630 or telephone 616–326–5134.

Dated: May 4, 1995.

William W. Schenk.

Regional Director, Midwest Region.

[FR Doc. 95–11790 Filed 5–11–95; 8:45 am]

BILLING CODE 4310–70–P

INTERSTATE COMMERCE COMMISSION

Notice of Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intended to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b).

1. Parent corporation and address of principal office: GTE Corporation, One Stamford Forum, Stamford, CT 06904.

2. The parent corporation, GTE Corporation, will not participate in the operation. The wholly owned subsidiaries which will participate in the operations, and states of incorporation:

	State of incorporation
Telephone operating companies:	
GTE Alaska Incorporated	Alaska.
GTE Arkansas Incorporated	Delaware.
GTEL	California.
GTE Florida Incorporated	Florida.
GTE Communications Corporation	Florida.
GTE Hawaiian Telephone Company Incorporated	Hawaii.
GTE Midwest Incorporated	Delaware.
GTE North Incorporated	Wisconsin.
GTE Northwest Incorporated	Washington.
GTE West Coast Incorporated	California.
GTE South Incorporated	Virginia.
GTE Southwest Incorporated	Delaware.
GTE Data Services Incorporated	Delaware.
Contel of California, Inc	California.
Contel Advanced Systems, Inc	Delaware.
Contel of Minnesota, Inc. d/b/a GTE Minnesota	Minnesota.
Contel of Texas, Inc. d/b/a GTE Texas	Texas.
Contel of the South, Inc. d/b/a GTE Systems of the South	Georgia.
Contel of the West, Inc. d/b/a GTE West	Arizona.
GTE Customer Networks, Inc	Delaware.
Mobile communications:	
GTE Mobile Communications Services Corporation	Delaware.
Asheville Metronet, Inc	North Carolina.
Augusta Metronet, Inc	Arkansas.
Carolina Metronet, Inc	North Carolina.
Danville Metronet, Inc	Virginia.
Fayetteville Metronet, Inc	North Carolina.
Florence Metronet, Inc	South Carolina.
Georgia Metronet, Inc	Georgia.
GTE Mobilnet of the Southeast Incorporated	North Carolina.
South Carolina Metronet, Inc	South Carolina.
Triad Metronet, Inc	North Carolina.
Tuscaloosa/Florence Holdings, Inc	Delaware.
W&J Metronet, Inc	North Carolina.
GTE Airfone, Incorporated	Delaware.
GTE Railfone Incorporated	Delaware.
GTE Mobilnet Incorporated	Delaware.
GTE Cellular Communications Corporation	California.
GTE Mobilnet of California Incorporated	Delaware.
GTE Mobilnet of Cleveland Incorporated	Delaware.
GTE Mobilnet of Hawaii Incorporated	Hawaii.
GTE Mobilnet of Indianapolis Incorporated	Indiana.
GTE Mobilnet of New York, Inc	Delaware.
GTE Mobilnet of Portland Incorporated	Delaware.
GTE Mobilnet of Tampa Incorporated	Delaware.
GTE Mobilnet Sales Corp	Delaware.
GTE Mobilnet Service Corp	Delaware.
GTE Mobilnet of Austin Incorporated	Delaware.
GTE Mobilnet of Houston Incorporated	Delaware.
Cellular communications:	
CCI Sales Corporation	Delaware.
Contel Cellular of California, Inc	California.
Contel Cellular of Alabama, Inc	Alabama.
Contel Cellular of Birmingham, Inc	Washington.
Contel Cellular of Chattanooga, Inc	Washington.
Contel Cellular of Chattanooga II, Inc	Washington.
Contel Cellular of Gadsden, Inc	Alabama.
Contel Cellular of Kentucky, Inc.	Washington.
Contel Cellular of Knoxville, Inc	Washington.
Contel Cellular of Memphis, Inc	Washington.

	State of incorporation
Contel Cellular of Memphis II, Inc	Washington.
Contel Cellular of Nashville, Inc	Washington.
Contel Cellular of Tennessee, Inc	Virginia.
Contel Cellular of Chautauqua, Inc	Delaware.
Cumberland Cellular Telephone Company, Inc	South Carolina.
Contel Cellular of Davenport, Inc	Iowa.
Contel Cellular of Illinois Funding, Inc	Delaware.
Contel Cellular of Illinois, Inc	Illinois.
Contel Cellular of Indiana, Inc	Indiana.
Contel Cellular of Kentucky B, Inc	Delaware.
Contel Cellular of New Hampshire RSA, Inc	New Hampshire.
Contel Cellular of New York, Inc	New York.
Contel Cellular of Richmond, Inc	Virginia.
Contel Cellular of the Adirondacks, Inc	Delaware.
Contel Cellular of the South, Inc	Alabama.
Contel Cellular of the Southwest, Inc	Texas.
Information services:	
GTE Telecommunications Services Incorporated	Delaware.
GTE Telecom Incorporated	Delaware.
GTE Directories Corporation	Delaware.
GTE Directories Distribution Corporation	Delaware.
GTE Directories Sales Corporation	Delaware.
Federal systems:	
Contel Federal Systems, Inc	Delaware.
GTE Government Systems Corporation	Delaware.
Independent Communications, Inc	Kansas.
Telecom Systems Incorporated	Delaware
GTE Federal Services Corporation	California.
GTE Telecom Incorporated	Delaware.
Other operations:	
GTE Communication Systems Corporation (GTE Supply)	Delaware.
GTE Laboratories Incorporated	Delaware.
GTE Operations Support Incorporated	Delaware.
GTE Leasing Corporation	Delaware.
General administraion:	
GTE Service Corporation	New York.
GTE Finance Corporation	Delaware.
GTE Realty Corporation	Delaware.
GTE Realty Corporation of Connecticut	Connecticut.
GTER Incorporated	Delaware.
Contel Service Corporation	Delaware.

Vernon A. Williams,

Secretary.

[FR Doc. 95–11775 Filed 5–11–95; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 USC Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection;

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 *and* to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer *and* the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, *and* to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/ Information Resources Management/ Justice Management Division Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Alien Address Report Card.

(2) Form I–104. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary: Individual or households. Other: None. Section 265 of the Immigration and Nationality Act, as amended, provides that the Attorney General may, in his/her discretion, upon ten days' notice, require the natives of any one or more foreign States, or any class or group thereof, who are within the United States and who are required to be registered, to notify the Attorney

General of their current address and furnish such additional information as the Attorney General may require. The information will be used by the INS in identifying the population and addresses of certain classes or groups of aliens in the United States. The Form (I–104) will be distributed by the INS to the respective classes or group(s) required to report. If the information is not collected, the INS will continue not to have any manner of identifying the location of the aliens in the United States. This form shall remain approved for emergencies.

(4) 1 annual respondent at 1.0 hours per response.

(5) 1 annual burden hour.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: May 8, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–11750 Filed 5–11–95; 8:45 am]

BILLING CODE 4410–01–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Office, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/ Information Resources Management/ Justice Management Division Suit 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Alien Crewman Landing Permit.

(2) Form I–95 A & B. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary: Individual or households. Other: None. The Form I–95 A & B are part of the manifest requirements of section 251 of the Immigration and Nationality Act (8 United States Code 1281). This form is prepared and presented by the master or agent of vessels and aircraft arriving in the United States for alien crewmen applying for landing privileges as provided by section 252 of the Immigration and Nationality Act (8 United States Code 1282).

(4) 433,000 annual respondents at .07 hours per response.

(5) 30,310 annual burden hours.

(6) Not applicable under Section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: May 8, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–11751 Filed 5–11–95; 8:45 am]

BILLING CODE 4410–01–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/ Information Resources Management/ Justice Management Division Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Application for Admission to Reapply for Admission into the United States after Deportation or Removal.

(2) Form I–212. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary: Individual or households. Other: None. The Form I–212 is filed by an alien who is seeking permission to reapply for admission after deportation, removal or departure at Government expense, as provided for under § 212.2 (b)(1), (c)(2), (d), (e), (f), or (g) of the Immigration and Nationality Act. An alien who finds a need to enter the United States and is not admissible under the above mentioned sections of law must file Form I–212 for consideration of a waiver. The INS will use the information provided on the form to determine whether the alien needs to file and whether he/she is eligible for a waiver.

(4) 7,250 annual respondents at .33 hours per response.

(5) 2,393 annual burden hours.

(6) Not applicable under section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: May 8, 1995.

Robert B. Briggs,

Department Clearance Officer, United States Department of Justice.

[FR Doc. 95–11752 Filed 5–11–95; 8:45 am]

BILLING CODE 4410–01–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 *and* to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer *and* the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, *and* to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/ Information Resources Management/ Justice Management Division Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Judicial Recommendations Against Deportation; Controlled Substance Violations.

(2) Form: None. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary: Individual or households. Other: None. A motion for a judicial recommendation against deportation is made by an alien convicted of a crime involving moral turpitude per 8 United States Code 1251 (b) and 8 Code of Federal Regulations 241.1. If the motion is granted, the crime cannot be used as a basis for deporting the alien per 8 United States Code 1251(a)(4). The motion is placed in the alien's Immigration and Naturalization Service file. Due to manpower shortages, the INS frequently does not send a representative to court. However, the INS needs to know the disposition of the motion made by the alien to the sentencing court. Requiring the alien to send a certified copy of the court docket entry granting or denying the motion will satisfy the INS' need to know the disposition of the case. This will aid in not placing unnecessary detainer on alien criminals and will help ensure that deportation proceedings will not be commenced in error.

(4) 3,000 annual respondents at .25 hours per response.

(5) 750 annual burden hours.

(6) Not applicable under section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: May 8, 1995.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 95–11747 Filed 5–11–95; 8:45 am]

BILLING CODE 4410–01–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 and to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/ Information Resources Management/ Justice Management Division Suite 850, WCTR, Washington, DC 20530.

Extension of a Currently Approved Collection

(1) Request for the Return of Original Documents.

(2) Form G–884. Immigration and Naturalization Service, United States Department of Justice.

(3) Primary: Individual or households. Other: None. The authority for requesting the information contained in the G–884 form is contained in 8 United States Code 1103(a). The Immigration and Naturalization Service created this form to standardized its procedures for accepting request for the return of original documents, contained in alien files. The purpose for which the information is solicited is to allow the INS to authenticate the return of original documents, contained in alien files, to their rightful recipients. Parties requesting the return of an original document(s) are required to prove entitlement to document(s) by furnishing supporting documentation that establishes a relationship between themselves and the alien file. Supporting documentation may consist of an Alien Registration Receipt Card, baptismal certificate, birth certificate, driver's license, marriage certificate,

naturalization certificate, or U.S. or foreign passport.

(4) 2,500 annual respondents at .25 hours per response.

(5) 625 annual burden hours.

(6) Not applicable under section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: May 8, 1995.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 95–11748 Filed 5–11–95; 8:45 am]

BILLING CODE 4410–01–M

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department sponsoring the collection.

(3) Who will be asked or required to respond, as well as a brief abstract;

(4) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(5) An estimate of the total public burden (in hours) associated with the collection; and,

(6) An indication as to whether section 3504(h) of Public Law 96–511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Mr. Jeff Hill on (202) 395–7340 *and* to the Department of Justice's Clearance Officer, Mr. Robert B. Briggs, on (202) 514–4319. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer *and* the Department of Justice Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, *and* to Mr. Robert B. Briggs, Department of Justice Clearance Officer, Systems Policy Staff/Information Resources Management/Justice Management Division Suite 850, WCTR, Washington, DC 20530.

New Collection

(1) OJP Budget Worksheet.

(2) Form 7150/1. Office of Justice Programs, United States Department of Justice.

(3) Primary: State, local or Tribal Government, Business or other for-profit, Not-for-profit institutions. Others: None. Form 7150/1 request significantly less information and provides clearer guidance on the budget information needed. This form will be used in lieu of SF 424A and reduce the burden on the public.

(4) 900 annual respondents at .75 hours per response.

(5) 675 annual burden hours.

(6) Not applicable under section 3504(h) of Public Law 96–511.

Public comment on this item is encouraged.

Dated: May 8, 1995.

Robert B. Briggs,

Department Clearance Officer, Department of Justice.

[FR Doc. 95–11749 Filed 5–11–95; 8:45 am]

BILLING CODE 4410–01–M

Office of Justice Programs

[OJP(BJS) No. 1050]

RIN 1121–ZA13

Bureau of Justice Statistics; Survey of Inmates in State Correctional Facilities

AGENCY: Office of Justice Programs (OJP), Bureau of Justice Statistics (BJS).

ACTION: Solicitation for award of cooperative agreement.

SUMMARY: The purpose of this notice is to announce a public solicitation for services of sampling, data gathering, and data processing for the Survey of Inmates in State Correctional Facilities, 1996.

DATES: Proposals must be postmarked on or before June 27, 1995.

ADDRESSES: Proposals should be mailed to: Application Coordinator, Bureau of Justice Statistics, Room 1144, 633 Indiana Avenue NW, Washington, DC 20531, (202) 616–3500.

FOR FURTHER INFORMATION CONTACT: Caroline Wolf Harlow, Ph.D., Survey Statistician, Corrections Statistics, Bureau of Justice Statistics, (202) 307–0757.

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Justice Statistics (BJS) Survey of Inmates in State Correctional Facilities was first conducted in 1974 and was followed by subsequent surveys in 1979, 1986 and 1991. These surveys have employed complex multistage samples to obtain comprehensive information on State prison inmates.

	Number of facilities sampled	Number of inmates interviewed
1974	190	8,869
1979	215	11,397
1986	275	13,711
1991	275	13,986

Through personal interviews with a nationally representative sample of State prison inmates, data were collected on individual characteristics of prison inmates, current offenses and sentences, characteristics of victims, criminal histories, family background, gun possession and use, prior drug and alcohol use and treatment, educational programs and other services provided while in prison, and other personal characteristics. These surveys have been BJS's primary source of detailed information on characteristics of State prison inmates. The data have been collected pursuant to 42 U.S.C. 3732. Many major publications have been written by BJS staff using the data from these surveys, including Survey of State Prison Inmates, 1991, NCJ–136949, Profile of State Prison Inmates, 1986, NCJ–109926, and Women in Prison, NCJ–145321. These publications as well as other reports from these surveys are available from the National Criminal Justice Research Service and can be requested by using the NCJ number.

Objectives

The purpose of this award is to continue this data series by procuring data collection services for the fifth Survey of Inmates in State Correctional Facilities. It is anticipated that the information collected will be essential to anyone needing detailed, authoritative information on characteristics of State prison inmates, particularly their offenses, criminal and other histories, and current conditions.

Type of Assistance

Assistance will be made available under a cooperative agreement.

Statutory Authority

The cooperative agreement to be awarded pursuant to this solicitation will be funded by the Bureau of Justice Statistics consistent with its mandate as set forth in 42 USC 3732.

Eligibility Requirements

Both profit making and nonprofit organizations may apply for funds. Consistent with OJP fiscal requirements, however, no fees may be charged against the project by profit making organizations.

Scope of Work

The objective of this solicitation is to provide BJS with high quality data for the fifth Survey of Inmates in State Correctional Facilities. Specifically, the recipient of funds will perform the following tasks.

1. Develop a detailed timetable for the completion of each task involved in the project, with data collection taking place from October through December 1996. In general, it is anticipated that the timetable will be as follows:

September 1995 thru February 1996, development of CAPI instrument, OMB Clearance for pretest;

March 1996, pretest, including training of interviewers;

April thru September 1996, revisions to questionnaire, training of interviewers, OMB Clearance for full survey;

October 1996 thru January 1997, field work for survey; and

February thru June 15, 1997, data processing and weighting.

After BJS has agreed to the timetable, all work must be completed as scheduled.

2. Select a sample. Pursuant to BJS specifications and standards, the recipient will select two samples of prisons, one representative sample for prisons housing males and another for prisons with females. A list of all prisons and sampling specifications will be provided by BJS. The recipient will be expected to update the list. About 300 facilities will be selected from that list. In each selected prison a systematic sample of prison inmates will be selected from a random start, using a list of all inmates provided by the sampled facility. A sampling questionnaire will be used to determine the completeness of the list and the eligibility of inmates. Because of their small number in the prison population, women will be oversampled to decrease standard errors. This sample should produce a reliability of 5.0% coefficient of variation for estimates of 10% subpopulations of male inmates, and a reliability of 7.4% coefficient of variation for estimates of 10% subpopulations of female inmates at the national level.

3. Write edit specifications and program the questionnaire for Computer-Assisted Personal Interviewing (CAPI) on laptop computers. The questionnaire, which will be provided by BJS, will be between 45 and 60 minutes in duration. It will be similar to the questionnaire used in 1991, which is available from BJS upon request. BJS will be allowed to review and approve all edit specifications developed by recipient. It is expected that, in programming the CAPI instrument, most editing for the data would be programmed to take place as the interview is conducted. The CAPI instrument will be provided to BJS for review before both the pretest and full survey, either in a system compatible with BJS computer capabilities or on a laptop computer. For weighting the sample, the recipient will also develop an additional questionnaire using CAPI which will be used to obtain data on inmates who are not interviewed, based on a questionnaire provided by BJS. In addition, a sample listing sheet will be needed to list all those selected for interview.

4. Perform a pretest. All computer and paper systems will be subjected to a pretest conducted in 5 prison sites near the Washington, DC metropolitan area or in the general area of the recipient's operations. A draft request for OMB Clearance pursuant to the Paperwork Reduction Act and 5 CFR 1320 for the pretest will be provided by the recipient to BJS for submission to OMB in sufficient time to receive clearance. Interviews will be conducted with approximately 150 inmates. A data file will be provided BJS from these interviews and a debriefing will be held with recipient staff, interviewers and BJS staff to assess the effectiveness of the questionnaire and the operations of all computer and paper systems.

5. Make arrangements for conducting the survey. Recipient will contact all sampled prisons and arrange to interview inmates. It is anticipated that almost all sampled facilities will cooperate and allow their inmates to be interviewed. In the past, fewer than 5 selected facilities have not participated, generally because changes in the nature of an institution made it ineligible, for example, a facility had housed women but no longer did so or a facility was no longer in operation. Recipient will also develop an interviewer's manual and train their interviewers in gathering data using the BJS questionnaire and CAPI software. All training materials will be submitted to BJS for their review and input before being used. Recipient will also draft a request for OMB clearance for the full survey in sufficient time to allow for BJS revision and OMB review. Recipient may accompany BJS staff to meetings to discuss the survey with interested parties.

6. Gathering data. At the selected facilities, recipient's field staff will select the sample of inmates to be interviewed and will interview sampled prisoners, using the CAPI questionnaire. Response rates are expected to be in the 90 to 95% range. The response rate on the 1991 Survey of Inmates in State Correctional Facilities was 93.7%. For those sampled inmates who are not interviewed, a noninterview questionnaire will be completed to obtain information needed for weighting sample estimates to the Nation.

7. Weight the sample according to BJS specifications. The sample will be adjusted for deviations from the expected population size in the sampled facility, nonresponse, and custody population numbers at the time of the survey as provided by BJS. Documentation will be furnished to BJS.

8. Producing a data file. An edited data file compatible with BJS computer systems will be submitted to BJS at the end of the project, together with machine readable documentation. BJS will provide standards for both the data file and documentation, which will be both electronic and on paper. Some variables will need coding, namely all offense categories, occupation, and any specified response to a question which the interviewers were unable to code during the interview. Copies of these literals, accompanied by identifiers, will be submitted to BJS. All post-survey edit specifications will be reviewed by BJS before implementation. The data file will be matched to the sampling file.

9. Provide BJS with all data files, both computerized and on paper. Recipient will not conduct any analyses of data prior to release from BJS of a public use tape. BJS will check the data files thoroughly before turning them over to the National Archive of Criminal Justice Data for public dissemination.

Award Procedures

Proposals should describe in appropriate detail the procedures to be undertaken in furtherance of each of the activities described under the Scope of Work. Information on staffing levels and qualifications should be included for each task and descriptions of experience relevant to the project should be included. Resumes of the proposed project director and key staff should be enclosed with the proposal.

Applications will be reviewed competitively by a BJS selected panel which will make recommendations to the Director, BJS. Final authority to enter into a cooperative agreement is reserved for the Director, BJS, or his designee, who may, at his/her discretion, determine that none of the applications shall be funded.

Applications will be evaluated on the overall extent to which they respond to criminal justice priorities, conform to standards of high data collection quality, and appear to be fiscally feasible and efficient. In particular, applicants will be evaluated on the basis of:

1. Knowledge of criminal justice issues, especially in the area of corrections.

2. Survey research expertise and experience in the areas of questionnaire development, sampling, data gathering, and production of data files.

3. Demonstrated ability to conduct high quality survey research projects.

4. Demonstrated ability and experience in safeguarding the privacy of the collected data, pursuant to the Privacy Act, 5 U.S.C. 552a, and the confidentiality provisions of 42 U.S.C. 3789(g).

5. Demonstrated ability and experience in developing and utilizing a CAPI questionnaire. In addition, it must be demonstrated that the CAPI software is able to perform complex skip patterns, intricate inserts and fill-ins, a variety of types of questions, and complicated editing during the course of the interview.

6. Availability of qualified professional, field and support staff and of suitable equipment for data gathering and processing.

7. Demonstrated fiscal, management and organizational capability and experience suitable for providing sound data within budget and time constraints.

8. Reasonableness of estimated costs for the total project and for individual cost categories.

Application and Awards Process

An original and five (5) copies of a full proposal must be submitted with SF 424 (Rev. 1988), Application for Federal Assistance, as the cover sheet. Proposals must be accompanied by SF 424A, Budget Information; OJP Form 4000/3 (Rev. 1–93), Program Narrative and Assurances; OJP Form 4061/6, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements; and OJP Form 7120–1 (Rev. 1–93), Accounting System and Financial Capability Questionnaire (to be submitted by applicants who have not previously received Federal funds from the Office of Justice Programs). If appropriate, applicants must complete and submit Standard Form LLL, Disclosure of Lobbying Activities. All applicants must sign Certified Assurances that they are in compliance with the Federal laws and regulations which prohibit discrimination in any program or activity that receives Federal funds.

The application should cover a 3-year period with information provided for completion of the entire project. Proposals must include a program narrative, detailed budget, and budget narrative. The program narrative shall describe activities as stated in the scope of work and address the evaluation criteria. Budget information should provide details for the first-year expenses and should contain data in required categories for years two and three. The detailed budget must provide costs including salaries of staff involved in the project and portion of those salaries to be paid from the award; fringe benefits paid to each staff person; travel costs; and supplies required to complete the project. The budget narrative closely follows the content of the detailed budget. The narrative should relate the items budgeted to the project activities and should provide a justification and explanation for the budgeted items including the criteria and data used to arrive at the estimates for each budget category. Please refer to the aforementioned timetable when developing the program narrative and budget information. Contractual services must be procured through competition or the application must contain a sole source justification for any noncompetitive procurement in excess of $100,000. This award will not be used to procure equipment for the conduct of this study.

Awards will be made for a period of 12 months with supplemental funding for two additional continuation years conditional upon the quality of initial performance and products.

Jan M. Chaiken,

Director, Bureau of Justice Statistics.

[FR Doc. 95–11741 Filed 5–11–95; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)

May 9, 1995.

The Department of Labor has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act (44 U.S.C. Chapter 35) of 1980, as amended (Pub. L. 96–511). Copies may be obtained by calling the Department of Labor Departmental Clearance Officer, Kenneth A. Mills (202) 219–5095). Comments and questions about the ICRs listed below should be directed to Mr. Mills, Office of Information Resources Management Policy, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OAW/MSHA/OSHA/PWBA/VETS), Office of Management and Budget, Room 10325, Washington, DC 20503 (202) 395–7316). Individuals who use a telecommunications device for the deaf (TTY/TDD) may call (202) 219–4720 between 1:00 p.m. and 4:00 p.m. Eastern time, Monday through Friday.

Type of Review: Extension.
Agency: Mine Safety and Health Administration.
Title: Notification of Legal Identity.
OMB Number: 1219–0008.
Agency Number: 2000–7.
Frequency: On occasion.
Affected Public: Businesses or other for-profit.
Number of Respondents: 36,500.
Estimated Time Per Respondent: .5115 hours.
Total Burden Hours: 3,725.
Description: Requires mine operators to file with the Mine Safety and Health Administration the name and address of the mine and the name and address of the persons who control and operate the mine, and nay revisions of such names and addresses. The information is used to identify persons chargeable with violations of safety and health standards, in the assessment of civil penalties, and in the service of legal documents.

Type of Review: Extension.
Agency: Mine Safety and Health Administration.
Title: Training Plan regulations (30 CFR 48.3 and 48.23).

OMB Number: 1219–0009.
Frequency: On occasion for revisions and one-time for new mines.
Affected Public: Businesses or other for-profit.
Number of Respondents: 1,300.
Estimated Time Per Respondent: 8 hours.
Total Burden Hours: 10,400.
Description: Requires mine operators to have a Mine Safety and Health Administration approved plan containing programs for training new miners, training newly-employed experienced miners, training miners for new tasks, annual refresher training, and hazard training.

Type of Review: Extension.
Agency: Mine Safety and Health Administration.
Title: Hazardous Conditions Complaints.
OMB Number: 1219–0014.
Frequency: On occasion.
Affected Public: Businesses or other for-profit.
Number of Respondents: 607.
Estimated Time Per Respondent: 12 minutes.
Total Burden Hours: 121.
Description: A representative of miners or, if there is no representative of miners, an individual miner acting voluntarily may submit or give a written notification to the Mine Safety and Health Administration (MSHA) of an alleged violation of the mine Act or a mandatory standard or of an imminent danger. Such notification requires MSHA to make an immediate inspection.

Type of Review: Extension.
Agency: Bureau of Labor Statistics.
Title: Report on Occupational Employment.
OMB Number: 1220–0042.
Agency Number: BLS 2877.
Frequency: Annually.
Affected Public: Businesses or other for-profit; not-for-profit institutions, State, Local or Tribal Government.
Number of Respondents: 227,000.
Estimated Time Per Respondent: .471 hours.
Total Burden Hours: 127,120.
Description: The Occupational Employment Statistics Survey is a Federal/State sample survey of employment by occupation of non-farm establishments that is used to produce data on current occupational employment and wages. The survey is a component in the development of employment and training programs, and occupational information systems.

Theresa M. O'Malley,

Acting Departmental Clearance Officer.

[FR Doc. 95–11783 Filed 5–11–95; 8:45 am]

BILLING CODE 4510–43–M

Employment Standards Administration

Wage and Hour Division; Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally constructed projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for the performance of the described work within the geographical area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

Withdrawn General Wage Determination Decisions

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination Nos. SC950029, SC950031, SC950032 and SC950034 dated Feb. 10, 1995.

Agencies with construction projects pending, to which Wage Decisions SC950029, SC950031 and SC950032 would have been applicable, should utilize Wage Decision SC950028. Agencies with construction projects pending, to which Wage Decision SC950034 would have been applicable, should utilize Wage Decision SC950033. Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

New General Wage Determination Decisions

The number of the decisions added to the Government Printing Office document entitled ''General Wage Determination Issued Under the Davis-Bacon and related Acts'' are listed by Volume and State:

Volume III

Tennessee
TN950065 (May 12, 1995)
TN950066 (May 12, 1995)
TN950067 (May 12, 1995)

Modification to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' being modified and listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Massachusetts
MA950001 (Feb. 10, 1995)
MA950002 (Feb. 10, 1995)
MA950003 (Feb. 10, 1995)
MA950006 (Feb. 10, 1995)
MA950007 (Feb. 10, 1995)
MA950008 (Feb. 10, 1995)
MA950009 (Feb. 10, 1995)
MA950013 (Feb. 10, 1995)
MA950017 (Feb. 10, 1995)
MA950018 (Feb. 10, 1995)
MA950019 (Feb. 10, 1995)
MA950020 (Feb. 10, 1995)
MA950021 (Feb. 10, 1995)
New York
NY950004 (Feb. 10, 1995)
NY950009 (Feb. 10, 1995)
NY950010 (Feb. 10, 1995)
NY950013 (Feb. 10, 1995)
NY950038 (Feb. 10, 1995)
NY950048 (Feb. 10, 1995)

Volume II

Maryland
MD950002 (Feb. 10, 1995)
MD950043 (Feb. 10, 1995)

Volume III

Alabama
AL950034 (Feb. 10, 1995)
Florida
FL950001 (Feb. 10, 1995)
FL950009 (Feb. 10, 1995)
FL950014 (Feb. 10, 1995)
FL950016 (Feb. 10, 1995)
FL950017 (Feb. 10, 1995)
FL950032 (Feb. 10, 1995)
FL950046 (Feb. 10, 1995)
FL950066 (Feb. 10, 1995)
Georgia
GA950033 (Feb. 10, 1995)
GA950050 (Feb. 10, 1995)
GA950065 (Feb. 10, 1995)
Kentucky
KY950001 (Feb. 10, 1995)
KY950002 (Feb. 10, 1995)
KY950003 (Feb. 10, 1995)
KY950004 (Feb. 10, 1995)
KY950006 (Feb. 10, 1995)
KY950007 (Feb. 10, 1995)
KY950025 (Feb. 10, 1995)
KY950026 (Feb. 10, 1995)
KY950027 (Feb. 10, 1995)
KY950029 (Feb. 10, 1995)
KY950032 (Feb. 10, 1995)
KY950035 (Feb. 10, 1995)
KY950044 (Feb. 10, 1995)
KY950054 (Feb. 10, 1995)
South Carolina
SC950003 (Feb. 10, 1995)
SC950009 (Feb. 10, 1995)
SC950010 (Feb. 10, 1995)
SC950011 (Feb. 10, 1995)
SC950020 (Feb. 10, 1995)
SC950021 (Feb. 10, 1995)
SC950023 (Feb. 10, 1995)
SC950024 (Feb. 10, 1995)
SC950025 (Feb. 10, 1995)
SC950026 (Feb. 10, 1995)
SC950027 (Feb. 10, 1995)
SC950028 (Feb. 10, 1995)
SC950033 (Feb. 10, 1995)
Tennessee
TN950001 (Feb. 10, 1995)
TN950002 (Feb. 10, 1995)
TN950003 (Feb. 10, 1995)
TN950005 (Feb. 10, 1995)
TN950018 (Feb. 10, 1995)
TN950038 (Feb. 10, 1995)
TN950039 (Feb. 10, 1995)
TN950041 (Feb. 10, 1995)
TN950042 (Feb. 10, 1995)
TN950043 (Feb. 10, 1995)
TN950044 (Feb. 10, 1995)
TN950049 (Feb. 10, 1995)
TN950058 (Mar. 17, 1995)
TN950059 (Mar. 17, 1995)
TN950062 (Mar. 31, 1995)

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General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determination Issued Under The Davis Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determination issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at (703) 487–4630.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscriber.

Signed at Washington, D.C. this 5th day of May, 1995.

Alan L. Moss,

Director, Division of Wage Determinations.

[FR Doc. 95–11584 Filed 5–11–95; 8:45 am]

BILLING CODE 4510–27–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–213]

Connecticut Yankee Atomic Power Co.; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–61, issued to Connecticut Yankee Atomic Power Company (the licensee), for operation of the Haddam Neck Plant located in Middlesex County, Connecticut.

The proposed amendment will delete Technical Specification (TS) Sections 1.38 and 1.39, ''Definitions, Fuel Assembly Types,'' revise TS Sections 3/4.9.3, ''Refueling Operations, Decay Time'' and TS 3/4.9.14, ''Refueling Operations, Spent Fuel Pool—Reactivity Condition,'' replace TS Sections 5.6.1.1, ''Spent Fuel,'' and TS 5.6.3, ''Capacity,'' and add a new TS Section 3/4.9.15, ''Refueling Operations, Spent Fuel Pool

Cooling.'' These changes would support a rerack of the spent fuel pool to expand the spent fuel pool's storage capacity from 1168 assemblies to 1480 assemblies so as to accommodate a full-core-discharge through the current validity date of the Haddam Neck operating license (2007).

Before issuance of the proposed license amendment, 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 amendment 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 amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licenses has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Involve a significant increase in the probability or consequences of an accident previously evaluated.

In the analysis of the safety issues concerning the expanded pool storage capacity, CYAPCO has considered the following potential accident scenarios:

a. A spent fuel assembly drop in the spent fuel pool.

b. Loss of spent fuel pool cooling flow.

c. A seismic event.

d. An accident drop of a rack module during constructional activity in the pool.

The probability that any of the first three accidents in the above list can occur is not significantly increased by the modification itself. All work in the pool area will be controlled and performed in strict accordance with the specific written procedures. As for a construction accident, safe load paths will be established that will prevent heavy loads from being transported over the spent fuel. Operability of the cranes will be checked and verified before the re-racking operation. All lift rigging and the refueling crane/hoist system will be verified that they comply with the provisions of CMAA Specification No. 70, ANSI B30.2, B30.9, and B30.11. All heavy lifts will be performed in accordance with established station procedures, which will comply with NUREG–0612, ''Control of Heavy Loads at Nuclear Power Plants.'' This will minimize the possibility of a heavy load drop accident.

Accordingly, the proposed modification does not involve a significant increase in the probability of an accident previously evaluated.

CYAPCO has evaluated the consequences of accidental drop of a fuel assembly in the spent fuel pool. The results show that such an accident will not distort the racks sufficiently to impair their functionality. The minimum subscripticality margin, $K_{eff} \leq 0.95$, will be maintained. The radiological consequences of a fuel assembly drop are not increased. Thus the consequences of such an accident remain acceptable and are not different from any previously evaluated accidents that have been reviewed and found acceptable by the NRC.

The consequences of a loss of the spent fuel pool cooling have been evaluated and found acceptable. The expansion of the pool storage capacity does not increase the failure modes of the pool cooling system. In the unlikely event that all pool cooling is lost, sufficient time is available for the operators to provide alternate means of cooling before the onset of pool boiling.

The consequences of a design basis seismic event have been evaluated and found acceptable. The new and the existing racks have been analyzed in their new configuration and found safe and impact-free during seismic motion. The structural capability of the pool will not be exceeded under the dead weight, thermal, and seismic loads. The fuel building and the yard crane structure will retain the necessary safety margins during a seismic event. Thus, the consequences of a seismic event are not significantly increased.

The consequences of a spent fuel cask drop into the pool have not been addressed in this submittal since CYAPCO is not currently licensed to move a fuel cask into the spent fuel pool area.

The consequences of an accidental drop of a rack module into the pool during placement have been evaluated. The analysis confirmed that very limited damage to the liner could occur which is repairable. All movements of heavy loads over the pool will comply with the applicable guidelines. Therefore, the consequences of a construction accident are not increased from any previously evaluated accident.

Therefore it is concluded that the proposed changes do not significantly increase the probability or consequences of any accident previously evaluated.

2. Create the possibility of a new or different kind of accident from any previously analyzed.

The change does not alter the operating requirements of the plant or of the equipment credited in the mitigation of the design basis accidents. Therefore, the potential for an un-analyzed accident is not created. The postulated failure modes associated with the change do not significantly decrease the coolability of the spent fuel in the pool. The resulting structural, thermal, and seismic loads are acceptable.

Therefore, the change does not create the possibility of a new or different kind of accident from any previously analyzed.

3. Involve a significant reduction in the margin of safety.

The function of the spent fuel pool is to store the fuel assemblies in a subcritical and coolable configuration through all environmental and abnormal loadings, such as an earthquake, fuel assembly drop, or drop of any other heavy object. The new rack design must meet all applicable requirements for safe storage and be functionally compatible with the other rack designs in the spent fuel pool.

CYAPCO has addressed the safety issues related to the expanded pool storage capacity in the following areas:

1. Material, mechanical and structural considerations.

2. Nuclear criticality.

3. Thermal-hydraulic and pool cooling.

The mechanical, material, and structural designs of the new racks have been reviewed in accordance with the applicable provisions of the NRC Guidance entitled, ''Review and Acceptance of Spent Fuel Storage and Handling Applications''. The rack materials used are compatible with the spent fuel assemblies and the spent fuel pool environment. The design of the new racks preserves the proper margin of safety during abnormal loads such as a dropped assembly and tensile loads from a stuck assembly. It has been shown that such loads will not invalidate the mechanical design and material selection to safely store fuel in a coolable and subcritical configuration.

The methodology used in the critically analysis of the expanded spent fuel pool meets the appropriate NRC guidelines and the ANSI standards. The margin of safety for subcriticality is determined by the neutron multiplication factor equal to, or less than, 0.95 under all accident conditions, including uncertainties. This criterion has been preserved in all analyzed accidents.

The thermo-hydraulic and cooling evaluation of the pool demonstrated that the pool can be maintained below the specified thermal limits under the conditions of the maximum heat load and during all credible accident sequences and seismic events. The pool temperature will not exceed 150° F during the worst single failure of a cooling pump. The maximum local water temperature in the hot channel will remain below the boiling point. The fuel will not undergo any significant heat up after an accidential drop of a fuel assembly on top of the rack blocking the flow path. A loss of cooling to the pool will allow sufficient time for the operators to intervene and line up alternate cooling paths and the means of inventory make-up in time before the onset of boiling.

Thus, it is concluded that the changes do not involve a significant reduction in the margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the

expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By June 12, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, CT 06457. 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 particularly 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 specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1–(800) 248–5100 (in Missouri 1–(800) 342–6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Phillip F. McKee: 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 Ms. L. M. Cuoco, Senior Nuclear Counsel, Northeast Utilities Service Company, Post Office Box 270, Hartford, CT 06141–0270, 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).

The Commission hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of section 134 of the Nuclear Waste Policy Act of 1982 (NWPA), 42 U.S.C. 10154. Under section 134 of NWPA, the Commission, at the request of any party to the proceeding must use hybrid hearing procedures with respect to ''any matter which the Commission determines to be in controversy among the parties.'' The hybrid procedures in section 134 provide for oral argument on matters in controversy, proceeded by discovery under the Commission's rules, and the designation, following argument, of only those factual issues that involve a genuine and substantial dispute, together with any remaining questions of law, to be resolved in an adjudicatory hearing. Actual adjudicatory hearings are to be held on those issues found to meet the criteria of section 134 and set for hearing after oral argument.

The Commission's rules implementing section 134 of the NWPA are found in 10 CFR part 2, subpart K, ''Hybrid Hearing Procedures for Expansion of Spent Nuclear Fuel Storage Capacity at Civilian Nuclear Power Reactors'' (published at 50 FR 41670, October 15, 1985) to 10 CFR 2.1101 *et seq.* Under those rules, any party to the proceeding may invoke the hybrid hearing procedures by filing with the presiding officer a written request for oral argument under 10 CFR 2.1109. To be timely, the request must be filed within 10 days of an order granting a request for hearing or petition to intervene. (As outlined above, the Commission's rules in 10 CFR part 2, subpart G, and 2.714 in particular, continue to govern the filing of requests for a hearing or petitions to intervene, as well as the admission of contentions.) The presiding officer shall grant a timely request for oral argument. The presiding officer may grant untimely request for oral argument only upon showing of good cause by the requesting party for the failure to file on time and after providing the other parties an opportunity to respond to the untimely request. If the presiding officer grants a request for oral argument, any hearing held on the application shall be conducted in accordance with hybrid hearing procedures. In essence, those procedures limit the time available for discovery and require that an oral argument be held to determine whether any contentions must be resolved in adjudicatory hearing. If no party to the proceedings requests oral argument, or if all untimely requests for oral argument are denied, then the usual procedures in 10 CFR part 2, subpart G, apply.

For further details with respect to this action, see the application for amendment dated March 31, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Russell Library, 123 Broad Street, Middletown, CT 06457.

Dated at Rockville, MD, this 5th day of May 1995.

For the Nuclear Regulatory Commission.

Alan B. Wang,

Project Manager, Project Directorate I–3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–11758 Filed 5–11–95; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Requests Under Review by Office of Management and Budget

Agency Clearance Officer: Michael E. Bartell, (202) 942–8800

Upon written request copies available from: Securities and Exchange Commission, Office of Filings and Information Services, 450 Fifth Street, NW., Washington, DC 20549

Extension:

Rule 19d–3—File No. 270–245

Rule 19h–1—File No. 270–247

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (Commission) has submitted to the Office of Management and Budget requests for approval of extension on previously approved collections for the following:

Rule 19d–3 prescribes the form and content of application to the Commission for review of final disciplinary sanctions, denials of membership, participation or association with a member or prohibitions or limitations of access to services imposed by self-regulatory organizations. it is estimated that approximately 50 respondents will incur an average burden of 18 hours per year to comply with this rule, for a total annual burden of 900 hours.

Rule 19h–1 prescribes the form and content of notices and applications by self-regulatory organizations regarding proposed admissions to, or continuances in, membership, participation or association with a member of any person subject to a statutory disqualification. It is estimated that approximately 70 respondents will incur an average burden of 4.5 hours per year to comply with this rule, for a total annual burden of 315 hours.

Direct general comments to the Clearance Officer for the Securities and Exchange Commission at the address below. Direct any comments concerning the accuracy of the estimated average burden hours for compliance with the Commission rules and forms to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549 and the Clearance Officer for the Securities and Exchange Commission, Office of Management and Budget, Project numbers 3235–0204 (Rule 19d–3) and 3235–0259 (Rule 19h–1), Room 3208, New Executive Office Building, Washington, DC 20503.

Dated: May 1, 1995.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–11771 Filed 5–11–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35681; File No. SR–NASD–95–06]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by National Association of Securities Dealers, Inc. Relating to Interpretation of the Board of Governors—Forwarding of Proxy and Other Material Under Article III, Section 1 of the NASD Rules of Fair Practice

May 5, 1995.

On March 22, 1995,[1] the National Association of Securities Dealers, Inc. (''NASD'' or ''Association'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[2] and Rule 19b–4 thereunder.[3] The proposed rule change amends its Interpretation of the Board of Governors—Forwarding of Proxy and Other Material under Article III, Section 1 of the NASD Rules of Fair Practice[4] (''Interpretation'') to allow a

[1] The NASD initially submitted the proposed rule change on February 6, 1995. Amendment No. 1, submitted on March 22, 1995, replaced the initial submission in its entirety.

[2] 15 U.S.C. 73s(b)(1).

[3] 17 CFR 240.19b–4.

[4] *NASD Manual,* Rules of Fair Practice, Art. III, Sec. 1 (CCH) ¶ 2151.05.

beneficial owner to stock to designate a registered investment adviser to vote proxies and receive proxy and related issuer material in lieu of the beneficial owner, and to allow certain investment managers of ERISA Plans [5] to vote proxies.

Notice of the proposed rule change, together with the substance of the proposal, was provided by issuance of a Commission release (Securities Exchange Act Release No. 35533, March 24, 1995) and by publication in the **Federal Register** (60 FR 16521, March 30, 1995). No comment letters were received. This order approves the proposed rule change.

Designated Registered Investment Advisers

The Interpretation currently does not permit a beneficial owner of stock to designate a registered investment adviser to vote proxies and receive proxy and related issuer material in lieu of the beneficial owner except as permitted under the rules of any national securities exchange to which the NASD member that is the holder of record also belongs.[6] By contrast, the New York Stock Exchange, Inc. (''NYSE'') recently amended its rules [7] to allow a beneficial owner of stock to designate a registered investment adviser to vote proxies and receive proxy and related issuer material in lieu of the beneficial owner. The Commission recognized that allowing investors to designate an investment adviser to receive proxy and related issuer materials and vote their proxies removes impediments to a free and open market.[8] Investors have been requesting that investment advisers be authorized to receive issuer materials and vote proxies for the investor. Investors choosing an investment adviser arrangement may believe that they do not need to receive issuer information because the investment adviser is making investment decisions on the investor's behalf. Furthermore, the Commission recognized that some investors, in choosing to utilize the services of an investment adviser, are indicating that they do not have the knowledge or inclination to review complicated issuer or proxy materials or to vote proxies. These investors, in particular, may feel frustrated when they receive unwanted issuer materials.

The rule change approved today will allow a beneficial owner of any issuer's stock to inform any NASD member that is the holder of record of that stock that the beneficial owner has authorized a designated registered investment adviser to receive and vote proxies and to receive related issuer material in lieu of the beneficial owner. The rule change will provide beneficial owners with the right to make this type of designation whether or not the member holding the beneficial owner's securities is also an NYSE member.

The rule change provides that, for purposes of the Interpretation, a ''designated investment adviser'' is a person registered under the Investment Advisers Act of 1940 who exercises investment discretion pursuant to an advisory contract for the beneficial owner and has been designed in writing by the beneficial owner to receive and vote the proxy, and to receive annual reports and other material sent to stock holders. The beneficial owner would be required to sign a written designation to the member; such designation must be addressed to the member; and such designation must include the name of the designated investment adviser. The beneficial owner would have an unqualified right at any time to rescind designation of the investment adviser to receive materials and to vote proxies. The rescission would have to be in writing and submitted to the member.

The rule change requires that a member who receives a written designation from a beneficial owner ensure that the beneficial owner's designated investment adviser is registered under the Investment Advisers Act of 1940; is exercising investment discretion pursuant to an advisory contract for the beneficial owner; and is designated in writing by the beneficial owner to receive and vote proxies for stock which is in the possession of the member. Members would be required to keep records substantiating this information.

ERISA Investment Managers

NYSE Rule 450(1) [9] provides that any NYSE member organization designated by a named fiduciary as the investment manager of stock held as assets of an ERISA Plan may vote the proxies in accordance with its ERISA Plan fiduciary responsibilities if the ERISA Plan expressly grants discretion to the investment manager to manage, acquire or dispose of any plan asset and has not expressly reserved the proxy voting right for the named fiduciary. The rule change approved today will conform the Interpretation to NYSE Rule 450(1). The rule change permits any member designated by a named ERISA Plan fiduciary as the investment manager [10] of stock held as assets of the ERISA Plan to vote the proxies in accordance with ERISA Plan fiduciary responsibilities if the ERISA Plan expressly grants discretion to the investment manager to manage, acquire, or dispose of any plan asset, and has not expressly reserved the proxy voting right for the named ERISA Plan fiduciary.

The Commission finds that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act [11] in that the rule change will benefit investors by: (i) providing investors with the ability to designate their registered investment advisers to receive and vote their proxies and to receive other material; (ii) providing authority to certain investment managers of ERISA Plans to receive and vote proxies; and (iii) providing desired uniformity between NASD rules and NYSE rules on such proxy procedures.

The Commission believes that allowing investors to designate an investment adviser to receive proxy and related issuer materials and vote their proxies removes impediments to a free and open market. As noted above, the Commission has recognized that investors have been requesting that investment advisers be authorized to receive issuer materials and vote proxies for the investor. Those investors may feel that they do not need to receive issuer information since the investment adviser is making investment decisions on the investor's behalf. The Commission acknowledges that investors might view the receipt of issuer materials and the ability to vote proxies as part of the investment adviser's continuing activities in managing customer accounts. The Commission also acknowledges that some investors, in choosing to utilize the services of an investment adviser, are indicating that they do not have the knowledge or inclination to review

[5] For purposes of this interpretation, the term ''ERISA'' is an acronym for the Employee Retirement Income Security Act of 1974.

[6] The records of the members must clearly indicate which procedure it follows.

[7] Securities Exchange Act Release No. 34596 (Aug. 25, 1994, 59 FR 45050 (Aug. 31, 1994).

[8] *Id.*

[9] 2 NYSE Guide, Rules of Board, Rule 450 (CCH) ¶ 2450.

[10] ERISA defines the term ''investment manager'' to mean any fiduciary (other than a trustee or named fiduciary, as defined in Section 1102(a)(2) of Title 29): (A) who has the power to manage, acquire, or dispose of any asset of a plan; (B) who is: (i) registered as an investment adviser under the Investment Advisers Act of 1940; (ii) a bank, as defined in that Act; or (iii) an insurance company qualified to perform services described in subparagraph (A) under the laws of more than one State; and (C) has acknowledged in writing that he is a fiduciary with respect to that plan. See 29 U.S.C. 1002(38).

[11] 15 U.S.C. 78*o*–3.

complicated issuer or proxy materials or to vote proxies. These investors, in particular, may feel frustrated when they receive unwanted issuer materials. Furthermore, the Commission believes that the proposed rule change will permit the investment adviser to make more expedient, informed investment decisions, thereby facilitating securities transactions in accordance with the Act. For these reasons, the Commission believes that the proposed rule change appropriately gives investors the freedom to choose whether to receive proxy and related issuer materials and vote the proxies or to designate an investment adviser to perform these functions on their behalf.

The Commission also believes that amending the Interpretation to allow a member that is the investment manager for an ERISA Plan to vote proxies on behalf of the ERISA Plan is consistent with the policies embodied in Section 15A(b)(6) because the amendment would conform the Interpretation to NYSE Rule 450(1) and will permit the member to vote proxies in accordance with its ERISA Plan fiduciary responsibilities. The Commission notes that in voting proxies as a plan fiduciary, an investment manager must consider those factors which would affect the value of the plan's investment and is prohibited from subordinating the interests of participants and beneficiaries in their retirement income to unrelated objectives. In addition, the Commission believes that the rule change should prevent potential conflicts between NASD rules and ERISA guidelines.[12]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that File No. SR–NASD–95–06 be, and hereby is, approved.

[12] In an interpretive letter dated February 23, 1988, the Pension and Welfare Benefits Administration of the United States Department of Labor (''Department'') set forth its view regarding proxy voting by fiduciaries of employee retirement plans subject to ERISA. In the interpretive letter, the Department stated that the fiduciary act of managing plan assets which are shares of corporate stock would include the voting of proxies appurtenant to those shares of stock. The Department stated its position that, with respect to the inquiry set forth in the request for interpretation (*i.e.*, a proposal to change the state of incorporation of a corporation in which a plan owned shares, and a proposal to rescind ''poison pill'' arrangements, the decision as to how proxies should be voted are fiduciary acts of plan asset management. The Department concluded that, to the extent that the plan permits a named fiduciary to appoint an investment manager to manage, acquire and dispose of plan assets, and the named fiduciary has not expressly reserved the voting rights to itself, there would be an ERISA violation if, during the duration of such delegation, any person other than the investment manager were to decide how to vote any proxy with respect to shares owned by the plan. *See* Department Letter on Proxy Voting By Plan Fiduciaries, dated February 23, 1988, BNA Pension Reporter, February 29, 1988, vol. 15, p. 391.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30–3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–11772 Filed 5–11–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35687; File No. SR–NYSE–95–17]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by New York Stock Exchange, Inc. Relating to Specialists Displaying the Full Size of Certain Orders

May 8, 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 21, 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 Information Memo which discusses procedures under Exchange rules with respect to specialists displaying orders received through the SuperDOT order routing system and the full size of orders received by specialists manually which are subsequently entered into the electronic book.

II. Self-Regultory 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 Exchange is proposing to issue an Information Memo outlining its policy with respect to displaying certain orders received by a specialist.[1] The policy requires specialists to display the full size[2] of all orders received through the SuperDOT order routing system and the full size of all orders received by specialists manually which are subsequently entered into the electronic book. This requirement includes increasing the size of a quotation for orders at the same price as the current bid or offer. The policy also sets forth the specialist's responsibility when a member who gives an order requests that less than the full size of the order be shown in the quotation. In that situation, a specialist is only responsible to enter in the electronic book and show the size requested. The portion not requested to be shown will be handled manually as a ''held'' order, but will be last in terms of time priority to all other orders on the specialist's electronic book at that price. If the specialist is subsequently requested to show an additional portion, or the remainder, of the order, the specialist would enter the price and size into the electronic book, with the order so entered having priority on the book *vis-a-vis* other orders as of the time of entry on the book. The specialist would increase the quotation size to reflect the additional amount entered on the book.

The Exchange believes that this policy is consistent with Exchange Rule 104, which requires the effective execution of agency orders received by specialists, and with NYSE Rule 60(e).[3] The Exchange expects that specialists would display *as soon as practicable* any order which, in relation to current market conditions in a particular security,

[1] In Information Memo No. 93–12, the Exchange has previously advised specialists that, pursuant to NYSE Rule 79A.10, all orders received by specialists through the SuperDOT system are deemed to be accompanied by an instruction that they be quoted at the limit price on the order when such limit price is better than the current quotation.

[2] Currently the Exchange is capable of displaying quotations up to 99,900 shares. The Exchange plans to expand this capability in the future.

[3] NYSE Rule 60(e) requires a specialist to promptly report the highest bid and lowest offer made in the trading crowd and the associated quotation size that he wishes to make available to quotation vendors. The rule also requires a specialist to promptly report whenever a bid, offer or quotation size he previously reported is to be revised and whenever a bid and/or offer he previously reported is to be cancelled or withdrawn.

represents a material change in the supply or demand for that security. For example, if the market in XYZ security is 20 bid to 20¼ offered, 1,000 shares bid and 1,000 shares offered, and the specialist receives an order to sell 10,000 shares at 20¼, the specialist would be expected to change the size of the offer to 11,000 shares as soon as he or she becomes aware of the order. If the quotation already reflects significant supply (demand), and the specialist receives an order that is relatively *de minimis* in relation to such supply (demand), the specialist may take a reasonable period of time, which should not generally exceed two minutes, before updating the quotation, so as to avoid constant revisions of quotations that do not reflect material changes in supply and demand. For example, if the market in XYZ security is 20 bid to 20¼ offered, 5,000 shares bid and 50,000 shares offered, and the specialist receives an order to sell 200 shares at 20¼, the specialist would be permitted to wait a reasonable period of time before changing the size of the offer to 50,200 shares.

Under exceptional circumstances, the specialist would not necessarily display the full quotation size. For example, as noted in Information Memo 94–32, when a member proposes to effect a block transaction at a significant premium or discount from the prevailing market and the specialist is aware of interest on the contra side, it may be more appropriate for the specialist and Floor Official(s) to gap the quotation in a security for a brief period, generally not exceeding five minutes, with a view toward contacting and/or attracting contra market interest. In such case, the bid or asked price should touch the prior sale price and reflect size of 100 shares by 100 shares. The same principles would also apply to a situation where there is a sudden influx of market orders on one side of the market which would be likely to result in a significant price change.

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 policy with respect to displaying full size of orders received by specialists enhances the purposes of the Act by assuring that accurate and complete information with respect to the current market on the Exchange for any stock is available to market participants.

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

No written comments were either solicited or received.

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–95–17 and should be submitted by June 2, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–11774 Filed 5–11–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–35680; File Nos. SR–Phlx–95–08, SR–Amex–95–12, SR–PSE–95–07, SR–CBOE–95–19, SR–NYSE–95–12]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Changes by the Philadelphia Stock Exchange, Inc., the American Stock Exchange, the Pacific Stock Exchange, Incorporated, the Chicago Board Options Exchange, Incorporated, and the New York Stock Exchange, to Adopt a 2½ Point Strike Price Pilot Program

May 5, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 6, March 8, March 15, and March 22, 1995, respectively, the Philadelphia Stock Exchange, Inc. (''Phlx''), the American Stock Exchange (''Amex''), the Pacific Stock Exchange, Incorporated (''PSE''), the Chicago Board Options Exchange, Incorporated (''CBOE''), and the New York Stock Exchange (''NYSE'') (collectively the ''Exchanges'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes as described in Items I, II, and III below, which Items have been prepared by the Exchanges. Additionally, the Committee on Options Proposals (''COOP'') filed a letter with the Commission endorsing the Exchanges' proposed rule changes.[3] The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons.

I. Self-Regulatory Organizations' Statement of the Terms of Substance of the Proposed Rule Changes

The Exchanges propose to establish a pilot program, whereby the Exchanges may select a certain number of their listed options for inclusion in a twelve month pilot program for the listing of strike prices at 2½ point intervals.[4]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from Michael Schwartz, Chairman, COOP, to Jonathan G. Katz, Secretary, Commission, dated April 5, 1995.

[4] The Exchanges amended the original proposals to extend the pilot program, from six to twelve months. *See* Letters from Michael Pierson, Senior Attorney, PSE, dated March 24, 1995 (''PSE Amendment No. 1''), and Timothy Thompson,

Specifically, the CBOE proposes to adopt new Interpretation and Policy .07 to CBOE Rule 5.5, ''Option Contracts Open for Trading.'' Similarly, the Phlx proposes to amend Phlx Rule 1012, ''Series of Options Open for Trading,'' by adopting a new Commentary .05.[5] The PSE proposes to amend PSE Rule 6.4, ''Series of Options Open for Trading,'' by adopting a new Commentary .03. The NYSE proposes to amend NYSE Rule 703, ''Series of Options for Trading,'' by amending Supplementary Material .30(d)(ii) and adopting a new Supplementary Material 0.30(f).[6] The Amex proposes to list 2½ point strike prices pursuant to the pilot program in accordance with Amex Rule 903(a)(ii), ''Series of Options Open for Trading.'' Equity options with strike prices between $25 and $50 would be eligible for the pilot program. The text of the proposed rule changes for each exchange is available at the Office of the Secretary, the Exchanges, and at the Commission.

II. Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

In their filings with the Commission, the Exchanges included statements concerning the purpose of and basis for the proposed rule changes. The text of these statements may be examined at the places specified in Item IV below. The Exchanges have prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organizations' Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Changes

The Exchanges have, as a result of a cooperative effort, submitted a joint proposal regarding the listing of 2½ point strike prices for selected equity options on a pilot basis. The pilot program would operate for a twelve-month period following implementation by the Exchanges. Currently, the Exchanges list strike prices for equity options at 5 point intervals, where the underlying stock is trading between $25 and $200.[7]

The Exchanges propose to list select options trading at a strike price greater than $25 but less than $50[8] (*i.e.*, 27½, 32½, 37½, 42½ and 47½[9] at 2½ point intervals. Pursuant to the pilot program, the Exchanges would be permitted to use such 2½ point strike price intervals for a joint total of up to 100 option issues. Each of the exchanges may select 10 options plus a percentage of the remaining 50 options equal to that exchange's pro rata share of the total number of equity options listed by the Exchanges.[10]

In addition, certain other conditions would apply to the pilot program. Listing 2½ point strike prices in selected options generally would be required for all expiration months on all participating exchanges, but not for long-term options (LEAPS).[11] If an exchange chooses a multiply-traded option for its allotment, any other exchange trading that option would also be allowed to list 2½ point strike prices without having such listing count toward the other exchange's allotted amount. The Exchanges have agreed that in the event more than one exchange simultaneously selects the same multiply-traded option, the Options Clearing Corporation (''OCC'') would determine which exchange would be deemed to have selected the option. Such option would not count toward the other exchange's allotment.

In implementing the proposal, the Exchanges note that the pilot program effectively adds five additional strike prices to each of the applicable clauses of equity options, thereby creating a significant number of new strikes, including both puts and calls for all four listed expiration months.[12] The Exchanges believe that limiting the pilot program to 100 selected equity options is a reasonable alternative to adding 2½ point strike price intervals for all equity options trading at a strike price greater than $25 but less than $50. Further, the Exchanges believe that the allocated number of options limits the number of new strike prices while providing important investment opportunities for selected options.[13]

Further, the Exchanges believe that the addition of 2½ point strike price intervals will stimulate customer interest by creating greater trading opportunity and flexibility. The Exchanges believe that 2½ point strikes will provide customers the ability to more closely tailor investment strategies to the precise movement of the underlying security. The Exchanges also

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Attorney, CBOE, dated March 27, 1995 (''CBOE Amendment No. 1''), to John Ayanian, Attorney, Office of Market Supervision (''OMS''), Division of Market Regulation (''Market Regulations''), Commission, and Letters from Gerald O'Connell, First Vice President, Phlx, dated March 29, 1995 (''Phlx Amendment No. 2''), Clarie McGrath, Special Counsel, Amex, dated April 3, 1995 (''Amex Amendment No. 1''), and Daniel Parker Odell, Assistant Secretary, NYSE, dated March 29, 1995 (''NYSE Amendment No. 1''), to Michael Welinskas, Branch Chief, OMS, Market Regulation, Commission.

[5] The Phlx also proposes to codify the existing procedure for determining strike price intervals by stating that such intervals generally shall be $2.50 or greater where the strike price is $25 or less, $5.00 or greater where the strike price is greater than $25 but less than $200, and $10 or greater where the strike price is $200 or more. *See* File No. SR–Phlx–95–08.

The Phlx submitted Amendment No. 1 on March 10, 1995 to add the phrase ''or greater'' to the last clause of the text of the above rule change to be consistent with CBOE Rule 5.5, Interpretation .01, in that strike price intervals may be $10 ''or greater'' where the strike price is $200 or more. *See* Letter from Gerald O'Connell, First Vice President, Phlx, to Michael Walinskas, Branch Chief, OMS, Market Regulation, Commission, dated March 10, 1995. (''Phlx Amendment No. 1'').

[6] The NYSE submitted Amendment No. 1 on April 3, 1995 to amend, among other things, the text of proposed Supplementary Material .30(f) and .30(f)(i) to NYSE Rule 703 to list 2½ strike prices for 14 options, instead of 11 options as originally stated. *See* NYSE Amendment No. 1, *supra* note 3.

[7] See Securities Exchange Act Release No. 21985 (April 25, 1985), 50 FR 18595 (Approving File Nos. SR–Phlx–85–9 and SR–PSE–85–9, amending both exchanges' policies regarding strike price intervals to conform to those of the other options exchanges); see also Securities Exchange Act Release No. 21929 (April 10, 1985), 50 FR 15258 (April 17, 1985) (File Nos. SR–CBOE–85–1 and SR–Amex–85–6).

[8] Proposed NYSE Rule 703, Supplementary Material .30(f) states that select options may be listed at 2½ point strike price intervals ''if the strike price for that series is greater than $25.00, but is less than or equal to $50.00.'' While the NYSE has proposed slightly different language to make the proposed rule consistent with other NYSE rules, the proposal allows for the listing of 2½ point strike prices at 27½, 32½, 37½, 42½ and 47½ in accordance with the terms of the pilot program. Telephone conversation between Gary Katz, Managing Director, Options and Index Products, NYSE, and John Ayanian, Attorney, OMS, Market Regulation, Commission, on May 2, 1995.

[9] The applicable strike price codes will be Y 27½; Z 32½; U 37½; V 42½; and W 47½.

[10] The actual allotment of option issues for each exchange is as follows: CBOE (28), Amex (22), Phlx (18), PSE (18), and NYSE (14).

[11] The NYSE states that it does not propose to require the listing of 2½ point strikes for all expiration months in selected option classes. Telephone conversation between Gary Katz, Managing Director, Options and Index Products, NYSE, and John Ayanian, Attorney, OMS, Market Regulation, Commission, on May 4, 1995.

[12] The maximum number of allotted new strikes created as a result of this pilot program for each exchange is as follows: CBOE (1,120); Amex (880); Phlx (720); PSE (720); and NYSE (560). These figures do not include the new strikes created from multiply-traded options simultaneously selected by more than one exchange in accordance with the terms of the pilot program.

[13] The Amex notes in its proposal that certain low volatility stocks of highly capitalized companies usually trade in fairly narrow price ranges. Amex further notes that options on such stocks generally have limited trading activity since in-the-money options sell for little more than intrinsic value and out-of-the-money options yield little premium income to attract uncovered or covered writers. (See File No. SR–Amex–95–12).

The NYSE notes in its proposal that it anticipates selecting its allotment from among those options that overlie less volatile stocks. The NYSE believes that the market for options that overlie low volatility stocks will benefit from the pilot program because options series with strike prices that are closer to the price of the underlying stock will be available. Consequently, expanded options strategies will be available to investors. (See File No. SR–NYSE–95–12).

believe that an increase in customer interest will, in turn, enhance the depth and liquidity of the markets in the affected equity options.

The Exchanges believe that the proposed rule changes are consistent with Section 6 of the Act, in general, and further the objectives of Section 6(b)(5), in particular, in that they are designed to promote just and equitable principles of trade as well as to protect investors and the public interest.

(B) Self-Regulatory Organizations' Statement on Burden on Competition

The Exchanges do not believe that the proposed rule changes will impose any burden on competition.

(C) Self-Regulatory Organizations' Statement on Comments on the Proposed Rule Changes Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule changes.

III. Date of Effectiveness of the Proposed Rule Changes 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 changes, or

(B) Institute proceedings to determine whether the proposed rule changes 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 changes that are filed with the Commission, and all written communications relating to the proposed rule changes 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, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of the Exchanges. All submissions should refer to File Nos. SR–Phlx–95–08, SR–Amex–95–12, SR–PSE–95–07, SR–CBOE–95–19, and SR–NYSE–95–12 and should be submitted by June 2, 1995.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[Investment Company Act Rel. No. 21045; 811–8170]

America's Utility Tax-Free Income Fund, Inc.; Notice of Application

May 5, 1995.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for Deregistration Under the Investment Company Act of 1940 (the ''Act'').

APPLICANT: America's Utility Tax-Free Income Fund, Inc.

RELEVANT ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATES: The application was filed on February 21, 1995 and amended on April 27, 1995.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on May 31, 1995, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request such notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549. Applicant, 901 East Byrd Street, Richmond, Virginia 23219.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Senior Attorney, at (202) 942–0565, or C. David Messman, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management investment company organized under the laws of the State of Maryland. On November 29, 1993, applicant registered under section 8(b) of the Act and filed a registration statement under the Securities Act of 1933 (the ''1933 Act''). The 1933 Act registration statement was never declared effective, and was withdrawn on October 6, 1994.

2. Applicant has never made, nor does it intend to make, a public offering of its securities. Applicant, however, sold 250,000 shares of its common stock for $5 million to Dominion Resources, Inc. (''DRI'') on January 26, 1994, and an additional 15,883 shares of common stock to DRI for $316,670 on February 1, 1994. DRI is the sole shareholder of applicant.

3. At the time of filing this application, the assets of applicant consisted of portfolio securities of the types that applicant is permitted to invest in pursuant to its investment objective and fundamental investment policies. On March 31, 1995, the assets had a value of $5,211,589. After receiving the order sought by this application, DRI intends to effect a merger of applicant with and into DRI or one of its consolidated subsidiaries. As a result, DRI would continue to own the assets of applicant without DRI having to recognize at this time a loss on its investment in applicant's common stock.

4. Applicant believes that after receiving the order sought by this application it could rely on the exception from the definition of ''investment company'' in section 3(c)(1) of the Act because applicant has never made a public offering of its securities and has never had more than one securityholder.[1]

5. At the time of filing this application, applicant had no debts or other liabilities outstanding, nor was applicant a party to any litigation or administrative proceeding.

6. Applicant is not now engaged, nor does it intend to engage, in any business activities other than those necessary for the winding-up of its affairs by means

[14] 17 CFR 200.30–3(a)(12).

[1] Section 3(c)(1) excludes from the definition of ''investment company'' any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making, and does not propose to make, a public offering of its securities.

of a merger into DRI or a consolidated subsidiary of DRI. DRI and its wholly-owned subsidiaries bore all the expenses of applicant.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–11706 Filed 5–11–95; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–9751]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Champion Enterprises, Inc., Common Stock, $1.00 Par Value)

May 5, 1995.

Champion Enterprises, Inc. (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, the Security is listed on the New York Stock Exchange, Inc. (''NYSE''). The Security commenced trading on the NYSE at the opening of business on May 2, 1995 and concurrently therewith the Security was suspended from trading on the Amex.

In making the decision to withdraw the Security from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant in maintaining the dual listing of the Security on the NYSE and the Amex. The Company does not see any particular advantage in the dual trading of the Security and believes that dual listing would fragment the market for the Security.

Any interested person may, on or before May 26, 1995, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Amex and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–11707 Filed 5–11–95; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–5590]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Fluke Corporation, Common Stock, $.25 Par Value; Common Stock Purchase Rights With Respect to Common Stock, $.25 Par Value)

May 5, 1995.

Fluke Corporation (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2–2(d) promulgated thereunder, to withdraw the above specified securities (''Securities'') from listing and registration on the American Stock Exchange, Inc. (''Amex'') and Pacific Stock Exchange Incorporated (''PSE'').

The reasons alleged in the application for withdrawing the Securities from listing and registration include the following:

According to the Company, in addition to being listed on the Amex and PSE, the Securities are listed on the New York Stock Exchange, Inc. (''NYSE''). The Securities commenced trading on the NYSE at the opening of business on April 10, 1995 and concurrently therewith the Securities were suspended from trading on the Amex and PSE.

In making the decision to withdraw the Securities from listing on the Amex and PSE, the Company considered the direct and indirect costs and expenses attendant in maintaining the listing on such exchanges in addition to the listing on the NYSE. The Company does not see any significant advantage in the trading of the Securities on three exchanges and believes that such additional listings would cause confusion and fragment the market for the Securities.

Any interested person may, on or before May 26, 1995 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–11709 Filed 5–11–95; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 35–26286]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

May 5, 1995.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated thereunder. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendments thereto is/are available for public inspection through the Commission's Office of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 30, 1995, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After said date, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

New England Electric System (70–7732)

New England Electric System (''NEES''), 25 Research Drive, Westborough, Massachusetts 01582, a registered holding company, has filed a post-effective amendment to its application-declaration under Sections

6(a), 7, 9(a), 10, 12(c) and 12(e) of the Act (''Act'') and Rule 42 thereunder.

By prior Commission orders in this matter, dated March 8, 1990 and January 25, 1991 (HCAR Nos. 25051 and 25247. respectively), NEES was authorized to solicit proxies from its shareholders for approval of its New England Electric Companies' Incentive Share Plan (''Plan''). NEES was further authorized from time-to-time through May 1, 1995, to issue and sell an aggregate of up to 500,000 authorized but unissued common shares, $1 par value, to the Plan or, in the alternative, to purchase all of such shares for the Plan or, in the alternative, to purchase all of such shares for the Plan in the open market. The prices of NEES common shares purchased by the Plan is based upon the average of the high and low prices of NEES common shares on the New York Stock Exchange-Composite Transactions as reported in *The Wall Street Journal* for five consecutive trading days.

The proceeds from the continued sale of the common shares by NEES will be added to the general funds of NEES and be used for any or all of the following purposes: (1) Investment in NEES's subsidiaries; (2) payment of indebtedness of NEES; or (3) general purposes of NEES.

Through March 31, 1995, NEES issued 41,363 shares under the Plan leaving a remaining balance of 458,637 shares. NEES now proposes to issue and sell or acquire and sell the remaining shares under the Plan, through December 31, 1997.

Entergy Corporation (70–8509)

Entergy Corporation (''Entergy''), 639 Loyola Avenue, New Orleans, Louisiana 70113, a registered holding company, and its nonutility subsidiary company, Entergy Enterprises, Inc., (''Enterprises''), Three Financial Centre, 900 South Shackleford Road, Suite 210, Little Rock, Arkansas 72211, and Enterprises' nonutility subsidiary company, Entergy Systems and Service, Inc. (''Entergy SASI''), 4740 Shelby Drive, Suite 103, Memphis, Tennessee 38118, (collectively, ''Applicants''), have filed an amendment to their application-declaration under sections 6(a), 7, 9(a), 10 and 12(b) of the Act and rules 45 and 54 thereunder.

The Applicants originally filed this matter on October 28, 1994 and the Commission issued a notice of the filing of the application-declaration on November 18, 1994 (HCAR No. 26163) (''Initial Proposal''). On December 12, 1994, the City of New Orleans, Louisiana intervened in this matter filing comments and requesting a hearing. Subsequently, on April 25, 1995, the Applicants amended and restated the entire description of their proposed transactions.

Pursuant to Commission order dated December 28, 1992 (HCAR No. 25718), Entergy SASI was organized as a wholly owned subsidiary of Enterprises that would provide energy management services to commercial, industrial and institutional customers. Such order authorized Entergy SASI to provide energy management services, without limitation, to customers within a region consisting of the states of Arkansas, Louisiana and Mississippi; and the service territories of utilities from which the Entergy system could expect to purchase economy, replacement and emergency energy (''Base Region''). The order also permitted Entergy SASI to solicit and serve customers outside the Base Region to a limited extent, subject to the condition that at least 50% of Entergy SASI's annual revenues be derived from its activities within the Base Region (''50% Revenue Restriction'').

The Applicants now seek additional authorization for Entergy SASI to provide consulting services related to energy management and demand-side management (''DSM'') activities on a world-wide basis. The consulting services would generally be limited to the rendering of advice, expertise and management/technical services for a consulting fee in order to assist energy customers, utilities, federal, state and foreign government entities and other customers with energy management and/or DSM activities in cases where Entergy SASI is not directly involved in the performance of such energy management and/or DSM services.

Specifically, Entergy SASI's consulting services would include the following: (1) Development and review of architectural, structural and engineering drawings for energy and other resource efficiency; (2) design and specification of energy consuming or conservation equipment, controls and systems; (3) design and marketing of intellectual property relating to energy management services; (4) general technical advice concerning the use, benefits, planning and/or administration of energy management and/or DSM programs; and (5) general management advice and services relating to the implementation of functions, practices and procedures incidental to the conduct of the energy management services business and/or DSM programs. Entergy SASI requests consulting services without regard to the 50% Revenue Restriction.

In addition, Entergy SASI proposes to provide funding to other energy management and DSM contractors to enable them to carry out energy conservation measures. Although the precise terms of such funding arrangements will not be determined until the time of the applicable transactions, it is anticipated that Entergy SASI will be repaid through assignments of a portion of the monthly fees paid by customers under contracts relating to the installation of energy conservation measures. The Applicants state that the proposed funding arrangements will not involve the acquisition by Entergy SASI of any promissory notes.

Finally, the Applicants request authorization for: (1) Entergy to make additional investments in Enterprises of up to an aggregate amount of $150 million from time-to-time through December 31, 1997, with such investments to be made through any combination of purchases of Enterprises' common stock and/or capital contributions; (2) Enterprises to use the proceeds of such transactions to make additional investments in Entergy SASI in the form of equity investments and/or loans of up to $150 million from time-to-time through December 31, 1997; and (3) Entergy SASI to issue and sell to nonaffiliated third parties during the same period up to $150 million of commercial paper, promissory notes and/or other debt securities, secured or unsecured (collectively, ''Debt Securities'').

It is proposed that the proceeds derived from Enterprises' investments, as well as any third party financing, be used by Entergy SASI for the following purposes: (1) To repay its existing indebtedness under notes issued to Entergy; (2) to provide financing for customer contracts and funding for the implementation of energy conservation measures by other energy management and DSM contractors; and (3) to provide Entergy SASI with necessary working capital in connection with its ongoing energy management, consulting and other authorized businesses, as well as to pay for general and administrative expenses and to provide for Entergy SASI's other capital needs.

Any loans made by Enterprises to Entergy SASI would be evidenced by promissory notes bearing an interest rate to be determined at the time of borrowing, but in no event greater than the then prevailing prime rate as reported by The Wall Street Journal, and maturing no later than ten years from the date of borrowing. When Debt Securities issued to nonaffiliates are involved, the yield to maturity of such Debt Securities would not exceed the then current yield to maturity on U.S.

Treasury securities of comparable maturities (subject to straight line interpolation when there is no comparable U.S. Treasury security), plus 400 basis points, and no Debt Securities would be issued for a term of greater than thirty years. Any notes issued by Entergy SASI to Enterprises may, at the option of Enterprises, be converted to capital contributions to Entergy SASI by the forgiveness of the underlying debt.

The amended proposal differs from the Initial Proposal in two material respects. First, under the new proposal, Entergy SASI would not be subject to the 50% Revenue Restriction, while engaging in its original energy management business beyond its Base Region. Secondly, instead of $100 million, Entergy SASI could issue Debt Securities and Entergy could make additional investments in Entergy SASI, through Enterprises, in the form of equity investments and/or loans of up to an aggregate amount of $150 million, through December 31, 1997.

Granite State Electric Company (70–8625)

Granite State Electric Company (''Granite''), 407 Miracle Mile, Suite 1, Lebanon, New Hampshire, an electric utility subsidiary company of New England Electric System, a registered holding company, has filed a declaration under Section 6(a) and 7 of the Act and Rule 54 thereunder.

Granite proposes to issue and sell, on or before December 31, 1995, one or more long-term notes in an aggregate principal amount not to exceed $5 million (''Note''). Each Note would be issued pursuant to a note agreement (''Note Agreement''), the specific terms of which will be negotiated with a purchaser. Granite expects that each Note will have a maturity date not to exceed 30 years and will bear interest at a fixed rate not to exceed 11%. The Note Agreement may provide for a sinking fund and limitations on callability or refundability, depending on market conditions. Granite proposes that the Notes will be redeemable at any time at its option, upon reasonable notice, at the then outstanding principal amount plus accrued interest and redemption premium, and may include a yield to maturity premium. Granite may elect not to include a dividend limitation for the Notes.

The proceeds from the issuance and sale of the Notes will be applied by Granite to the payment of short-term borrowings, or to the cost of, or the reimbursement of the treasury for, the retirement of outstanding notes, capital additions and improvements to the plant and property of Granite, or other capital expenditures.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–11705 Filed 5–11–95; 8:45 am]

BILLING CODE 8010–01–M

[File No. 1–6407]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration; (Southern Union Company, Common Stock, $1.00 Par Value)

May 5, 1995.

The Southern Union Company (''Company'') has filed an application with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security (''Security'') from listing and registration on the American Stock Exchange, Inc. (''Amex'').

The reasons alleged in the application for withdrawing the Security from listing and registration include the following:

According to the Company, in addition to being listed on the Amex, the Security is listed on the New York Stock Exchange, Inc. (''NYSE''). The Security commenced trading on the NYSE at the opening of business on February 27, 1995, and concurrently therewith the Security was suspended from trading on the Amex.

According to the Company, its Board of Directors determined that listing on the NYSE would benefit both the Company, its shareholders and its utility customers by broadening the potential investment audience and providing greater liquidity for the Security.

In making the decision to withdraw the Security from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant in maintaining the dual listing of the Security on the NYSE and on the Amex. The Company does not see any particular advantage in the dual trading of the Security and believes that dual listing would fragment the market.

Any interested person may, on or before May 26, 1995, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–11708 Filed 5–11–95; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Vermont District Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Vermont District Advisory Council will hold a public meeting on Monday, May 15, 1995 at 10:00 a.m. at the EastSide Restaurant, 25 Lake Street, Newport, Vermont to discuss matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Mr. Kenneth A. Silvia, District Director, U.S. Small Business Administration, Federal Building, 87 State Street, P.O. Box 605, Montpelier, Vermont 05601 (802) 828–4422.

Dated: May 8, 1995.

Dorothy A. Overal,

Director, Office of Advisory Council.

[FR Doc. 95–11778 Filed 5–11–95; 8:45 am]

BILLING CODE 8025–01–M

SOCIAL SECURITY ADMINISTRATION

Agency Forms Submitted to the Office of Management and Budget for Clearance

Normally on Fridays, the Social Security Administration publishes a list of information collection packages that have been submitted to the Office of Management and Budget (OMB) for clearance in compliance with P.L. 96–511, The Paperwork Reduction Act. The following clearance packages have been submitted to OMB since the last list was published in the **Federal Register** on April 21, 1995.

(Call Reports Clearance Officer on (410) 965–4142 for copies of package.)

1. Disability Hearing Officer's Report of Disability Hearing—0960–0507. The information on form SSA–1204 is used

by the Disability Hearings Officers to conduct and document disability hearings. The respondents are disability hearings officers in the State Disability Determination Staffs.

Number of Respondents: 3,250
Frequency of Response: 1
Average Burden Per Response: 60 minutes
Estimated Annual Burden: 3,250 hours

2. Disability Hearing Officer's Decision—0960–0441. The information on form SSA–1207 is used as an official document to record the Disability Hearing Officer's decision. The respondents are Disability Hearing Officers in the State Disability Determination Services.

Number of Respondents: 14,110
Frequency of Response: 1
Average Burden Per Response: 45 minutes
Estimated Annual Burden : 10,582 hours

3. Application for Benefits Under the Italy-U.S. International Social Security Agreement—0960–0445. The information on form SSA–2528 is used by the Social Security Administration to determine if a resident of Italy is eligible for Social Security benefits under the Italy-U.S. Social Security agreement. The respondents are Italian residents who file for U.S. benefits with the Italian Social Security Agency.

Number of Respondents: 200
Frequency of Response: 1
Average Burden Per Response: 20 minutes
Estimated Annual Burden: 67 hours

4. Disability Hearing Officer's Report of Disability Hearing—0960–0440. The information on form SSA–1205 is used by Disability Hearings Officers to conduct disability hearings. The form serves as a guide in conducting the hearings and ensures that all pertinent issues are considered. It also provides a record of the hearing. The respondents are Disability Hearings Officers in the State Disability Determinations staff.

Number of Respondents: 10,860
Frequency of Response: 1
Average Burden Per Response: 60 minutes
Estimated Annual Burden: 10,860 hours

5. Chinese Custom Marriage Statement and Statement Regarding Chinese Custom Marriage—0960–0086. The information on forms SSA–1344 and SSA–1345 is used by the Social Security Administration to determine if an alleged spouse of the number holder is legally married for the purpose of paying social security benefits. The respondents are individuals applying for benefits based upon a Chinese custom marriage or individuals who attended the marriage.

Number of Respondents: 200
Frequency of Response: 1
Average Burden Per Response: 14 minutes
Estimated Annual Burden: 47 hours
OMB Desk Officer: Laura Oliven

Written comments and recommendations regarding these information collections should be sent directly to the appropriate OMB Desk Officer designated above at the following address: Office of Management and Budget, OIRA, New Executive Office Building, Room 10230, Washington, D.C. 20503.

Dated: May 1, 1995.

Charlotte Whitenight,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 95–11369 Filed 5–11–95; 8:45 am]

BILLING CODE 4190–29–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 95–040]

Chemical Transportation Advisory Committee (CTAC), CTAC Subcommittee on Marine Vapor Control Systems and the CTAC Subcommittee on Hazardous Substances Response Plan Meetings

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: CTAC and its Marine Vapor Control Systems and Hazardous Substances Response Plan Subcommittees will meet to discuss various issues relating to the marine transportation of hazardous materials in bulk. All meetings are open to the public.

DATES: The CTAC meeting will be held on Thursday, June 8, 1995, from 9:30 a.m. to 3 p.m. The Marine Vapor Control Systems Subcommittee and the Hazardous Substances Response Plan Subcommittee meetings will both be held on Wednesday, June 7, 1995, from 10 a.m. to 4 p.m. Persons wishing to make oral presentations should notify the Executive Director, listed below under **FOR FURTHER INFORMATION CONTACT**, on or before June 2, 1995.

ADDRESSES: The CTAC meeting will be held in Room 2415, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC 20593–0001. The Marine Vapor Control Systems Subcommittee meeting will be held in Room 6103, U.S. Coast Guard Headquarters. The Hazardous Substances Response Plan Subcommittee meeting will be held in Room 2415, U.S. Coast Guard Headquarters. Written material should be sent to Captain K.J. Eldridge, Executive Director, Commandant (G–MTH–1), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Captain Kevin J. Eldridge, Executive Director, or Lieutenant Rick J. Raksnis, Executive Assistant, Commandant (G–MTH–1), U.S. Coast Guard, 2100 Second Street, SW., Washington, DC 20593–0001, telephone (202) 267–1217.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App 2 1 *et seq.* The agenda for the CTAC meeting will include the following topics:

(1) Introduction and swearing in of new members;

(2) Recommendations on the proposed 46 CFR 152 regulations;

(3) Final report from the Marine Vapor Control Systems Subcommittee on vapor control system recommendations for tank cleaning facilities;

(4) Progress report from the Hazardous Substances Response Plan Subcommittee and the Marine Occupational Safety and Health Subcommittee;

(5) Discussions on the new Coast Guard guidance for Regulation Development and Review; and

(6) An update on the Prevention through People initiative.

The Marine Vapor Control Systems Subcommittee will meet to discuss final proposed recommendations for safety standards for use of a vapor control system at tank vessel cleaning facilities.

The Hazardous Substances Response Plan Subcommittee will review and discuss the work completed by each of the four work groups. Each work group will present its major accomplishments completed thus far, and its plans for the future.

Attendance at all the meetings is open to the public. With advance notice, and at the Chairman's discretion, members of the public may make oral presentations during the meetings. Persons wishing to make oral presentations should notify the Executive Director, listed above under **ADDRESSES**, no later than June 2, 1995. Written material may be submitted at any time for presentation to the Committee or Subcommittee.

Dated: May 5, 1995.

J.C. Card,

Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Safety, Security and Environmental Protection.

[FR Doc. 95–11713 Filed 5–11–95; 8:45 am]

BILLING CODE 4910–14–M

National Highway Traffic Safety Administration

[Docket No. 95–14; Notice 2]

Decision That Nonconforming 1973 Lancia Fulvia 1.3 S 2-Door Coupes Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1973 Lancia Fulvia 1.3 S 2-Door Coupes are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1973 Lancia Fulvia 1.3 S 2-Door Coupes not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The decision is effective May 12, 1995.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) (formerly section 108(c)(3)(A)(i)(II) of the Act, 15 U.S.C. 1397(c)(3)(A)(i)(II)) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California (''G&K'') (Registered Importer No. R–90–007) petitioned NHTSA to decide whether 1973 Lancia Fulvia 1.3 S 2-Door Coupes are eligible for importation into the United States. NHTSA published notice of the petition on March 14, 1995 (60 FR 13759) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final determination must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VCP–07 is the vehicle eligibility number assigned to vehicles admissible under this determination.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1973 Lancia Fulvia 1.3 S 2-Door Coupes are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1((B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 8, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–11731 Filed 5–11–95; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 95–17; Notice 3]

Decision That Nonconforming 1985 Hobson Horse Trailers Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1985 Hobson Horse Trailers are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1985 Hobson Horse Trailers not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The decision is effective May 12, 1995.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i)(I) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards. Where there is no substantially similar U.S.-certified motor vehicle, 49 U.S.C. 30141(a)(1)(B) (formerly section 108(c)(3)(A)(i)(II) of the Act, 15 U.S.C. 1397(c)(3)(A)(i)(II)) permits a nonconforming motor vehicle to be admitted into the United States if its safety features comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards based on destructive

test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this determination in the **Federal Register.**

G&K Automotive Conversion, Inc. of Santa Ana, California (''G&K'') (Registered Importer No. R–90–007) petitioned NHTSA to decide whether 1985 Hobson Horse Trailers are eligible for importation into the United States. NHTSA published notice of the petition on March 15, 1995 (60 FR 14053) to afford an opportunity for public comment. NHTSA published a second notice identifying the correct name of the vehicle on March 24, 1995 (60 FR 15623). The reader is referred to those notices for a thorough description of the petition. No comments were received in response to the notice of petition. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final determination must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VCP–08 is the vehicle eligibility number for entry. VCP–08 is the vehicle eligibility number assigned to vehicles admissible under this determination.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby decides that 1985 Hobson Horse Trailers are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(B) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 8, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–11730 Filed 5–11–95; 8:45 am]

BILLING CODE 4910–59–M

[Docket No. 95–10; Notice 2]

Decision That Nonconforming 1973 Dodge Colt 2-Door Coupes Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Notice of decision by NHTSA that nonconforming 1973 Dodge Colt 2-Door Coupes are eligible for importation.

SUMMARY: This notice announces the decision by NHTSA that 1973 Dodge Colt 2-Door Coupes not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because they are substantially similar to a vehicle originally manufactured for importation into and sale in the United States and certified by its manufacturer as complying with the safety standards (the U.S.-certified version of the 1973 Dodge Colt 2-Door Coupe), and they are capable of being readily altered to conform to the standards.

DATES: This decision is effective May 12, 1995.

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A) (formerly section 108(c)(3)(A)(i) of the National Traffic and Motor Vehicle Safety Act (the Act)), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115 (formerly section 114 of the Act), and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register.**

G&K Automotive Conversion, Inc. of Santa Ana, California (Registered Importer R–90–007) petitioned NHTSA to decide whether 1973 Dodge Colt 2-Door Coupe passenger cars are eligible for importation into the United States. NHTSA published notice of the petition on March 14, 1995 (60 FR 13760) to afford an opportunity for public comment. The reader is referred to that notice for a thorough description of the petition. No comments were received in response to the notice. Based on its review of the information submitted by the petitioner, NHTSA has decided to grant the petition.

Vehicle Eligibility Number for Subject Vehicles

The importer of a vehicle admissible under any final decision must indicate on the form HS–7 accompanying entry the appropriate vehicle eligibility number indicating that the vehicle is eligible for entry. VSP–112 is the vehicle eligibility number assigned to vehicles admissible under this decision.

Final Determination

Accordingly, on the basis of the foregoing, NHTSA hereby decides that a 1973 Dodge Colt 2-Door Coupe not originally manufactured to comply with all applicable Federal motor vehicle safety standards is substantially similar to a 1973 Dodge Colt 2-Door Coupe originally manufactured for importation into and sale in the United States and certified under 49 U.S.C. 30115, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 8, 1995.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 95–11729 Filed 5–11–95; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

[Pipeline Safety Advisory Bulletin ADB–95–01]

Auditing of Drug and Alcohol Plans by Consortiums or Third Party Administrators

AGENCY: Research and Special Programs Administration (RSPA) DOT.

SUMMARY: The information provided herein is to inform pipeline owners and operators of situations in which consortiums or third party administrators are utilizing operator authority to require unwarranted changes to contractor anti-drug and alcohol misuse prevention plans.

Advisory: The Office of Pipeline Safety (OPS) is advising pipeline operators of reports concerning consortiums and third party administrators (TPA) that offer the service of auditing anti-drug and alcohol misuse prevention plans for the pipeline industry. Some of these auditing companies are requiring pipeline contractors to pay for revisions of their plans that may not be necessary for compliance purposes, or will make a recommendation to the pipeline operator that the use of these particular contractors could result in non-compliance. While this may be appropriate in some cases, OPS has evaluated several reports of instances where the contractor's plans and procedures were adequate and did not require revision. OPS recommends that pipeline operators provide an appeal process for contractors who believe that the auditing company's recommendation is unjustified.

Background: RSPA regulations, 49 CFR 199.21 and 199.245 require pipeline operators to ensure that the requirements of the drug and alcohol regulations are complied with by contractors performing an operation, maintenance, or emergency response function. To ensure compliance, operators are required to evaluate the contractor's anti-drug and alcohol misuse prevention plans and procedures. Many operators utilize consortiums and TPAs to provide this service.

In this type of arrangement, the consortium or TPA will review the contractor's plan and may require the contractor to make certain modifications to the plan and resubmit it for final evaluation. The process may be repeated several times until the consortium or TPA is satisfied with the plan. Reports to RSPA indicate that when a contractor does not make the requested changes, the consortium or TPA will sometimes recommend to the pipeline operator that the contractor not be used.

The consortiums and TPAs generally have a charge for the initial plan review and additional fees for subsequent reviews. Many consortiums and TPAs offer to correct the plan for the contractor at an additional charge.

OPS has received several reports of consortiums and TPAs requiring changes unnecessary for compliance purposes to documents that were created following guidance in the RSPA model plans (as described below). These auditing companies are rejecting plans and stating that they are not adequate. Upon notification of the rejection of their plan, some contractors sought the guidance of OPS to rectify the alleged non-compliance. OPS review of several of the cases determined that the plans had been prepared in accordance with the RSPA model plans and that no changes were necessary to comply with Federal regulations.

OPS has issued guidance material, i.e. a model anti-drug plan and a model alcohol misuse prevention plan, for the use of pipeline operators and their contractors to meet the requirements of Parts 199 and 40. These plans, when appropriately modified for the individual company, should meet the minimum Federal requirements for compliance.

Issued in Washington, D.C., on May 8, 1995.

Cesar De Leon,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 95–11728 Filed 5–11–95; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

May 5, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–1308
Regulation ID Number: PS–260–82 Final
Type of Review: Extension
Title: Election, Revocation, Termination, and Tax Effect of Subchapter S Status
Description: Sections 1.1362–1 through 1.1362–7 of the Income Tax Regulations provide the specific procedures and requirements necessary to implement § 1362, including the filing of various elections and statements with the Internal Revenue Service.
Respondents: Individuals or households, Business or other for-profit, Farms
Estimated Number of Respondents: 133
Estimated Burden Hours Per Respondent: 4 hours, 20 minutes
Frequency of Response: On occasion
Estimated Total Reporting Burden: 322 hours
Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95–11738 Filed 5–11–95; 8:45 am]

BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

May 2, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0092
Form Number: IRS Form 1041 and Related Schedules D, J, and K–1
Type of Review: Extension
Title: U.S. Income Tax Return for Estates and Trusts (1041); Capital Gains and Losses (Schedule D); Accumulation Distribution for a Complex Trust (Schedule J); and Beneficiary's Share of Income, Deductions, Credits (Schedule K–1)
Description: Internal Revenue Code (IRC) section 6012 requires that an annual income tax return be filed for estates and trusts. Data is used to determine that the estates, trusts, and beneficiaries filed the proper returns and paid the correct tax. IRC section 59 requires the fiduciary to recompute the distributable net income on a minimum tax basis.

Respondents: Business or other for-profit, Individuals or households
Estimated Number of Respondents/ Recordkeepers: 2,500,000
Estimated Burden Hours Per Respondent/Recordkeeper:

	Form 1041	Schedule D	Schedule J	Schedule K–1
Recordkeeping	40 hours, 53 minutes.	16 hours, 1 minute.	39 hours, 28 minutes.	8 hours, 22 minutes.
Learning about the law or the form	18 hours, 8 minutes.	1 hour, 41 minutes.	1 hour, 5 minutes.	1 hour, 12 minutes.
Preparing the form	33 hours, 34 minutes.	2 hours, 2 minutes.	1 hour, 47 minutes.	1 hour, 23 minutes.
Copying, assembling, and sending the form to the IRS	4 hours, 1 minute.			

Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 244,159,719 hours
OMB Number: 1545–0115
Form Number: IRS Form 1099–MISC
Type of Review: Revision
Title: Miscellaneous Income
Description: Form 1099–MISC is used by payers to report payments of $600 or more of rents, prizes and awards, medical and health care payments, nonemployee compensation, and crop insurance proceeds, $10 or more of royalties, any amount of fishing boat proceeds, certain substitute payments, golden parachute payments, and an indication of direct sales of $5,000 or more.
Respondents: Business or other for-profit, Individuals or households, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government
Estimated Number of Respondents: 4,302,217
Estimated Burden Hours Per Respondent: 14 minutes
Frequency of Response: Annually
Estimated Total Reporting Burden: 13,661,934 hours
OMB Number: 1545–0192
Form Number: IRS Form 4970
Type of Review: Extension
Title: Tax on Accumulation Distribution of Trusts
Description: Form 4970 is used by a beneficiary of a domestic or foreign trust to compute the tax adjustment attributable to an accumulation distribution. The form is used to verify whether the correct tax has been paid on the accumulation distribution.
Respondents: Individuals or households
Estimated Number of Respondents/ Recordkeepers: 30,000
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—1 hr., 12 min.
Learning about the law or the form—16 min.
Preparing the form—1 hr., 30 min.
Copying, assembling, and sending the form to the IRS—20 min.
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 99,300 hours
Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224
OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95–11736 Filed 5–11–95; 8:45 am]

BILLING CODE 4830–01–P

Public Information Collection Requirements Submitted to OMB for Review

May 4, 1995.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

Internal Revenue Service (IRS)

OMB Number: 1545–0219
Form Number: IRS Form 5884
Type of Review: Extension
Title: Jobs Credit
Description: Internal Revenue Code (IRC) Section 38(b)(2) allows a credit against income tax to employers hiring individuals from certain targeted groups such as welfare recipients, etc. The employer uses Form 5884 to figure this jobs credit. IRS uses the information on the form to verify that the correct amount of credit was claimed.
Respondents: Individuals or households, Business or other for-profit, Farms
Estimated Number of Respondents/ Recordkeepers: 85,000
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—4 hr., 4 min.
Learning about the law or the form—35 min.
Preparing and sending the form to the IRS—41 min.
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 454,750 hours
OMB Number: 1545–0231
Form Number: IRS Form 6478
Type of Review: Extension
Title: Credit for Alcohol Used as Fuel
Description: Internal Revenue Code (IRC) Section 38(b)(3) allows a nonrefundable income tax credit for businesses that sell or use alcohol. Small ethanol producers also receive a nonrefundable credit for production of qualified ethanol. Form 6478 is used to figure the credits.
Respondents: Business or other for-profit, Farms
Estimated Number of Respondents/ Recordkeepers: 5,600
Estimated Burden Hours Per Respondent/Recordkeeper:
Recordkeeping—10 hr., 46 min.
Learning about the law or the form—34 min.
Preparing the form—1 hr., 42 min.
Copying, assembling, and sending the form to the IRS—16 min.
Frequency of Response: Annually
Estimated Total Reporting/ Recordkeeping Burden: 74,480 hours
OMB Number: 1545–0984
Form Number: IRS Form 8586
Type of Review: Extension
Title: Low-Income Housing Credit
Description: The Tax Reform Act of 1986 (Code Section 42) permits

owners of residential rental projects providing low-income housing to claim a credit against income tax for part of the cost of constructing or rehabilitating such low-income housing. Form 8586 is used by taxpayers to compute the credit and by IRS to verify that the correct credit has been claimed.

Respondents: Individuals or households, Business or other for-profit

Estimated Number of Respondents/ Recordkeepers: 50,000

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—6 hr., 13 min.

Learning about the law or the form—1 hr., 32 min.

Preparing and sending the form to the IRS—4 hr., 6 min.

Frequency of Response: Annually

Estimated Total Reporting/ Recordkeeping Burden: 592,500 hours

OMB Number: 1545–1007

Form Number: IRS Form 8606

Type of Review: Extension

Title: Nondeductible IRAs (Contributions, Distributions, and Basis)

Description: Internal Revenue Code (IRC) Section 408(o) allows taxpayers to elect to make nondeductible contributions to individual retirement plans. This Section also requires taxpayers to report to the Internal Revenue Service certain information regarding nondeductible contributions.

Respondents: Individuals or households

Estimated Number of Respondents/ Recordkeepers: 997,748

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—26 min.

Learning about the law or the form—7 min.

Preparing the form—21 min.

Copying, assembling, and sending the form to the IRS—20 min.

Frequency of Response: Annually

Estimated Total Reporting/ Recordkeeping Burden: 1,247,185 hours

OMB Number: 1545–1020

Form Number: IRS Form 1041–T

Type of Review: Extension

Title: Allocation of Estimated Tax Payments to Beneficiaries

Description: This form was developed to allow a trustee of a trust or an executor of an estate to make an election under Internal Revenue Code (IRC) Section 643(g) to allocate any payment of estimated tax to a beneficiary(ies). This form serves as a transmittal so that Service Center personnel can determine the correct amounts that are to be transferred from the fiduciary's account to the individual's account.

Respondents: Business or other for-profit

Estimated Number of Respondents/ Recordkeepers: 1,000

Estimated Burden Hours Per Respondent/Recordkeeper:

Recordkeeping—20 min.

Learning about the law or the form—4 min.

Preparing the form—21 min.

Copying, assembling, and sending the form to the IRS—17 min.

Frequency of Response: Annually, Other

Estimated Total Reporting/ Recordkeeping Burden: 1,030 hours

Clearance Officer: Garrick Shear, (202) 622–3869, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, N.W., Washington, DC 20224

OMB Reviewer: Milo Sunderhauf, (202) 395–7340, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503

Lois K. Holland,

Departmental Reports Management Officer.

[FR Doc. 95–11737 Filed 5–11–95; 8:45 am]

BILLING CODE 4830–01–P

[Treasury Order Number 101–05]

Reporting Relationships and Supervision of Officials Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury

Dated: May 4, 1995.

By virtue of the authority vested in the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b), and Executive Order 11822, dated December 10, 1974, it is ordered that:

1. The Deputy Secretary shall report directly to the Secretary.

2. The Chief of Staff shall report directly to the Secretary and shall exercise supervision over the Director, Secretary's Scheduling Office, and the Executive Secretary.

3. The Executive Secretary shall report directly to the Chief of Staff and shall exercise supervision over the functions of the Executive Secretariat; the Office of Public Correspondence; and, for purposes of administrative and managerial control, over the Special Assistant to the Secretary (National Security). The Office of Operations, which reported to the Deputy Executive Secretary (Public Liaison), will be retitled Office of Public Correspondence and will report through the Executive Secretariat Review Officer to the Executive Secretary. The Special Assistant to the Secretary (National Security) shall report to the Secretary and the Deputy Secretary.

4. The following officials shall report through the Deputy Secretary to the Secretary and shall exercise supervision over those officers and organizational entities set forth on the attached organizational chart:

Under Secretary (International Affairs)
Under Secretary (Domestic Finance)
Under Secretary (Enforcement)
General Counsel
Assistant Secretary (Economic Policy)
Assistant Secretary (Legislative Affairs and Public Liaison)
Assistant Secretary (Management)
Assistant Secretary (Public Affairs)
Assistant Secretary (Tax Policy)
Inspector General
Commissioner of Internal Revenue
Comptroller of the Currency
Director, Office of Thrift Supervision

5. The Assistant Secretary (Management) serves as the Department's Chief Financial Officer pursuant to the Chief Financial Officers Act of 1990, Public Law 101–576.

6. The Deputy Secretary is authorized, in that official's own capacity and that official's own title, to perform any functions the Secretary is authorized to perform and shall be responsible for referring to the Secretary any matter on which action would appropriately be taken by the Secretary.

7. The Under Secretaries, the General Counsel, and the Assistant Secretaries are authorized to perform any functions the Secretary is authorized to perform. Each of these officials will ordinarily perform under this authority only functions which arise out of, relate to, or concern the activities or functions of, or the laws administered by or relating to, the bureaus, offices, or other organizational units over which the incumbent has supervision. Each of these officials shall perform under this authority in the official's own capacity and the official's own title and shall be responsible for referring to the Secretary any matter on which action would appropriately be taken by the Secretary. Any action heretofore taken by the Deputy Secretary or any of these officials in the incumbent's own title is hereby affirmed and ratified as the action of the Secretary.

8. The following officials shall, in the order of succession indicated, act as Secretary of the Treasury in case of the death, resignation, absence or sickness of the Secretary and other officers succeeding the incumbent, until a successor is appointed, or until the absence or sickness shall cease:

a. Deputy Secretary;

b. The following individuals, in the order of the date on which they were first appointed to a position within the Department requiring appointment by the President by and with the advice and consent of the Senate:

- Under Secretary (International Affairs);
- Under Secretary (Domestic Finance); and
- Under Secretary (Enforcement);
- General Counsel; and
- Assistant Secretaries, appointed by the President with Senate confirmation, in the order designated by the Secretary.

9. To the extent that any provision of any other Order of the Department is inconsistent with any provision of this Order, the provisions of this Order shall govern.

10. *Cancellation.* Treasury Order 101–05, ''Reporting Relationships and Supervision of Officials, Offices and Bureaus, Delegation of Certain Authority, and Order of Succession in the Department of the Treasury,'' dated May 11, 1994, is superseded as of this date.

Robert E. Rubin,

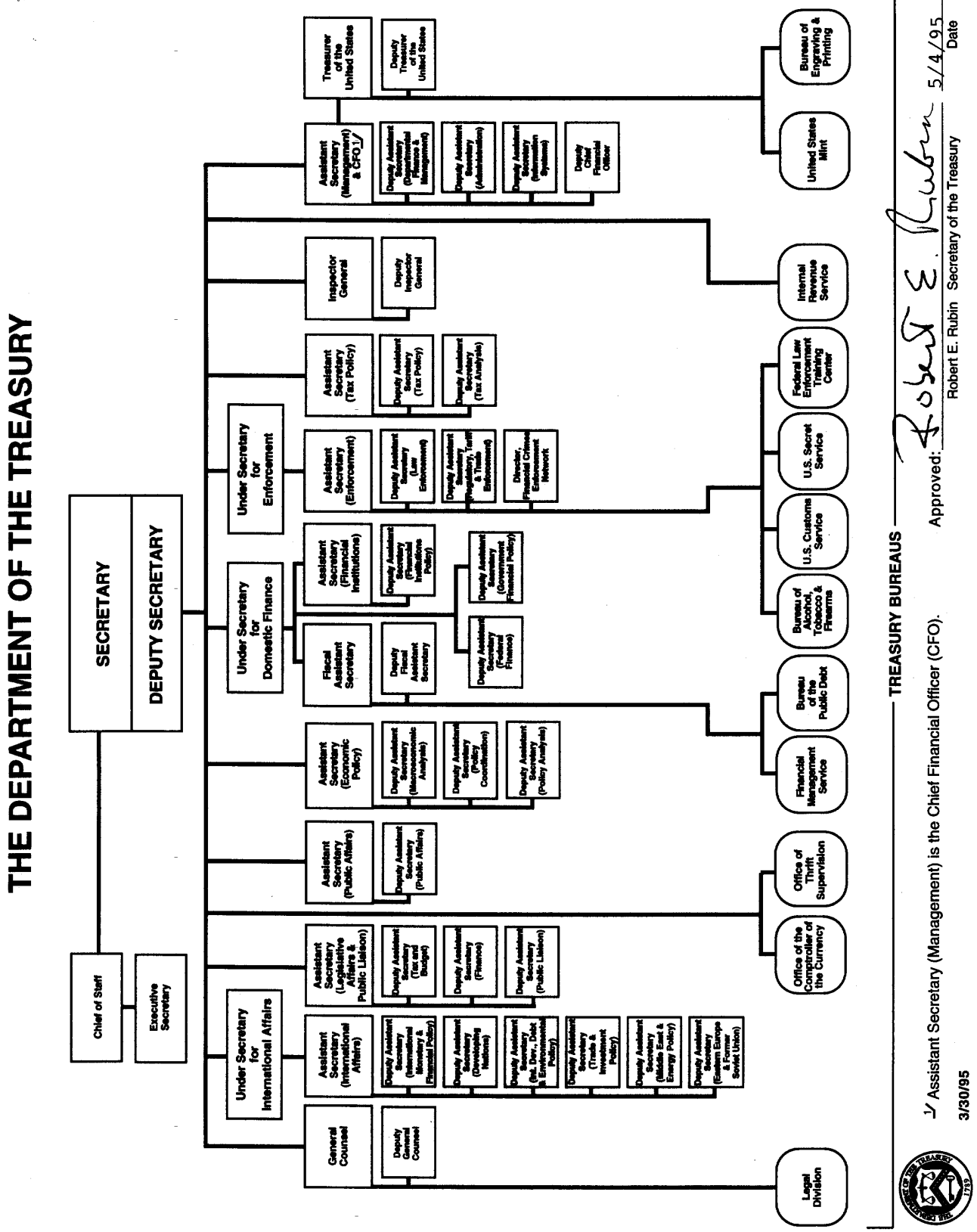
Secretary of the Treasury.

Attachment

BILLING CODE: 4810–25–P

TO 101-05
05-04-95

Attachment



1/ Assistant Secretary (Management) is the Chief Financial Officer (CFO).

3/30/95

Approved: Robert E. Rubin 5/4/95
Date
Robert E. Rubin Secretary of the Treasury

[FR Doc. 95–11735 Filed 5–11–95; 8:45 am]

BILLING CODE 4810–25–C

Sunshine Act Meetings

Federal Register

Vol. 60, No. 92

Friday, May 12, 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).

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

The following notice of meeting is published pursuant to Section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552b:

DATE AND TIME: May 16, 1995, 10:00 a.m.

PLACE: 825 North Capitol Street, N.E., Room 9306, Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Reference and Information Center.

Consent Agenda—Hydro, 630th Meeting—May 16, 1995, Regular Meeting (10:00 a.m.)

CAH–1.
Project Nos. 2283–017, 2302–041, 2671–005 and 2834–001, Central Maine Power Company
Project No. 2671–005, Kennebec Water Power Company
CAH–2.
Project No. 2513–005, Green Mountain Power Corporation
CAH–3.
Project No. 3083–070, Oklahoma Municipal Power Authority
CAH–4.
Project No. 2389–020, Edwards Manufacturing Company, Inc. and City of Augusta, Maine
CAH–5.
Project No. 3188–008, Joseph M. Keating
CAH–6.
Project No. 3623–097, Youghiogheny Hydroelectric Authority
CAH–7.
Project No. 10440–002, Alaska Power & Telephone Company
CAH–8.
Project No. 553–005, City of Seattle, Washington
Docket No. EL78–36–000, United States Department of the Interior

Consent Agenda—Electric

CAE–1.
Docket No. ER95–764–000, Illinois Power Company
Docket No. ER94–1475–000, Illinova Power Marketing, Inc.
CAE–2.
Docket No. ER95–835–000, Yankee Atomic Electric Company
CAE–3.
Omitted
CAE–4.
Docket No. ER94–1288–002, Western Regional Transmission Association
CAE–5.
Docket No. ER95–135–000, Allegheny Power Service Corporation
Docket No. ER95–486–000, Midwest Power Systems, Inc.
Docket No. ER95–497–000, American Electric Power Service Corporation
Docket No. ER95–498–000, Toledo Edison Company
Docket No. ER95–499–000, Centerior Energy
Docket No. ER95–507–000, Ohio Edison Company and Pennsylvania Power Company
Docket No. ER95–559–000, Wisconsin Electric Power Company
Docket No. ER95–576–000, Wisconsin Public Service Corporation
Docket No. ER95–736–000, Wisconsin Power and Light Company
CAE–6.
Docket No. ER95–222–000, Delmarva Power & Light Company
CAE–7.
Docket No. ER95–312–000, PECO Energy Company
Docket No. ER95–316–000, PECO Energy Company and Susquehanna Electric Company
CAE–8.
Docket No. ER95–615–000, Western Resources, Inc.
CAE–9.
Docket No. ER95–203–001, UtiliCorp United, Inc.
Docket No. ER95–216–001, Aquila Power Corporation
CAE–10.
Docket No. ER95–747–000, Maine Yankee Atomic Power Company
CAE–11.
Omitted
CAE–12.
Docket No. ER94–41–000, Alabama Power Company
Docket No. ER94–57–000, Georgia Power Company
Docket No. ER94–42–000, Southern Company Services, Inc.
Docket No. ER95–59–002, Southern Company Services, Inc.
Docket No. ER94–54–000, Gulf Power Company
CAE–13.
Docket Nos. ER93–465–012, ER93–922–008, EL93–28–004, EL93–40–004, EL94–12–004, EL94–28–001 and EL94–47–001, Florida Power & Light Company
CAE–14.
Docket No. ER94–692–000, Concord Electric Company
CAE–15.
Docket No. ER95–144–000, Allegheny Generating Company
CAE–16.
Docket No. FA92–9–001, Central Louisiana Electric Company, Inc.
CAE–17.
Docket No. EC95–3–000, Delmarva Power & Light Company and Conowingo Power Company
Docket Nos. EC95–7–000 and EL95–14–000, Conowingo Power Company and PECO Energy Company
CAE–18.
Docket No. ER93–540–003, American Electric Power Service Corporation
Docket No. ER94–1637–002, Cinergy Services, Inc.
Docket No. ER94–1561–002, Citizens Utilities Company
Docket No. ER95–371–003, Commonwealth Edison Company
Docket No. ER94–1518–002, Commonwealth Electric Company
Docket Nos. ER94–898–002 and EC94–7–002, El Paso Electric Company and Central and South West Services, Inc.
Docket No. ER95–112–003, Entergy Services, Inc.
Docket No. ER93–465–016, Florida Power & Light Company
Docket No. ER94–1045–004, Kansas City Power & Light Company
Docket No. ER94–1698–003, Kentucky Utilities Company
Docket No. ER94–1380–005, Louisville Gas & Electric Company
Docket No. ER94–1113–002, Northern States Power Company (Minnesota and Wisconsin)
Docket No. ER94–1348–002, Southern Company Services
Docket No. ER95–203–002, UtiliCorp United, Inc.
Docket No. ER95–264–002, Wisconsin Electric Power Company
Docket No. ER94–475–002, Wisconsin Power & Light Company
Docket No. ER94–1639–002, Wisconsin Public Service Corporation
CAE–19.
Docket Nos. ER95–267–001 and EL95–25–001, New England Power Company
CAE–20.
Docket No. RM93–19–001, Inquiry Concerning Revisions to the Commission's Pricing Policy for Transmission Services Provided by Public Utilities Under the Federal Power Act
CAE–21.
Docket No. EL95–27–001, CGE Fulton, L.L.C.
CAE–22.

Docket No. EG95–37–000, Coastal Technology Dominicana, S.A.
CAE–23.
Docket No. EG95–38–000, TPS Guatemala One, Inc.
CAE–24.
Docket No. EG95–39–000, Tampa Centro Americana De Electricidad, Limitada
CAE–25.
Docket No. ER84–560–036, Union Electric Company
CAE–26.
Docket Nos. ER93–465–014, and EL94–47–003, Florida Power & Light Company
Docket No. EL93–28–003, Seminole Electric Cooperative, Inc. v. Florida Power & Light Company
CAE–27.
Docket No. ER95–279–001, Pennsylvania Power Company
CAE–28.
Docket No. ER95–530–001, Ocean State Power II Docket Nos. EL95–44–000 and ER95–533–001, Ocean State Power

Consent Agenda Oil and Gas

CAG–1.
Docket No. RP95–240–000, Algonquin Gas Transmission Company
CAG–2.
Docket No. RP95–243–000, Southern Natural Gas Company
CAG–3.
Docket No. TM95–2–8–000, South Georgia Natural Gas Company
CAG–4. Omitted
CAG–5.
Docket No. RP95–242–000, Natural Gas Pipeline Company of America
CAG–6.
Docket Nos. ST95–1527–000 and ST95–1528–000, Western Resources, Inc.
CAG–7.
Docket Nos. PR93–9–000 and 001, Seagull Shoreline System
CAG–8.
Docket Nos. RP92–137–035 and RP93–136–004, Transcontinental Gas Pipe Line Corporation
CAG–9.
Docket No. RP94–423–002, Texas Gas Transmission Corporation
CAG–10.
Docket No. RP95–91–000, Columbia Gas Transmission Corporation
CAG–11.
Docket No. RP95–92–000, Columbia Gulf Transmission Company
CAG–12.
Docket No. RP95–98–000, Columbia Gas Transmission Corporation
Docket Nos. RP95–144–000 and CP95–186–000, Tennessee Gas Pipeline Company
Docket Nos. CP95–231–000 and CP95–232–000, Ozark Gas Transmission System
CAG–13.
Omitted
CAG–14.
Docket Nos. RP93–5–000, 001 and RP93–96–000, Northwest Pipeline Corporation
CAG–15.
Docket No. RP95–40–000, Marathon Oil Company v. Koch Gateway Pipeline Company
CAG–16.
Docket No. RP94–372–000, Southern Union Gas Company v. Northern Natural Gas Company
CAG–17.
Docket No. RP91–229–000, Panhandle Eastern Pipe Line Company
CAG–18.
Docket No. RP88–262–030, Panhandle Eastern Pipe Line Company
CAG–19.
Docket No. RP95–19–000, Trunkline Gas Company
CAG–20.
Docket Nos. RP95–72–000, RP94–65–000, RP94–5–000, RP88–259–065 and TA93–1–59–000, Northern Natural Gas Company
CAG–21.
Docket Nos. RP92–237–018, RP95–60–003 and RP95–168–001, Alabama-Tennessee Natural Gas Company
CAG–22.
Docket No. RP89–161–032, ANR Pipeline Company
CAG–23.
Docket No. RP93–14–024, Algonquin Gas Transmission Company
CAG–24.
Docket Nos. RP94–157–005, TM95–2–21–003 and TM95–3–21–002, Columbia Gas Transmission Corporation
CAG–25.
Docket No. RP95–173–002, Koch Gateway Pipeline Company
CAG–26.
Docket Nos. RP94–299–001, RP94–18–003 and RP94–239–001, Texas Eastern Transmission Corporation
CAG–27.
Docket Nos. IS90–21–003, IS90–31–003, IS90–32–003, IS90–40–003, IS91–1–003, SP91–3–003, SP91–5–003, IS91–21–003, IS91–28–003, IS91–33–003, OR93–1–001, IS92–26–000, IS95–2–000 AND IS95–7–000, Williams Pipe Line Company
Docket Nos. IS90–39–003, IS91–3–001 and IS91–32–001, Enron Liquids Pipeline Company
CAG–28.
Docket Nos. RP92–137–036 and RP93–136–005, Transcontinental Gas Pipe Line Corporation
CAG–29.
Docket No. GP94–31–001, Railroad Commission of Texas
CAG–30.
Docket No. GP94–6–001, Railroad Commission of Texas
CAG–31.
Docket Nos. RP91–166–026 and 027, Northwest Pipeline Corporation
CAG–32.
Docket Nos. RP95–175–001 and 002, Mojave Pipeline Company
CAG–33.
Docket No. RP93–148–005, Tennessee Gas Pipeline Company
CAG–34.
Docket Nos. GT93–48–001, GT94–7–001 and GT94–12–001, Transcontinental Gas Pipe Line Corporation
CAG–35.
Docket No. RP92–137–033, Transcontinental Gas Pipe Line Corporation
CAG–36.
Docket No. PL94–3–000, City of Hamilton, Ohio
CAG–37.
Docket No. OR95–2–000, Santee Distributing Company v. Dixie Pipeline Company
CAG–38.
Docket No. RP95–208–000, Kansas and Oklahoma Cities v. Williams Natural Gas Company
CAG–39.
Docket No. GP95–5–000, Ensign Oil & Gas, Inc.
CAG–40.
Omitted
CAG–41.
Docket No. GP94–19–000, Oklahoma Corporation Commission, Tight Formation Area Determination, FERC No. JD94–01286T (Oklahoma-57)
CAG–42.
Docket No. GP95–6–000, Robert F. White
CAG–43.
Docket No. RP95–119–000, Columbia Gas Transmission Corporation
CAG–44.
Docket No. CP89–1525–007, Northwest Pipeline Corporation
CAG–45.
Docket No. CP94–575–001, El Paso Natural Gas Company
CAG–46.
Docket Nos. CP90–1050–003 and CP94–151–002, Panhandle Eastern Pipe Line Company
Docket No. CP94–152–001, Panhandle Field Services Company
CAG–47.
Docket Nos. CP94–6–000 and 002, Texas Eastern Transmission Corporation
Docket Nos. CP94–89–000 and 001, CNG Transmission Corporation
CAG–48.
Docket No. CP94–679–001, Great Lakes Gas Transmission Limited Partnership
CAG–49.
Docket Nos. CP94–765–000 and CP95–115–000, Questar Pipeline Company
CAG–50.
Docket No. CP95–76–000, Texas Eastern Transmission Corporation
CAG–51.
Docket No. CP88–105–000, Yukon Pacific Company L.P.
CAG–52.
Docket No. CP94–613–000, Louisiana-Nevada Transit Company
CAG–53.
Docket No. CP95–132–000, Northwest Pipeline Corporation
Docket No. CP95–133–000, ANR Pipeline Company
CAG–54.
Docket Nos. CP94–353–000 and 001, Questar Pipeline Company
CAG–55.
Docket No. CP94–806–000, Tennessee Gas Pipeline Company
CAG–56.
Docket No. CP95–227–000, Transcontinental Gas Pipe Line Corporation
CAG–57.
Docket No. CP94–207–002, Southern California Gas Company
CAG–58.

Docket No. CP95–177–000, Burton McDaniel, M.D. v. East Tennessee Natural Gas Company

CAG–59.

Docket Nos. CP92–217–006 and MT94–2–002, Texas-Ohio Pipeline, Inc.

Hydro Agenda

H–1.

Reserved

Electric Agenda

E–1.

Docket No. TX94–8–000, Duquesne Light Company. Order on transmission services.

E–2.

Docket No. TX94–10–000, Duquesne Light Company. Order on transmission services.

E–3.

Docket No. EL95–16–001, Southern California Edison Company

Docket No. EL95–19–001, San Diego Gas & Electric Company. Order on rehearing.

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1.

Reserved

II. Pipeline Certificate Matters

PC–1.

Omitted

Dated: May 9, 1995.

Lois D. Cashell,

Secretary.

[FR Doc. 95–11868 Filed 5–10–95; 12:26 pm]

BILLING CODE 6717–01–P

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

TIME AND DATE: 10:00 a.m., Wednesday, May 17, 1995.

PLACE: Marriner S. Eccles Federal Reserve Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board; (202) 452–3204. You may call (202) 452–3207, beginning at approximately 5 p.m. two business days before this meeting, for a recorded announcement of bank and bank holding company applications scheduled for the meeting.

Dated: May 10, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–11849 Filed 5–10–95; 12:25 pm]

BILLING CODE 6210–01–P

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Operations and Regulations Committee Meeting; Changes

CITATION OF PREVIOUS ''FEDERAL REGISTER'' NOTICE: 60 FR 22437–22439.

PREVIOUSLY ANNOUNCED TIME AND DATE: May 11, 1995 at 1:30 p.m.

PREVIOUSLY ANNOUNCED LOCATION OF MEETING: Legal Services Corporation, 750 1st Street, N.E., Board Room, Washington, D.C. 20002, (202) 336–8800.

CHANGES IN THE MEETING:

TIME OF MEETING: The meeting will commence at 10:30 a.m. on May 11, 1995.

STATUS OF MEETING: *Open,* except that a portion of the meeting may be closed pursuant to a unanimous vote of the Board of Directors, such vote to be taken prior to the meeting. Subject to the aforementioned vote, the Committee may discuss matters related to current litigation involving the Corporation. The closing will be authorized by the relevant sections of the Government in the Sunshine Act [5 U.S.C. Section 552b(c)(10)], and the corresponding regulation of the Legal Services Corporation [45 C.F.R. Section 1622.5(h)]. The closing will be certified by the Corporation's General Counsel as authorized by the above-cited provisions of law. A copy of the General Counsel's certification will be posted for public inspection at the Corporation's headquarters, located at 750 First Street, N.E., Washington, D.C., 20002, in its eleventh floor reception area, and will otherwise be available upon request.

MATTERS TO BE CONSIDERED: A new item number ''3'' has been added regarding the approval of minutes of a joint meeting. In addition, a closed session has been added to the agenda and now appears as item number ''6.'' The amended agenda is presented below.

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of March 17, 1995 Meeting.
3. Approval of Minutes of March 17, 1995 JOINT Meeting.
4. Consider and Act on Public Comment on Proposed Changes to Part 1604 of the Corporation's Regulations.
5. Consider an Act on Proposed Changes to Part 1621 of the Corporation's Regulations.

CLOSED SESSION:

6. Discussion of Matters Related to Current Litigation.

OPEN SESSION: (Resumed)

7. Consider and Act on Other Business.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Dated Issued: May 5, 1995

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 95–11845 Filed 5–10–95; 9:31 am]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Provision for the Delivery of Legal Services; Committee Meeting; Changes

CITATION OF PREVIOUS ''FEDERAL REGISTER'' NOTICE: 60 FR 22437–22439.

PREVIOUSLY ANNOUNCED TIME AND DATE: May 12, 1995 at 1:00 p.m.

PREVIOUSLY ANNOUNCED LOCATION OF MEETING: Legal Services Corporation, 750 1st Street, N.E., Board Room, Washington, D.C. 20002, (202) 336–8800.

CHANGES IN THE MEETING:

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED: A new item number ''3'' has been added regarding the approval of minutes of a joint meeting. The amended agenda is presented below.

OPEN SESSION:

1. Approval of Agenda.
2. Approval of Minutes of March 17, 1995 Meeting.
3. Approval of Minutes of March 17, 1995 Meeting.
4. Report on the Veterans Grant Initiative.
5. Consider and Act on Proposal to Transfer Local Program Audit Review Function to the Inspector General.
6. Consider and Act on Other Business.

CONTACT PERSON FOR INFORMATION: Patricia Batie (202) 336–8800.

Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments.

Individuals who have a disability and need an accommodation to attend the meeting may notify Patricia Batie at (202) 336–8800.

Date Issued: May 5, 1995.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 95–11844 Filed 5–10–95; 9:31 am]

BILLING CODE 7050–01–M

NATIONAL LABOR RELATIONS BOARD

Notice of Meeting

TIME AND DATE: 10:00 a.m. Thursday, April 20, 1995.

PLACE: Board Conference Room, Eleventh Floor, 1099 Fourteenth St., N.W., Washington, D.C. 20570.

STATUS: Closed to public observation pursuant to 5 U.S.C. Section 552b(c)(2) (internal personnel rules and practices); (c)(6) (personal information where disclosure would constitute a clearly unwarranted invasion of personal privacy) and (9)(B) (disclosure would significantly frustrate implementation of a proposed A proposed Agency Action).

MATTERS TO BE CONSIDERED: Personnel Matters.

CONTACT PERSON FOR MORE INFORMATION: Joseph E. Moore, Acting Executive Secretary, Washington, D.C. 20570, Telephone: (202) 273–1940.

Dated: Washington, DC., May 9, 1995.

By direction of the Board.

Joseph E. Moore,

Acting Executive Secretary, National Labor Relations Board.

[FR Doc. 95–11882 Filed 5–10–95; 8:45 am]

BILLING CODE 7540–01–M

Federal Register

Friday
May 12, 1995

Part II

Department of Commerce

National Telecommunications and Information Administration

Grants for Planning and Construction of Public Telecommunications Facilities; Acceptance of Applications for Filing; Notice

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

Grants for Planning and Construction of Public Telecommunications Facilities; Acceptance of Applications for Filing

Notice is hereby given that the following described applications for Federal financial assistance are accepted for filing under provision Title III, Part IV, of the Communications Act of 1934, as amended (47 U.S.C. 390–393, 397) and in accordance with 15 CFR part 2301. All of the applications listed in this section were received by February 15, 1995. The effective date of acceptance of these proposals, unless otherwise indicated herein, is ''Date Received''. Applications are listed by their State.

The acceptance of applications for filing is a procedure designed for providing the opportunity for public comment on applications. Acceptance of an application for filing does not preclude subsequent disapproval of an application if it is found to be not in accordance with the provision of either the Act or 15 CFR part 2301, or if the applicant fails to file any additional information requested by the Public Telecommunications Facilities Program (PTFP). Acceptance for filing does not ensure that an application is eligible to receive funding or that an application will be funded, 15 CFR 2301.15.

Any interested party may file comments with the Agency supporting or opposing an application and setting forth the grounds for support or opposition. Such comments must contain a certification that a copy of the comments has been delivered to the applicant. Comments must be sent to the address listed in 15 CFR 2301.5(a).

The Agency will incorporate all comments from the public and any replies from the applicant in the applicant's official file.

James J. Hartman,

Chief, Management Division, Department of Commerce NTIA/PTFP, Room 4625, 14th St. & Constitution Ave., NW., Washington, DC 20230, (202) 482–1800.

AK (Alaska)

File No. 95018 CRB Kuskokwim Public Broadcasting Corp., PO Box 70, 5 Airport Way, McGrath, AK 99627. Signed By: Ms. Betsy McGuire, General Manager. Funds Requested: $14,040. Total Project Cost: $28,080. To replace obsolete and worn out studio and transmitter equipment at KSKO AM, 870 KHz, McGrath, Alaska providing the only public radio service to 4,500 persons in McGrath, Takotna, Galena, Nulato and Kaltag, Alaska.

File No. 95090 CRB Alaska Public Broadcasting Comm., 333 Willoughby Avenue, Juneau, AK 99801. Signed By: Mr. Douglas Samimi-Moore. Funds Requested: $915,060. Total Project Cost: $1,830,121. To acquire audio codec and related routing, controlling, distribution, digital satellite uplink-downlink conversion, DAT machines, digital STL, and portable recording equipment enabling the Alaska Public Radio Network, which provides local and national public radio programming to 620,000 Alaskans, to construct a full duplex digital audio network among 27 Alaska Public Radio Stations in a hub and spoke configuration using leased 56 and 128 KBS digital circuits and digital satellite uplinks.

File No. 95143 CRB Pickle Hill Pub Broadcasting, Inc, 1604 Tanaga Avenue, Kenai, AK 99611. Signed By: Mr. Jon Lillevik, President. Funds Requested: $95,974. Total Project Cost: $127,965. To provide first locally originated public radio programming to 27,200 people in Kenai, Soldotna, Nikiski and Sterling, Alaska by acquiring studio and field production equipment, STLs and monitoring equipment at KDLL–FM, 91.9 MHz, formerly KCZP–FM, Kenai, Alaska.

File No. 95151 CRB Dillingham City School District, POB 670, Seward Street, Dillingham, AK 99576. Signed By; Mr. Keith Evans, Superintendent. Funds Requested: $124,883. Total Project Cost: $166,511. To extend first public radio service to approximately 500 persons in King Cove and Pedro Bay, Alaska by constructing 2 low power FM translators to repeat the signal from KDLG AM, 670 KHz, Dillingham, Alaska, and by upgrading studio production facilities at KDLG.

File No. 95161 CRB Pribilof School District, POB 905, St. Paul, AK 99660. Signed By: Ms. Tammy White, Finance Officer. Funds Requested: $143,385. Total Project Cost: $191,780. To extend the signal of KUHB FM, 91.9 MHz, St. Paul, Alaska to St. George, Alaska by building a 5KW AM repeater transmitter, tower and related equipment on St. George Island, Alaska.

File No. 95245 CRB AK Info. Radio Reading & Ed. Svc., 1102 W. International Airport Rd, Anchorage, AK 99518. Signed By: Mr. Richard Gardenhire, President. Funds Requested: $86,505. Total Project Cost: $115,340. To replace an obsolete and worn out SCA transmitter, recording and playback equipment, control board, and automation system with new digital technology, and to acquire a 3.8 meter satellite receive system to receive national reading service programming that will provide radio reading service to approximately 7,500 print impaired persons in Anchorage, Alaska.

File No. 95249 CRB Bethel Broadcasting, Inc., 640 Radio St., Pouch 468, Bethel, AK 99559. Signed By: Ms. Mari Yates, Treasurer. Funds Requested: $168,364. Total Project Cost: $224,486. To improve the only public radio service to approximately 20,000 residents in the Bethel area, and to provide first public radio service to approximately 5,000 residents in the Yukon-Kuskokwim Delta, by replacing an obsolete and worn out transmitter, antenna and ground support structure at KYUK–AM, 640 KHz, Bethel, Alaska.

File No. 95250 CRB Alaska Public Telecom., Inc., 3877 University Drive, Anchorage, AK 99508. Signed By: Mr. Richard Enders, Acting General Manager. Funds Requested: $282,300. Total Project Cost: $377,300. To upgrade public radio service to 225,005 citizens, and contingent on the status of construction of another public radio station in the area, to provide an additional 75,058 potentially first service listeners with public radio programming, by replacing an obsolete and worn out transmitter at KSKA FM, 91.1 MHz, Anchorage, Alaska, by replacing a studio transmitter link and by moving the antenna to a new, more advantageous location.

AL (Alabama)

File No. 95025 CRB Alabama ETV Commission, 2112 11th Avenue South, Ste. 400, Birmingham, AL 35205–2884. Signed By: Ms. Judy Stone, Executive Director. Funds Requested: $8,500. Total Project Cost: $17,000. To improve the production facilities of public radio station WLRH–FM operating on 89.3 MHz in Huntsville, Alabama, by replacing the old and worn-out production console.

File No. 95038 CTB Alabama ETV Commission, 2112 11th South, Ste 400, Birmingham, AL 35205–2884. Signed By: Ms. Judy Stone, Executive Director. Funds Requested: $150,000. Total Project Cost: $300,000. To improve the broadcast services of the nine-station Alabama Public Television Network by replacing basic origination equipment at the Network's only studio located in Montgomery and at its Birmingham editing suite. In addition, APT will replace an obsolete video/audio switcher located at APT's central control routing point and processing amps at all nine transmitters.

File No. 95055 CTB City of Prichard, 216 East Prichard Lane, Prichard, AL 36610. Signed By: Hon. Jesse Norwood, Mayor. Funds Requested: $418,924.

Total Project Cost: $668,924. To establish a low power noncommercial television station operating on Channel 60 in Prichard, Alabama, to provide educational and informational services to the city of Prichard and surrounding areas.

File No. 95060 IPTN Livingston University, Highway 11 North, Livingston, AL 35470. Signed By: Dr. Don Hines, President. Funds Requested: $81,609. Total Project Cost: $102,011. To conduct a planning project and evaluate the feasibility of technologies and delivery options for a possible distance learning network service to a disadvantaged population in six counties of west central Alabama.

File No. 95082 ICTN Black Warrior T/C Consortium, Inc, 607 Highway 80 West, Demopolis, AL 36732. Signed By: Mr. Marcus Walters, President. Funds Requested: $193,484. Total Project Cost: $257,978. To construct a video production studio and related test equipment for the Black Warrier Telecommunications Consortium, Inc., Demopolis, AL. The studio will allow the Consortium to originate educational programming to be transmitted over the ITFS systems operated by the Consortium members. The Consortium is composed of five school systems (Marengo, Greene, and Sumter Counties and the cities of Demopolis and Linden City) and the West Alabama Health Services, all located in rural west Alabama.

File No. 95228 CTB The University of Alabama, Box 870104, G–60 Rose Admin Bldg, Tuscaloosa, AL 35487. Signed By: Dr. Robert Wells, Assist. Acad VP for Research. Funds Requested: $200,000. Total Project Cost: $400,000. To improve the production facilities of the Center for Public Television in Tuscaloosa, which produces programming for the Alabama Public Television Network, by replacing basic production equipment including the 40-year-old lighting board and by adding close captioning capability.

AR (Arkansas)

File No. 95014 CRTN Philander Smith College, 812 West 13th Street, Little Rock, AR 72202. Signed By: Dr. Myer L. Titus, President. Funds Requested: $301,134. Total Project Cost: $401,512. To establish video and audio production studios and an ITFS receive/response facility that will allow Philander Smith College—a Historically Black College located in Little Rock, AR—to originate educational programming to be transmitted via ITFS, the Black College Satellite System, and a local cable television access channel.

File No. 95127 CTB Arkansas ETV Commission, 350 South Donaghey, Conway, AR 72032. Signed By: Ms. Susan Howarth, Executive Director. Funds Requested: $409,966. Total Project Cost: $819,932. To upgrade the broadcast operations of public television station KEMV–TV, Channel 6 in Mountain View, AR, by replacing the transmitter. In addition, the Commission will purchase and install aircraft warning lights at the transmission towers of KAFT–TV, Channel 13 in Fayetteville/Winslow and KTEJ–TV, Channel 19 in Jonesboro/Bono.

AS (American Samoa)

File No. 95132 CTB American Samoa Government, Office of Public Information, Pago Pago, AS 96799. Signed By: Mrs. Vaoita Savali, Director. Funds Requested: $435,000. Total Project Cost: $470,000. To replace the transmitter of public television station KVZK–TV, operating on Ch. 2, Pago Pago, which serves the 55,000 residents of American Samoa. The transmitter is 17 years old and has suffered corrosion damage from two hurricanes which partially destroyed the transmitter building.

File No. 95247 PRB American Samoa Community College, P.O. Box 2609, Pago Pago, AS 96799. Signed By: Dr. Tusi Avegalio, President. Funds Requested: $14,740. Total Project Cost: $15,740. To plan for the establishment of the first public radio station to serve the 55,000 residents of American Samoa.

AZ (Arizona)

File No. 95072 CRB Maricopa County Commun. College, 3124 East Roosevelt, Phoenix, AZ 85008. Signed By: Dr. Alfredo de los Santos, Vice Chancellor Educ. Dev. Funds Requested: $45,945. Total Project Cost: $91,890. To improve the Sun Sounds Radio Reading Service by replacing nine (9) old reel-to-reel recorders with a computerized hard disk audio recording and origination system. Equipment will provide automation of much of the control room and individual recording procedures. Sun Sounds serves approximately 24,000 people via public radio, TV, and cable FM and TV.

File No. 95087 IPTN Navajo Community College, Box 218, Tsaile, AZ 86556. Signed By: Mr. Algirdis Kuslikis. Funds Requested: $46,000. Total Project Cost: $56,000. To plan for an interactive telecommunications network for distance learning and teleconferencing applications at sites throughout the Navajo Nation, which encompasses a 25,000 square mile area in parts of Arizona, New Mexico and Utah.

File No. 95160 CRB Northern Arizona University, Building 16, Room 229, Flagstaff, AZ 86011. Signed By: Dr. Henry Hooper, Interim VP Academic Affairs. Funds Requested: $208,405. Total Project Cost: $277,874. To extend the signal of public radio station KNAU–FM, 88.7 MHz, in Flagstaff, by constructing two new 100-watt Rocky Mountain Alternative Stations (RMAS) in Prescott (89.3 MHz) and Show Low (90.7 MHz). The stations will provide first public radio service to about 13,478 and local origination capacity. The Prescott station will replace a displaced translator. The RMAS will serve Yavapai and Navajo Counties.

File No. 95203 CTB University of Arizona, Modern Language Building, Tucson, AZ 85721. Signed By: Mr. James Wheeler, Director. Funds Requested: $91,900. Total Project Cost: $183,800. To improve the facilities of public television station, KUAT–TV, Ch. 8, in Tucson. Project will replace ¾″ record/play recorders in master control with ½″ record/play units and replace ¾″ record/play ENG record deck with a ½″ unit. KUAT–TV serves approximately 890,533 people.

File No. 95204 CRB University of Arizona, Modern Language Building, Tucson, AZ 85721. Signed By: Mr. James Wheeler, Director. Funds Requested: $20,008. Total Project Cost: $40,016. To improve the facilities of public radio station KUAT–FM, 90.5 MHz, in Tucson replacing its 20-year-old transmitting antenna, digitizing the studio-to-transmitter link (STL) and replacing its 20-year-old remote control. KUAT–FM serves approximately 687,616 people.

File No. 95214 ICTN Arizona Board of Regents, Communications Bldg 16, Room 229, Flagstaff, AZ 86011. Signed By: Dr. Henry Hooper, VP, Academic Affairs. Funds Requested: $1,569,770. Total Project Cost: $2,354,656. To extend first distance learning service to 131,000 persons in rural Arizona by constructing analog and digital video and audio service, and classroom distance learning production facilities at five remote locations in Arizona, and to establish a network hub at the eastern Navajo Reservation in Arizona.

File No. 95283 CTB Arizona State University, Box 871405, Tempe, AZ 85287–1405. Signed By: Ms. Janice Bennett, Director, Research/Creat. Act. Funds Requested: $87,447. Total Project Cost: $174,895. To replace five old, unreliable public television translators of KAET–TV, Ch. 8, in Tempe.

Stations are as follows: Cottonwood (K42AC), Flagstaff (K66BS), Prescott

(K55DB), Williams (K64AP) and Globe (K67AB). Pending FCC approval, KAET–TV will be assigned the Globe translator from the current licensee, Community Television Project.

CA (California)

File No. 95010 ICTN California State University, 1000 East Victoria Street, Carson, CA 90747. Signed By: Dr. Samuel Wiley, Vice President. Funds Requested: $455,263. Total Project Cost: $915,879. To activate a regional distance learning consortium that will allow secondary and postsecondary academic institutions in southeast Los Angeles County to access the scientific resources of the Jet Propulsion Laboratory and the California Museum of Science and Industry. The consortium is named the ''Telecommunications Educational Liaison for Science Proficiency Advancement Network'' (TELSPAN). The consortium's headquarters will be located at California State University/ Dominguez Hills. Using telephonic transmission, the project would create an advanced multi-media science education network utilizing interactive video, remote data bases, and real-time visualization techniques. The consortium's membership includes GTE, Inc. and Pacific Bell.

File No. 95016 CRB Humboldt State University, KHSU–FM, Arcata, CA 95221. Signed By: Dr. Alistair McCrone, President. Funds Requested: $17,585. Total Project Cost: $35,170. To improve noncommercial radio station, KHSU–FM, operating on 90.5 KHz in Arcata, CA, by replacing the FM exciter and control room audio console which are unreliable and functionally obsolete.

File No. 95024 CRB KQED, Inc. 2601 Mariposa Street, San Francisco, CA 94110. Signed by: Mrs. Mary G.F. Bitterman, President and CEO. Funds Requested: $20,632. Total Project Cost: $41,265. To improve non-commercial radio station, KQED–FM, operating on 88.5 MHz, in San Francisco, CA, by replacing essential but chronically unreliable transmission audio equipment, including an Audio Processor, a Digital Exciter, Digital Encoder and Digital Decoder. The station serves a population of 5.3 million potential listeners.

File No. 95030 ICTN Educ. T/C Consortium of Central CA, 1101 E. University, Fresno, CA 93741. Signed by: Mr. Robert A. Wyman, Executive Director/ETCCC. Funds Requested: $672,900. Total Project Cost: $1,353,465. To purchase compression equipment to allow the transmission of 20 digitized channels of diverse educational programming—using video, voice, and data—through two ITFS channels interconnecting 350 school sites—most of them K–12 public schools—in Fresno, Madera, Kings, and Tulare Counties in the Central San Joaquin Valley. The Educational Telecommunications Consortium of Central California is composed of the State Center Community College District, the Fresno County Office of Education, the West Hills Community College District, the Sequoias Community College District, and California State University, Fresno.

File No. 95032 ICTN Los Angeles Community College Dist., 400 W. Washington Blvd., Los Angeles, CA 90015. Signed by: Mr. Thomas Stevens, Jr., President. Funds Requested: $150,000. Total Project Cost: $269,059. To interconnect the Los Angeles Trade-Technical College with a two-way interactive Codec-based distance learning system already in place linking the College of the Desert (Rancho Mirage CA), Cummins Diesel Co. (New Mexico), and Detroit Diesel Co. (Detroit, MI). The project includes video classroom equipment. The system would be used to exchange educational programming on the subject of alternative fuel conversion related to recent clean-air mandates imposed on the Los Angeles metropolitan area.

File No. 95063 IPTN Golden Gate University, 536 Mission Street, San Francisco, CA 94105. Signed by: Dr. Thomas Stauffer, President. Funds Requested: $76,550. Total Project Cost: $95,668. To develop a telecommunications plan assessing appropriate alternative technologies and systems for a possible two-way distance learning and teleconferencing network, including interactive classrooms between Golden Gate University in San Francisco, and American Samoa.

File No. 95076 CTB Regents of the Univ. of California, 9500 Gilman Dr., Dept 0176, LaJolla, CA 92093. Signed by: Dr. Steven Relyea, Vice Chancellor, Bus. Affairs. Funds Requested: $57,001. Total Project Cost: $114,002. To improve low-power television station K35DG, known as UCSD–TV, operating on Channel 35, providing the first local production capability for the station's first owned studio. This project will fully equip this studio by adding editing and graphics capabilities and four studio cameras. The station currently serves 1.7 million potential viewers.

File No. 95085 CRB University of the Pacific, 3601 Pacific Avenue, Stockton, CA 95211. Signed by: Dr. Lee Fennell, Interim Academic Vice Pres. Funds Requested: $5,694. Total Project Cost: $11,389. To improve non-commercial radio station, KUOP–FM, operating on 9l.3 KHz in Stockton, CA, by replacing the trouble-causing composite STL transmitter and receiver. The existing STL will be utilized as a ''hot standby''. The critical need is to increase reliability by providing KUOP redundant STL facilities and to provide KUOP an STL system with improved specifications to allow more accurate control broadcast modulation levels. The coverage area encompasses 1 million residents in the greater Stockton area and in the Central Valley on the Eastern edge of the Sacramento/San Joaquin River Delta.

File No. 95092 CTB California Community TV Network, 559 E. Alisal St., #106, Salinas, CA 93905. Signed by: Ms. Arlene Kimata. Funds Requested: $608,010. Total Project Cost: $810,680. To extend the signal of public TV station, KCAH–TV, Ch 25, in Salinas, CA, by replacing the 1 kw low-power transmitter with a full power 10 kw system to increase the station's coverage from 468,000 to approximately 1,503,716 residents in the KCAH new coverage area. Also included in the package is the necessary equipment the station needs to bring the production, editing, master control and satellite systems up to the PTFP's basic level of equipment requirements.

File No. 95093 CTB KTEH Foundation, 100 Skyport Drive, San Jose, CA 95110–1301. Signed by: Mr. Thomas Fanella, President. Funds Requested: $150,917. Total Project Cost: $301,835. To improve public TV station, Ch 54, in San Jose, CA, by purchasing the AVID Technology, Inc. non-linear digital-media broadcast and post-production systems. This proposed new hardware includes AVID Airplay, GPI Triggers, Interface, Log, Remote Control, Hard Disks, Software, Training, Media Composer, Monitors, Audio Channels, Field Resolution, DVE, Encoder, and Documentation. This project will directly support the ambitious new PBS ''Ready to Learn'' service. KTEH is the only Ready to Learn station for America's 5th television market, and the only Ready to Learn broadcaster in Northern California. The station's coverage totals 6.4 million potential viewers.

File No. 95098 CTB KVIE, Inc., 2595 Capitol Oaks Drive, Sacramento, CA 95833. Signed by: Mr. Michael Levine, Acting General Manager. Funds Requested: $279,276. Total Project Cost: $558,552. To improve public television station, KVIE–TV, Ch 6, in Sacramento, CA, by replacing basic existing essential production equipment, including 3 studio cameras, an audio console, waveform monitor, picture monitor, 2 rack mount kits and 2 rack mount frames. KVIE serves a 28 county area in

North Central California, currently numbering 5,153,000 viewers.

File No. 95104 CTB Bay Area Multicultural T/C Assoc., 3533 19th Street, San Francisco, CA 94110. Signed by: Mr. Humberto Cintron, Pres. Bd. of Directors. Funds Requested: $263,166. Total Project Cost: $350,888. Applicant is requesting the construction of a public TV station in San Francisco, CA; applicant has no call letters yet, but plans to operate on Ch 32 if it is awarded. The station, when activated, plans to provide programming to meet the informational, educational and cultural needs of the 2.2 million Bay Area residents who are members of minority groups.

File No. 95109 CTB San Diego State University Fndn, 5200 Campanile Drive, San Diego, CA 92182. Signed By: Mr. Robert Benshoff, Asso General Mgr for Fin Mgmt. Funds Requested: $177,784. Total Project Cost: $355,568. To improve public TV station, KPBS–TV, operating on CH 15, in San Diego, CA, by replacing critically worn-out and obsolete basic equipment, including a videotape editing system, a video production switcher, 4 videotape recorders, an audio mixer, an electronic still store system, monitors, digital interface, sync generator, digital audio recorder/reproducer, digital audio processor, audio power amplifier, a speaker system, and test equipment. These items are essential, according to the applicant, to establishing the station's first independent on-line videotape editing suite, allowing KPBS to expand its local program production.

File No. 95114 CRB California State University, 3416 American River Dr., Ste B, Sacramento, CA 95864. Signed By: Mr. Phil Corriveau, Licensee Designate. Funds Requested: $123,200. Total Project Cost: $246,401. To extend the signal of public radio station, KXPR–FM, operating on 90.9 MHz, in Sacramento, CA, by activating KXKB–FM, a new FM station in Tahoe City, and improve and extend coverage of the applicant's licensee, KXSR–FM in Groveland. This project will provide first public radio signal to 107,000 people living in the Lake Tahoe Basin and Northern and Central Sierra Mountains. The mother station, KXPR, currently serves 1,340,800 potential listeners.

File No. 95115 CTB Rural CA Broadcasting Corporation, 5850 LaBath Ave., Rohnert Park, CA 94928. Signed By: Mrs. Nancy Dobbs. Funds Requested: $110,165. Total Project Cost: $146,887. To improve non-commercial TV station, KRCB–TV, operating on Ch 22, in Rohnert Park, CA, by replacing the basic origination equipment in master control and the production studio. This package includes an EAS encoder, 7 VTR's, 3 studio cameras, and 5 color monitors. As a Community Broadcast Licensee, which receives no State aid, KRCB provides the only non-commercial TV service to 100,000 homes within its coverage area and provides service to 2,803,000 potential viewers.

File No. 95164 PRB Hoopa Valley Tribal Council, Hoopa Valley Shopping Ctr, Hwy 9, Hoopa, CA 95546. Signed By: Mr. Frank Starkey, Jr., General Manager. Funds Requested: $75,411. Total Project Cost: $79,741. The purpose of this Planning Application for KIDE–FM, operating on 91.3 MHz, in the Hoopa Valley Indian Reservation, located in Hoopa, CA, is to locate a suitable new site to gain maximum coverage, to conduct an environmental assessment, and develop an engineering cost estimate to relocate the current tower and transmitter. This project will affect Northwestern Trinity County and the Rural and Coastal areas of Humboldt County. Relocating the transmission system will bring first signal to a thousand residents and increase the total population to 10,000.

File No. 95193 CRB Rural CA Broadcasting Corporation, 5850 LaBath Ave., Rohnert Park, CA 94928. Signed By: Ms. Nancy Dobbs, Chief Executive Officer. Funds Requested: $31,905. Total Project Cost: $42,539. To improve non-commercial radio station, KRCB–FM, operating on 91.1 MHz in Rohnert, CA, by replacing the main studio equipment, originally donated from a variety of sources. The package includes an encoder/decoder, audio mixer, reel to reel tape recorder, cassette recorder, digital cart recorder, microphones with booms, turntable, equipment rack, patch panel, patch cords, headphones, distribution amplifier, remote control tape recorder, tape recorder input switcher, DAT cassette recorder, modulation monitor, misc wire and installation material, frequency counter and oscilloscope. The station serves 265,000 potential listeners.

File No. 95216 ICTN Cal. State University, Chico, West First & Normal Streets, Chico, CA 95929–0250. Signed By: Dr. Elaine Wangberg, Vice Provost for Research. Funds Requested: $298,275. Total Project Cost: $596,550. To establish a satellite delivered distance education network in California by equipping an existing Ku-band uplink with digital compression equipment and by constructing 41 satellite downlinks at locations throughout the state. The applicant currently provides a nationwide Ku-band satellite service for computer training and an undergraduate curriculum via microwave and ITFS in Northern California. The proposed system would replace the microwave/ITFS system which is almost 20 years old and is operating on frequencies which must be vacated to avoid interference to commercial direct broadcast satellite television services. The satellite delivery system would permit the distribution of the applicant's distance learning to additional areas of the state.

File No. 95219 CRB Santa Monica Cmty College District, 1900 Pico Blvd., Santa Monica, CA 90405–1628. Signed By: Mr. Thomas Donner, Interim Superintendent. Funds Requested: $138,257. Total Project Cost: $184,343. To extend the signal of non-commercial radio station, KCRW–FM operating on 89.9 MHz, in Santa Monica, CA, by constructing a new repeater station, to operate on 88.1 MHz and provide first signal to the unserved city of Mojave, CA. This proposed station will serve approximately 83,498 residents living within the primary coverage area of this proposed 10K station.

File No. 95223 CTB Community TV of South California, 4401 Sunset Blvd., Los Angeles, CA 90027. Signed By: Mr. Donald G. Youpa, Executive Vice President. Funds Requested: $575,171. Total Project Cost: $1,150,343. To improve non-commercial TV station, KCET–TV, operating on Ch 28 in Los Angeles, CA, by replacing 6 CCD Studio Cameras. This flagship station of the Public Broadcasting System serves 15,357,200 viewers in the greater Los Angeles area and covers the southern and central section of California.

File No. 95224 CTB Community TV of S. California, 4401 Sunset Boulevard, Los Angeles, CA 90027. Signed By: Mr. Donald G. Youpa, Executive Vice President. Funds Requested: $102,221. Total Project Cost: $136,295. To extend the signal of non-commercial TV station, KCET, Ch. 28 in Los Angeles, CA, by constructing a translator system which will bring 198,393 residents of San Luis Obispo County its first public television signal. KCET–TV will bring its award winning program service to the bulk of the county population of 237,597.

File No. 95230 CRB Humboldt State University, KHSU–FM, Arcata, CA 95221. Signed By: Dr. Alistar McCrone, President. Funds Requested: $14,975. Total Project Cost: $29,950. To improve non-commercial radio station, KHSU, operating on 90.5 KHz in Arcata, CA, by replacing the FM broadcast antenna at the KHSU transmitter site, on Barry Ridge near Kneeland, CA, and reconstructing the FM translator,

K207BL, Willow Creek, CA, both of which were severely damaged by recent winter storms.

File No. 95244 IPTN Kern Community College District, 3000 College Heights Blvd., Ridgecrest, CA 93555. Signed By: Dr. Raymond McCue, President. Funds Requested: $64,125. Total Project Cost: $127,879. To develop a plan that would include cooperative agreements among educational institutions and service agencies in Kern, Inyo and Mono counties in eastern California, and would design an interactive telecommunications system to provide distance learning and training opportunities, particularly to the population in isolated areas of rural Inyo and Mono counties.

File No. 95256 CRB Monterey Bay Public Bd. Foundation, 176 Forest Avenue, POB 10, Pacific Grove, CA 93950. Signed By: Mr. Ken Peterson, President, Board of Directors. Funds Requested: $19,880. Total Project Cost: $44,880. To replace and upgrade an on-air console, reel-to-reel tape decks, DAT recorders, microphones, turntables, cart machines, digital transceivers and related equipment at KAZU–FM, 90.3 MHz, Pacific Grove, CA, providing public radio service to approximately 500,000 persons in the Monterey area of California.

File No. 95270 CRB Radio Bilingue, Inc., 1111 Fulton Mall, #700, Fresno, CA 93721. Signed By: Mr. Hugo Morales, Executive Director. Funds Requested: $69,000. Total Project Cost: $138,000. To improve the non-commercial radio station, KSJV–FM, operating on 91.5 MHz, in Fresno, CA by adding state-of-the-art production studio equipment to augment the essential production equipment the applicant now owns and by replacing the 15 year old transmitter. This augmentation includes 2 Portable Recorders, 11 mikes, 3 mike arms, 13 Headphones, 2 Digital Tape Recorders 3 Reel-to-Reel Recorders, 3 Dual Cassette Players, 6 Cart Machines, 4 CD Players, 4 DAT Recorders, 2 telephone Adapters, 4 Carrying Cases, 1 Mixing Console, 3 Amplifiers, 4 Turntables, Turntable Pre-Amp, 2 Monitor Speakers, 2 Gentner Interfaces, 1 Digital Hybrid, 9 Racks, 2 Patch Bays, 1 Misc. wire etc. and 1 Impedence Converter. KSJV–FM is the flagship station of Radio Bilingue and the primary production facility for the Latino Station Satellite Network. This station currently serves 1.7 million potential listeners.

CO (Colorado)

File No. 95077 CRB Boulder Community Broadcast Assoc, 1900 Folsom Avenue, No. 100, Boulder, CO 80302. Signed By: Ms. Marty Durlin, Station Manager. Funds Requested: $28,640. Total Project Cost: $57,280. To upgrade the studio facilities of public radio station KGNU–FM, operating on 88.5 MHz in Boulder, CO, by replacing three 17-year-old audio consoles, the air monitor and the telemetry unit.

File No. 95095 CRB North Fork Valley Public Radio, Inc, 213 Grand Avenue, Paonia, CO 81428. Signed By: Ms. Dottie Talmage, Station Manager. Funds Requested: $21,045. Total Project Cost: $28,060. To improve satellite recording capabilities and studio facilities of public radio station KVNF–FM, operating on 90.9 MHz in Paonia, CO, by replacing old and worn-out reel-to-reel tape machines and the production console.

File No. 95113 CRB KUTE Incorporated, P.O. Box 737, 123 Capote Street, Ignacio, CO 81137. Signed By: Mr. Carlos Sena, General Manager. Funds Requested: $89,798. Total Project Cost: $119,730. To improve the facilities of public radio station KSUT–FM operating on 91.3 MHz in Ignacio, CO, by replacing 20-year-old master control and studio equipment, including the air console and the production console, 7 DAT recorders, the cart machine and 4 monitors.

File No. 95140 CTB Front Range Educational Media Corp., 2900 Welton Street, First Floor, Denver, CO 80205. Signed By: Mr. Ted Krichels, General Manager. Funds Requested: $358,174. Total Project Cost: $488,174. To improve the reliability of the signal and upgrade its broadcast quality, KBDI–TV, Channel 12 in Denver, CO, will install a three-phase power system, a three-phase UPS and a hot-standby STL. Applicant will also replace old and worn-out studio equipment and purchase new equipment for stereo and second language broadcast capability.

File No. 95149 CTB Council for PTV, Channel 6, Inc., 1089 Bannock Street, Denver, CO 80204. Signed By: Mr. James Morgese, President & General Manager. Funds Requested: $759,220. Total Project Cost: $1,518.439. To provide first service to over 100,000 people in Mesa County, Colorado, KRMA–TV, Channel 6 in Denver will build a noncommercial full power satellite station in Grand Junction, Colorado, and, in collaboration with Mesa State College, will provide local origination programming. Applicant also proposes construction of a full duplex microwave system between the Denver studios and Grand Junction to provide real-time, full bandwidth two-way video link between the two stations.

File No. 95179 CRB Equal Rep. of Media Advocacy Corp, 528 9th Street, Alamosa, CO 81101. Signed By: Mr. Tim Grove, President. Funds Requested: $11,475. Total Project Cost: $15,300. To upgrade public radio station KRZA–FM, operating on 88.7 MHZ in Alamosa, CO, by replacing the STLs, converting to EAS and replacing studio analog equipment with digital equipment.

File No. 95183 CTB University of Southern Colorado, 2200 Bonforte Boulevard, Pueblo, CO 81001–4901. Signed By: Dr. Robert Shirley, President. Funds Requested; $548,949. Total Project Cost: $1,097,898. To provide first public television service to approximately 25,000 people in the areas of Grand Junction, Durango and the Southern Ute and Ute Mountain Indian Reservations, KTSC–TV, Channel 8 in Pueblo, Colorado, will install four new translators and a microwave interconnection system. Applicant will also purchase test and stereo broadcast equipment and upgrade its origination equipment.

File No. 95186 ICTN Northern CO Bd. of Coop. Ed. Werv., 830 W. Lincoln Street, Longmont, CO 80501. Signed By: Mr. Jack Hale, Executive Director. Funds Requested: $528,781. Total Project Cost: $875,832. To construct a two-way, interactive compressed video system, using PictureTel studios and T1 service to link four remote sites in northeastern Colorado with existing T1 educational networks serving other parts of Colorado.

File No. 95262 ICTN National Technological University, 700 Centre Avenue, Ft. Collins, CO 80526. Signed By: Dr. Lionel Baldwin, President. Funds Requested: $478,515. Total Project Cost: $957,030. To construct three additional Ku-band satellite uplinks in the National Technological University system which will increase engineering programming distributed nationwide. The uplinks will be located at the University of Florida, Gainsville, FL; the University of California at Berkeley, CA; the University of Texas at Austin, TX. The project also proposes to add digital compression equipment for an existing Ku-band uplink at Kansas State University, Manhattan, KS.

File No. 95291 CRB Denver Educat'l Broadcasting, Inc., 2900 Welton Street, Suite 200, Denver, CO 80205. Signed By: Ms. Florence Hernandez-Ramos, President & CEO. Funds Requested: $167,412. Total Project Cost: $334,824. To improve public radio station KUVO–FM operating on 89.3 MHz in Denver, Colorado, by replacing its 10-year old transmitter and installing a backup STL system. Applicant also proposes to upgrade its studio and master control equipment, purchase test equipment and install a new performance studio.

CT (Connecticut)

File No. 95075 CTB Connecticut Pub. Broadcasting, Inc., 240 New Britain Avenue, Hartford, CT 06106. Signed By: Mr. Jerry Franklin, President & CEO. Funds Requested: $137,332. Total Project Cost: $274,665. To replace obsolete and worn out videotape machines, character generator, switching equipment and a microwave interconnection system at the Connecticut Public Broadcasting headquarters in Hartford, Connecticut, providing the only national and statewide oriented public television programming to 3,225,000 citizens over WEDH–TV, Channel 24 Hartford, WEDN–TV, Channel 53, Norwich, WEDY–TV, Channel 65, New Haven, and WEDW–TV, Channel 49, Bridgeport, Connecticut.

File No. 95157 ICTN CT Community-Technical Colleges, 61 Woodland Street, Hartford, CT 06105. Signed By: Mr. Andrew McKirdy, Executive Director. Funds Requested: $322,200. Total Project Cost: $644,400. To extend distance learning programs to 16 Connecticut community colleges serving 47,655 students, to provide first distance learning programs to 12,335 additional students, and to offer on-site instruction at businesses throughout Connecticut by constructing portable, interactive, compressed video systems and telephone access switches at each site.

DC (District of Columbia)

File No. 95154 CRB University of District of Columbia, 4200 Connecticut Avenue, NW, Washington, DC 20008. Signed By: Dr. Martha Bridgeforth, VP, Institutional Advancement. Funds Requested: $29,917. Total Project Cost: $59,835. To extend the signal of non-commercial radio station, WDCU–FM, 90.1 MHz, Washington, D.C., by increasing the power of the station's transmitter form 6,800 to 50,000 watts. This project will increase WCDU's coverage by 900,000 potential listeners from its present coverage of approximately 3,283,159.

File No. 95155 CRB University of District of Columbia, 4200 Connecticut Avenue, NW, Washington, DC 20008. Signed By: Mr. Martha Bridgeforth, VP, Institutional Advancement. Funds Requested: $22,495. Total Project Cost: $44,990. To improve non-commercial radio station, WDCU–FM, 90.1 MHz, Washington, D.C., by constructing a C–Band fixed satellite downlink in order to directly receive cultural and news programs from the Public Radio Satellite System.

File No. 95015 CTB University of Florida, Weimer Hall, Gainesville, FL 32611. Signed By: Mrs. Karen Holbrook, Vice President/Dean. Funds Requested: $19,610. Total Project Cost: $39,220. WUFT–TV, Channel 5 in Gainesville, Florida, will purchase equipment for a SAP channel, that will be used to deliver Descriptive Video Services and Radio Reading Services to visually-impaired individuals.

File No. 95019 CTB South Florida Public Telecomm. Inc., 3401 South Congress Avenue, Boynton Beach, FL 33426. Signed By: Mrs. Mary Souder, President/CEO. Funds Requested: $68,850. Total Project Cost: $137,700. To replace outdated ¾″ record and playback machines to improve editing, promo playback and recording facilities at WXEL–TV, Channel 42, Boynton Beach, Florida.

File No. 95035 CTB Florida W. Coast Pub. Brdcstg, Inc., 1300 North Boulevard, Tampa, FL 33607. Signed By: Mr. Stephen L. Rogers, President & CEO. Funds Requested: $487,385. Total Project Cost: $974,770. To improve the facilities of public television station WEDU–TV, Channel 3 in Tampa, Florida, by constructing a new production control room and studio. The applicant proposes purchase of four cameras, a digital switcher, a digital video effects unit and an audio mixer.

File No. 95106 CTB WJCT, Inc., 100 Festival Park Avenue, Jacksonville, FL 32202. Signed By: Mr. William Dresser, President and General Manager. Funds Requested: $212, 387. Total Project Cost: $424,775. To replace worn out and failure-prone equipment, WJCT–TV, operating on Channel 7 in Jacksonville, Florida, will purchase a master control routing switcher, an on-air station break switcher and the national and local programming productions video switcher.

File No. 95116 CRB University of Florida, 2208 Weimer Hall, Gainesville, FL 32611. Signed By: Mr. Richard A. Lehner, General Manager. Funds Requested: $26,916. Total Project Cost: $53,832. To preserve 24-hour a day operation, public radio station WUFT–FM, operating on 89.1 MHz in Gainesville, Florida, will purchase and install equipment to automate late evening and weekend programming.

File No. 95229 IPTN Florida Gulf Coast University, 17595 So. Tamiami Trail, Ste 200, Fort Myers, FL 33908. Signed By: Dr. Roy McTarnaghan, President. Funds Requested: $69,108. Total Project Cost: $102,370. To develop a plan for a coordinated, interactive distance education network in five southwestern Florida counties that will explore options for an interconnection system among educational institutions, public broadcasting facilities, government offices and service agencies for distance learning and training.

GA (Georgia)

File No. 95046 IPTN Clark Atlanta University, James Brawley Dr. at First St SW, Atlanta, GA 30314. Signed By: Dr. Kofi Bota, V.P., Research/Sponsored Pgms. Funds Requested: $94,413. Total Project Cost: $107,799. To develop a comprehensive plan for a telecommunications system using appropriate technologies for a distance learning network among the colleges and universities of the Historically Black Colleges and Universities/ Minority Institutions (HBCU/MI) Environmental Technology Consortium in ten states and Washington, D.C.

File No. 95059 ICTN City of Thomasville, 144 E. Jackson Street, Thomasville, GA 31792. Signed By: Ms. Camille Payne, Mayor. Funds Requested: $722,810. Total Project Cost: $1,445,620. To establish an interactive distance learning network that will use a fiber optics SONET-based system to interconnect diverse municipal and educational institutions in Thomas County, located in southern Georgia. The entities to be connected include the City of Thomasville, the Thomasville City Schools, the Thomas County Schools, Thomas Area Technical School, Thomas College, and the Thomas County Public Library.

File No. 95061 IPRTN Georgia/ Carolina Tech. Coll. Cnsort, 2704 Benson Road, Augusta, GA 30906. Signed By: Dr. Jim Weaver, Director. Funds Requested: $91,000. Total Project Cost: $182,000. To determine the feasibility of the possible technologies that might be appropriate for a two-way, interactive interconnection system for distance learning and training among the five technical colleges in the Georgia/Carolina Technical College Consortium, serving a nine-county area in Georgia and South Carolina.

File No. 95144 IPTN Georgia State University, 140 Decatur Street, Ste 805, Atlanta, GA 30303. Signed By: Dr. Cleon C. Arrington, VP for Research & Info Tech. Funds Requested: $74,849. Total Project Cost: $74,849. To assess the facilities and equipment of the present Georgia Public Telecommunications Commission facility in Atlanta, and to plan for and design this facility as a statewide telecommunication distribution, production and training center, for distance learning and training applications.

File No. 95146 CTB Atlanta Board of Education, 740 Bismark Road, NE, Atlanta, GA 30324. Signed By: Dr.

Benjamin Canada, Superintendent. Funds Requested: $681,955. Total Project Cost: $1,363,909. To improve the mobile production facilities of public television station WPBA–TV, operating on Ch. 30 in Atlanta, by replacing obsolete equipment in a mobile production unit. The project will also convert an existing Ku-band satellite downlink to an uplink to permit distribution of instructional programming to the state of Georgia.

File No. 95281 CRB Georgia Public Telecomm. Commission, 1540 Stewart Avenue, SW., Atlanta, GA 30310. Signed By: Mr. Frank Bugg, Deputy Director. Funds Requested: $27,000. Total Project Cost: $54,000. Peach State Public Radio will establish a noncommercial FM radio station operating on 88.3 in Demorest, GA, to provide first service to a population of cover 260,000 people in the Northeast section of Georgia.

File No. 95285 CRTBN Georgia Public Telecom Commissions, 1540 Stewart Avenue, SW., Atlanta, GA 30310. Signed By: Mr. Frank Bugg, Deputy Director. Funds Requested: $342,000. Total Project Cost: $760,000. To increase the satellite uplink capabilities of Georgia Public Television by purchasing digital compression equipment for an existing satellite uplink in Atlanta, and for existing portable uplinks in the state. The project will increase the number of programs distributed to schools, libraries and institutions of higher education throughout the state using the state-owned satellite transponder on Telstar 401.

HI (Hawaii)

File No. 95033 CRB Hawaii Public Radio, 738 Kaheka St., Honolulu, HI 96814–3726. Signed By: Mr. Albert Hulsen, President & Gen. Mgr. Funds Requested: $395,575. Total Project Cost: $527,434. To establish an FM repeater station operating on 91.1 MHz in Hilo, Hawaii. The station will repeat the broadcast signal of KHPR (FM), Honolulu and provide the first public radio service to 66,628 residents (55% of the population of the Island of Hawaii) living in the Hilo area. Some Island of Hawaii residents, those living along the Kohala, Kona and Hamakua coasts, already receive Hawaii Public Radio from KKUA (90.7 MHz, Wailuku) transmitting from atop Mt. Haleakala on the Island of Maui.

File No. 95068 CRB Kekahu Foundation, Inc., 2204 Io'ela Street, Kilauea, HI 96754. Signed By: Mrs. Janet Friend, President. Funds Requested: $174,200. Total Project Cost: $232,270. To provide the first public radio service to the island of Kauai by constructing a new FM station operating on 91.9 MHz, Kilauea, and an FM station operating on 90.9 MHz in Hanalei. The stations will be interconnected by microwave and will be programmed from a local studio.

File No. 95167 PRB Hawaiian National Broadcast Corp, 477 Opihikao Place, Suite A, Honolulu, HI 96825. Signed By: Mrs. Marsha Joyner, President. Funds Requested: $15,000. Total Project Cost: $46,426. To plan for the establishment of a noncommercial radio station in Honolulu to serve the ethnic peoples of the island of Oahu.

File No. 95232 CRB Hawaii Public Radio, 738 Kaheka St., Honolulu, HI 96814–3726. Signed By: Mr. Albert Hulsen, President & General Manager. Funds Requested: $275,373. Total Project Cost: $428,883. To provide the first public radio service to the island of Kauai by constructing an FM repeater station operating on 90.1 MHz in Lihue. The station will rebroadcast programming from stations the applicant operates in Honolulu, island of Oahu, including KHPR (FM), operating on 88.1 MHz, KIPO–FM, operating on 89.3 MHz and KIFO (AM) operating on 1380 KHz.

IA (Iowa)

File No. 95094 PRB Suntaman Communications, Inc., 1170 13th Street, P.O. Box 4296, Des Moines, IA 50333. Signed By: Mr. Wesley Hall, Executive Director. Funds Requested: $6,000. Total Project Cost: $6,000. To plan for a non-commercial, black, FM radio station which will serve the urban area of Omaha, Nebraska. The funds requested, {$6,000} will be used specifically to hire an engineering firm to perform a frequency compatibility test. The applicant hopes this plan would result in the development of an African American owned and operated public radio station, serving approximately 51,426 African Americans residing in Omaha.

File No. 95162 CTB Iowa Public Broadcasting Board, 6450 Corporate Drive, Johnston, IA 50131. Signed By: Mr. C. David Bolender, Executive Director. Funds Requested: $147,800. Total Project Cost: $295,600. To improve the quality of the broadcast services of Iowa Public Television by replacing four old and unreliable translators serving 150,000 residents of the rural communities of Rock Rapids and Sibley in northwest Iowa, and Ottumwa and Ft. Madison in the southeast corner of Iowa.

File No. 95165 CRB Afro-American Cmty. Broadcasting, 527 Cottage Ave, Waterloo, IA 50703. Signed By: Mr. Jimmie Porter, CEO. Funds Requested: $88,404. Total Project Cost: $117,873. To improve non-commercial, Afro American radio station, KBBG–FM, 88.1 MHz, Waterloo, IA, by replacing the inadequate tower (raising its height), transmitter and antenna, and replacing its control room equipment. This project is in conjunction with construction of new studios and a move of the transmission site required due to the current locations in a residential area. KBBG's signal covers approximately 110,000 residents, and new listeners will be added as a result of the higher tower.

File No. 95188 ICTN Eastern Iowa Community College Di, 306 West River Drive, Davenport, IA 52801. Signed By: Mr. Ed Stoessel, Executive Director. Funds Requested: $81,053. Total Project Cost: $162,107. To establish a fiber optic interconnection with the Iowa fiber optics system, and to construct instructor-operated production facilities at the Graphic Arts Technology Center in Clinton, Iowa, to provide training in high-tech printing and graphics to 22,000 Iowa residents involved in that vocation.

File No. 95235 ICTN Iowa Civil Rights Commission, 211 East Maple, Des Moines, IA 50309. Signed By: Mr. Don Grove, Executive Director. Funds Requested: $107,857. Total Project Cost: $143,809. To construct a classroom production center to interconnect the Iowa Civil Rights Commission facilities in Des Moines with the Iowa Communication Network to allow for provision of civil rights related programming and information to 3,000,000 citizens of Iowa.

File No. 95238 CRB Iowa State Univ of Science & Tech., 204 Communications Building, Ames, IA 50011. Signed By: Mr. Richard E. Hasbrook, Contracts & Grants Officer. Funds Requested: $161,540. Total Project Cost: $215,387. To extend the broadcast area of public radio station WOI–FM, 90.1 MHz, Ames, IA, by activating a repeater station in Ottumwa to provide first public radio service and radio reading services to approximately 75,000 people in Southeastern Iowa.

IL (Illinois)

File No. 95029 CRB Southern IL University-Edwardsville, Box 1773, Edwardsville, IL 62026. Signed By: Dr. Nancy Belck, President, SIUE. Funds Requested: $336,076. Total Project Cost: $468,131. To extend the signal of public radio station WSIE, 88.7 MHz, Edwardsville, IL, by activating a repeater station on 91.3 MHz in Effingham, IL. The new repeater will bring the first public radio signal to approximately 61,844 persons central Illinois. In addition, the project will

improve the production capability of WSIE by replacing worn-out and obsolete studio equipment, including an audio console, DAT recorders, a cassette recorder, CD players, microphones, and an audio processor. The project would also replace the station Emergency Broadcast System equipment with the Emergency Alert System recently adopted by the Federal Communications Commission.

File No. 95047 CTB Southern IL University-Carbondale, 1048 Communications Building, Carbondale, IL 62901. Signed By: Dr. Benjamin A. Shepherd, VP/Academic Affairs & Provost. Funds Requested: $103,522. Total Project Cost: $207,044. To improve the reliability of broadcasts by public television station WSIU–TV, Ch. 8, Carbondale, IL, by replacing its worn-out studio-transmitter link, and to improve its production capability by replacing obsolete studio equipment, including video switchers, audio mixers, production editor, and test equipment. The station serves a population of approximately 880,300.

File No. 95277 CTB University of Illinois, 801 South Wright Street, Champaign, IL 61820. Signed By: Mr. Craig S. Bazzani, Comptroller. Funds Requested: $269,000. Total Project Cost: $538,000. To improve the operation of public television station WILL–TV, Ch. 12, Champaign-Urbana, IL, by replacing worn-out and obsolete studio equipment, including video tape recorders, routing switcher, and monitors. The station serves a population of about 1.3-million.

IN (Indiana)

File No. 95118 CTB Tri-State Public Teleplex, Inc., 405 Carpenter Street, Evansville, IN 47708–1027. Signed By: Mr. David Dial, President & General Manager. Funds Requested: $56,987. Total Project Cost: $113,974. To improve public station WNIN–TV, Ch 9, Evansville, IN, by replacing its worn-out and obsolete STL, a failing routing switcher and sync generator. The station has no standby STL and must go off the air when the unit goes off the air. WNIN owns no prompting system for its studio cameras, so is rounding out the package by requesting a teleprompter. The station serves 750,000 potential viewers.

File No. 95274 CRB Ball State University, Building AD–103, Muncie, IN 47306–0550. Signed By: Dr. James L. Pyle, Executive Director. Funds Requested: $69,777. Total Project Cost: $93,037. To extend the broadcast area of public radio station WBST–FM, 92.1 MHz, Muncie, IN, and to provide first service to approximately 83,000 people in the communities of Anderson, Alexandria and surrounding areas of East Central Indiana by activating a repeater station in Anderson on 89.5 MHz.

File No. 95278 CRB Ball State University, Building AD–103, Muncie, IN 47306–0550. Signed By: Dr. James L. Pyle, Executive Director. Funds Requested: $258,630. Total Project Cost: $344,840. To extend the signal of public radio station WBST–FM operating on 92.1 MHz in Muncie, Indiana, and provide first service to approximately 148,000 people in East Central Indiana by activating repeater stations in Marion (91.1 MHz), Portland (91.7 MHz) and New Castle/Hagerstown (90.5 MHz).

File No. 95280 CTB Metro Indianapolis Pub Bdcstg Inc., 1401 North Meridian Street, Indianapolis, IN 46202–2389. Signed By: Mr. Lloyd Wright, President & General Manager. Funds Requested: $350,000. Total Project Cost: $700,000. To improve the broadcast operations of public station WFYI–TV, Ch. 20, Indianapolis, IN, by replacing its 25-year-old transmitter and related equipment.

KS (Kansas)

File No. 95048 ICTN Wichita State University, 1845 Fairmont, Campus Box 57, Wichita, KS 67260–0057. Signed By: Dr. Bobby Patton, VP/Academic Affairs. Funds Requested: $300,000. Total Project Cost: $600,000. To activate a two-way video, two-way audio microwave distance learning system that would interconnect the main campus of Wichita State University and three of the University's outreach centers in the City of Wichita and in Sedgwick County. The system would allow not only for the exchange of interactive, full motion educational programming, but also for the transmission of high-speed data between the outreach centers and the University's computing and library resources. The proposal includes equipment for three video classrooms, one of each of the outreach centers.

File No. 95080 CRB Kansas State University, Room 2, Fairchild Hall, Manhattan, KS 66506. Signed By: Ms. Kay Cogley, Asst. Vice Provost for Res. Funds Requested: $27,639. Total Project Cost: $50,663. To improve the facilities of public radio station KKSU–AM, 580 KHz, in Manhattan by acquiring new and replacement origination, test and other equipment. KKSU–AM's audio consoles, tape machines and test equipment are more than 20 years old. KKSU–AM's coverage area includes parts of four states.

File No. 95086 CRB Kanza Society, Inc., 210 N. 7th Street, Garden City, KS 67846. Signed By: Mr. Dale Bolton, Executive Director. Funds Requested: $44,873. Total Project Cost: $89,746. To improve the facilities of public radio station KANZ–FM, 91.1 MHz, in Garden City, by completing the inter-city microwave relay connecting the KANZ–FM studio and KZNA–FM, 90.5 MHz, a full-power repeater/satellite station in Hill City. At present, KZNA–FM uses only a partial studio-to-transmitter link (STL) by picking the signal off-air at Dighton, 55 miles from KANZ–FM, and relaying it by inter-city relays. This will complete the terrestrial microwave system.

File No. 95110 CTB Washburn University of Topeka, 1700 SW College Avenue, Topeka, KS 66621. Signed By: Dr. Hugh Thompson, President. Funds Requested: $283,928. Total Project Cost: $567,856. To improve the facilities of public television station KTWU–TV, Ch. 11, in Topeka by replacing three aging studio camera systems and its 22-year old production switcher and related equipment. Station serves about 1.25 million residents in KS and MO.

File No. 95192 CRB Wichita State University, 3317 E. 17th Street, Wichita, KS 67208. Signed By: Mr. Frederick Sudermann, VP Research/Industrial Gov Res. Funds Requested: $59,442. Total Project Cost: $118,885. To improve the facilities of public radio station KMUW–FM, 89.1 MHz, in Wichita by replacing 15 to 20 year old On-air and Production Control room equipment including two audio consoles and associated origination equipment. In addition, project would acquire transient voltage surge protectors. KMUW–FM serves approximately 678,000 residents.

File No. 95213 CRB Hutchinson Community College, 815 N. Walnut, Suite 300, Hutchinson, KS 67501. Signed By: Dr. Edward Berger, President. Funds Requested: $45,572. Total Project Cost: $91,145. To improve the facilities of public radio station KHCC–FM, 90.1 MHz, in Hutchinson by replacing old, unreliable cartridge machines with digital technology, replacement of an old SCA generator and monitoring equipment. In addition, KHCC seeks to replace the transmitter-to-studio link (TSL) antenna system to protect against interruptions due to icing conditions. KHCC–FM is also broadcast on two repeater stations, KHCD–FM and KHCT–FM. The three stations cover approximately 925,000 people in central KS.

File No. 95215 CTB Kansas Public T/C Services Inc., 320 West 21st Street, N, Wichita, KS 67203. Signed By: Mr. Zoel Parenteau, President and General Manager. Funds Requested: $28,825. Total Project Cost: $57,650. To improve the facilities of public television station

KPTS–TV, Ch. 8, in Wichita by replacing a 1978 character generator and increasing the size of the station's existing router switcher in order to meet increased demands. KPTS–TV serves approximately 387,773 people.

File No. 95260 CRB Pittsburg State University, 1701 S. Broadway, Pittsburg, KS 66762. Signed By: Dr. Donald W. Wilson, President. Funds Requested: $26,144. Total Project Cost: $43,304. To extend the coverage area of public radio station KRPS–FM, 89.9 MHz, in Pittsburg by constructing a new translator in Iola on 91.3 MHz. Existing KANU–FM (Lawrence) 10-watt translator is being replaced by this more powerful unit that will serve 6,351 people. In addition, KRPS–FM seeks to upgrade by purchasing new origination equipment including a production console, remote recording equipment and some test equipment.

File No. 95268 CRB University of Kansas, Broadcasting Hall, Lawrence, KS 66045. Signed By: Dr. Robert C. Bearse, Associate Vice Chancellor. Funds Requested: $60,680. Total Project Cost: $121,361. To improve the facilities of public radio station KANU–FM, 91.5 MHz, in Lawrence by acquiring transmitter monitoring equipment and digital encoders/decoders. KANU–FM, which places a strong emphasis on local news production, seeks to acquire news control room and remote news gathering equipment and other production equipment for utilization by the Kansas Public Radio network. Project also includes a satellite downlink and C-Band receiver as well as 50 SAP receivers for the radio reading service. KANU–FM serves approximately 1,167,000 people.

KY (Kentucky)

File No. 95001 CRB University of Kentucky Research Fdn, 201 Kinkead Hall, Lexington, KY 40506. Signed By: Mr. Jack Supplee, Associate Director. Funds Requested: $48,535. Total Project Cost: $97,070. To improve the production facilities of public radio station WUKY, 91.3 MHz, Lexington, KY, by replacing obsolete and worn-out equipment, including three audio consoles, microphones, CD players, DAT recorders, two cassette decks, and cartridge machines and by acquiring a telephone hybrid. WUKY serves a population of about 477,298.

File No. 95199 CTB Kentucky Educational Television, 600 Cooper Drive, Lexington, KY 40502. Signed By: Mrs. Virginia G. Fox, Executive Director. Funds Requested: $573,943. Total Project Cost: $956,571. To improve the service of Kentucky Educational Television (KET) by replacing the worn-out and obsolete transmitters, associated equipment items, and test equipment of its full-power public television station WKLE, Ch. 46, Lexington/Richmond, KY, and its translator on Ch. 10 at Louisa, KY. In addition the project seeks to replace existing Emergency Broadcast System equipment with the newly required Emergency Alert System equipment, add to KET's network center routing equipment, and acquire additional test equipment. KET operates 15 full-power television stations and 5 translators across Kentucky, serving a population of approximately 3.7-million people.

File No. 95201 IPTN Hopkinsville Community College, 734 North Drive, Hopkinsville, KY 42241–2100. Signed By: Dr. James Kerley, President. Funds Requested: $78,142. Total Project Cost: $78,142. Hopkinsville Community College of the University of Kentucky proposes to develop a plan that will determine the feasibility of appropriate technologies for a distance learning distribution system through cable television and other methods, to a disadvantaged population in five counties of western Kentucky and three counties of northwestern Tennessee.

File No. 95264 CRB Western Kentucky University, 1 Big Red Way, Bowling Green, KY 42101. Signed By: Dr. Charles M. Anderson, Ass't VP for Finance & Admin. Funds Requested: $25,227. Total Project Cost: $50,455. To upgrade the production capability of public radio station WKYU, 88.9 MHz, Bowling Green, KY, by acquiring three digital audio work stations. The station serves a population of about 3.4-million.

LA (Louisiana)

File No. 95008 ICTN Louisiana State University and, 347 Pleasant Hall, Baton Rouge, LA 70803. Signed By: Dr. Allen Copping, President. Funds Requested: $657,372. Total Project Cost: $876,496. To establish a two-way interactive compressed video system that would connect the five campuses of the Louisiana State University System using a digital data network operating over terrestrial T–1 circuits. The campuses are located at Alexandria, Baton Rouge, Eunice, New Orleans, and Shreveport. A video classroom would be placed at each campus. The system's multipoint control unit would be housed on the Baton Rouge campus, where the director of the system would be located. The system would allow for the exchange of teleconferencing and course work among the five campuses.

File No. 95147 ICTN Northwestern State Univ. of LA, Kyser Hall, Room 153, Natchitoches, LA 71457. Signed By: Dr. Robert Alost, President. Funds Requested: $569,528. Total Project Cost: $759,371. To purchase a Ku-band mobile satellite uplink to expand the distance learning opportunities to under served areas of Louisiana, Arkansas, Mississippi and Oklahoma.

File No. 95217 CTB Greater New Orleans ETV Foundation, 916 Navarre Avenue, New Orleans, LA 70124. Signed By: Mr. Randall Feldman, President & General Manager. Funds Requested: $102,000. Total Project Cost: $204,000. To improve the technical quality of its production facilities, public television station WYES–TV, Channel 12 in New Orleans, LA, will replace aging analog video tape recorders with three digital video cassette recorders. WYES will also purchase a new computer editor and a digital voice over system.

File No. 95258 CTB Louisiana ETV Authority, 7860 Anselmo Lane, Baton Rouge, LA 70810. Signed By: Mrs. Beth Courtney, Executive Director. Funds Requested: $600,000. Total Project Cost: $1,200,000. To improve broadcast operations, KLTM–TV, Channel 13 in Monroe, LA, will replace its 18-year-old VHF television transmitter, its transmission line and antenna.

File No. 95259 ICTN New Orleans Educ. T/C Consortium, 2929 S. Carrollton Avenue, New Orleans, LA 70118. Signed By: Dr. Robert Lucas, Executive Director. Funds Requested: $37,750. Total Project Cost: $75,500. To acquire portable television production facilities and a 2GHz STL to produce and deliver locally originated educational services to 1,563,100 currently served citizens, and to provide first educational service to an additional 4,200,000 Louisiana citizens.

File No. 95275 CRB Louisiana State University, One University Place, Shreveport, LA 71115. Signed By: Ms. Catherine Fraser, General Manager. Funds Requested: $37,666. Total Project Cost: $50,222. To extend its service area and to provide first service to Grambling and the surrounding communities of Ruston and Arcadia, public radio station KDAQ–FM, operating on 89.9 MHz in Shreveport, LA, will install a new translator facility in Grambling.

MA (Massachusetts)

File No. 95022 IPTN CTSB (Community TV, S. Berkshires), 925 Pleasant Street, South Lee, MA 01260. Signed By: Mr. Shawn Serre, Executive Director. Funds Requested: $75,900. Total Project Cost: $75,900. To plan a two-way interactive network throughout Berkshire County, Massachusetts, possibly through fiber optic distribution, to serve educational and governmental needs with connections

among area high schools and public and private colleges.

File No. 95037 ICTN Northeastern University, 284 Huntington Plaza, Boston, MA 02115. Signed By: Mr. Robert Culver, Senior Vice President & Treas. Funds Requested: $468,607. Total Project Cost: $624,810. To establish a two-way interactive videoconferencing system, using telephone line transmission, that would interconnect Northeastern University, Boston, with six learning centers in Maine. The system would offer a master's degree program in speech-language pathology.

File No. 95145 CRB Cape & Islands Cmty Pub Radio, Inc, 78 Gardiner Road, Woods Hole, MA 02543. Signed By: Mr. Jay Allison, President. Funds Requested: $212,450. Total Project Cost: $283,270. To provide first public radio service to 70,639 citizens of Woods Hole and Nantucket, Massachusetts by constructing new FM broadcast studios, control rooms, antennas and transmitters at 90.1 MHz, Woods Hole, Massachusetts, and 91.1 MHz, Nantucket, Massachusetts.

MD (Maryland)

File No. 95111 IPTN University of Maryland Univ. Coll, University Blvd. at Adelphi Road, College Park, MD 20742. Signed By: Dr. T. Benjamin Massey, President. Funds Requested: $99,612. Total Project Cost: $141,242. To develop a plan for the integration of technologies in a telecommunications network as a ''virtual university'' through the University of Maryland's Virtual University Task Force and its Open Learning Program, to provide distance learning services to U.S. citizens in the U.S., its territories, and in other countries.

File No. 95243 CTB Maryland Public Broadcasting Comm., 11767 Owings Mills Boulevard, Owings Mills, MD 21117. Signed By: Mr. Raymond Ho, President/CEO. Funds Requested: $143,530. Total Project Cost: $287,060. To improve the facilities of WMPB–TV, Channel 67 in Owings Mills and the state's public television network by replacing its 13-year-old mono audio cart and reel-to-reel tape machines with state of the art digital stereo audio systems. In addition, MPT will purchase two digital Beta units and a non-linear storage system for in school programming feeds and delayed broadcast.

ME (Maine)

File No. 95210 CRTB Maine Public Broadcasting Corp., 65 Texas Avenue, Bangor, ME 04401. Signed By: Mr. Gil Maxwell, Director of Engineering. Funds Requested: $551,980. Total Project Cost: $849,200. To replace an obsolete and worn out microwave system delivering public television and radio programming to five public television, and six public ratio stations serving approximately 1,200,000 persons throughout Maine.

MI (Michigan)

File No. 95044 ICTN Shiawassee Reg. Ed. Svc. District, 1025 North Shiawassee Street, Corunna, MI 48817. Signed By: Mr. Patrick Gilbert, Superintendent. Funds Requested: $84,890. Total Project Cost: $169,781. To purchase fiber optic cable (and related installation), equipment for video transmission via fiber optics, and equipment for two video classrooms. The project would allow the Shiawassee Regional Education Service District to interconnect Owosso (MI) High School and a special education Development Center to the Service District's interactive video distance leaning system. As presently configured, the system interconnects seven local education agencies in Shiawassee County, which is located in south central Michigan.

File No. 95071 CRB Central Michigan University, 3965 East Broomfield Road, Mount Pleasant, MI 48859. Signed By: Mr. Russell Herron, Vice President. Funds Requested: $54,347. Total Project Cost: $108,695. To improve the service public radio station WCMU, 89.5 MHz, Mt. Pleasant, MI, provides to approximately 2,192,550 citizens in central Michigan by replacing its obsolete and worn out audio consoles, DAT recorders, CD players, cartridge recorders, and its EBS system, and by upgrading its transmission facilities with a new FM exciter and stereo generator.

File No. 95081 ICTN Regents of the Univ. of Michigan, 1321 East Court Street, Flint, MI 48502. Signed By: Mr. Chandler Matthews, Assoc. Vice President, Finance. Funds Requested: $50,000. Total Project Cost: $100,000. To purchase equipment to activate a video classroom and to interconnect the University of Michigan/Flint with compressed video via telephone lines to diverse other academic institutions.

File No. 95202 ICTN Alpena-Montmorency-Alcona, 2118 U.S. 23, Alplena, MI 49707. Signed By: Mr. Thomas Lanway, Superintendent. Funds Requested: $444,000. Total Project Cost: $839,500. To install coaxial cables in every classroom in 17 schools, and in libraries in Michigan's Alpena-Montmorency-Alcona school districts, and to install 45 computers in schools and libraries to provide distance learning and Internet access to 15,000 students in the Lower Michigan Peninsula.

File No. 95220 CTB Detroit Educational TV Foundation, 7441 Second Boulevard, Detroit, MI 48202–2796. Signed By: Mr. Robert Larson, President & General Manager. Funds Requested: $493,252. Total Project Cost: $657,670. To improve the facilities of public television station WTVS–TV, Ch. 56, Detroit, MI, by purchasing digital special effects, switcher and character generator for its production studio. The project also seeks to acquire a digital Ku-band satellite uplink for national program distribution.

File No. 95222 CTB Grand Valley State University, 301 West Fulton Street, Grand Rapids, MI 49504–6492. Signed By: Ms. Jean Enright, Secretary, Board of Control. Funds Requested: $391,808. Total Project Cost: $783,616. To improve public television for approximately 634,720 persons in the Grand Rapids-Kalamazoo areas of Michigan by replacing obsolete and worn out video tape machines, monitors, cartridge machines and test equipment at WGVU–TV, Ch. 35, Grand Rapids, Michigan and WGVK–TV, Ch. 52, Kalamazoo.

File No. 95266 CRB Central Michigan University, 3965 East Broomfield Road, Mount Pleasant, MI 48859. Signed By: Mr. Russell Herron, V.P., University Relations. Funds Requested: $299,959. Total Project Cost: $399,946. To provide improved public radio service to 5,722 citizens, and first public radio service to approximately 51,501 citizens of Oscoda, Michigan and surrounding counties by constructing a new FM repeater station at 95.7 MHz, Oscoda, Michigan, and a TSL from WCMU–FM, 89.5 MHz, Mt. Pleasant, Michigan to the proposed new station which will carry WCMU programming.

File No. 95284 CTB Central Michigan University, 3965 East Broomfield Road, Mount Pleasant, MI 48859. Signed By: Mr. Russell Herron, Secretary, Board of Trustees. Funds Requested: $65,553. Total Project Cost: $131,106. To improve public television service to 1,115,000 citizens of central Michigan by replacing obsolete and worn out television editing, production, character generation and recording equipment, an emergency alert system, and master control playback equipment at WCMU–TV, Channel 14, Mount Pleasant, Michigan.

MN (Minnesota)

File No. 95049 CTB West Central Minnesota ETV Co., 120 West Schlieman Avenue, Appleton, MN 56208. Signed By: Mr. Ansel W. Doll, General Manager. Funds Requested:

$920,000. Total Project Cost: $1,840,000. To provide the first Minnesota-originated public television signal to 84,000 residents of the Worthington, MN, area by activating a station on Channel 20 to repeat the signal of public television station KWCM, Ch. 10, Appleton, MN, which serves a population of approximately 500,000.

File No. 95089 CTB Northern Minnesota Public TV, Inc, Box 9, Bemidji State University, Bemidji, MN 56601–2699. Signed By: Ms. Emily K. Lahti, General Manager. Funds Requested: $90,427. Total Project Cost: $120,570. To improve the production capability of public television station KAWE, Ch. 9, Bemidji, MN, by replacing its obsolete and worn-out production switcher and camera pedestals and heads. The station serves approximately 300,000 persons.

File No. 95150 CTB Twin Cities Public Television, Inc., 172 East Fourth Street, St. Paul, MN 55101. Signed By: Mr. Jack Willis, President & CEO. Funds Requested: $275,000. Total Project Cost: $557,460. To improve the signal of public television station KTCA, Ch. 2, St. Paul, MN, by replacing its 17-year-old transmitter. The station serves a population of about 3,038,000.

File No. 95163 CRB Minnesota Public Radio, 45 E. 7th Street, St. Paul, MN 55101. Signed by: Mr. Dennis Hamilton, Vice President. Funds Requested: $194,757. Total Project Cost: $389,515. To improve the production capability of Minnesota Public Radio, St. Paul, MN, by replacing various items of worn-out and obsolete equipment, including microphones, a telephone interface, an intercom, audio recorders, and a mixing console. The project will also acquire equipment to implement the new Emergency Alert System required by the FCC as a replacement for the Emergency Broadcast System. Minnesota Public Radio operates twenty-one public radio stations in Minnesota, two in Moorehead, ND, two in Decorah, IA, one in Houghton, MI, one in Sioux Falls, SD, and one in Sun Valley, ID; and it operates fifteen translators in Minnesota and one each in Michigan and Wisconsin. Altogether it serves a population of about 4.5-million persons through parallel networks of news/information and classical music stations that broadcast 24 hours a day. It also produces national programs.

File No. 95170 ICTN Independent School District #492, 202 Fourth Avenue, N.E., Austin, MN 55912. Signed By: Mr. Barry Baker, General Manager. Funds Requested: $393,010. Total Project Cost: $786,020. To construct a 4-channel ITFS facility with return microwave capability, fiber optic connections and routing equipment to establish two-way video, audio and data communications providing first service to 35,354 students in five rural school districts in central Minnesota.

File No. 95178 PRB White Earth Land Recovery Project, Rural Route #1, Box 308, Ponsford, MN 56575. Signed By: Mr. Earl Hoagland, Chairman. Funds Requested: $34,540. Total Project Cost: $54,797. To plan for the establishment of a public radio station for the White Earth Ojibwe Indian reservation in Northern Minnesota. It is estimated that the proposed station will bring the first public radio service to about 9,200 persons.

File No. 95196 IPTN University of St. Thomas, 2115 Summit Avenue, St. Paul, MN 55105. Signed By: Dr. Robert Rehn, Director, I.S.S. Funds Requested: $81,195. Total Project Cost: $91,235. To initiate a telecommunications plan that will involve the private colleges and universities in Minnesota in a consortium effort to identify the potential uses of technologies statewide for distance education, consistent with the state's distance learning network, the ''Learning Network of Minnesota'' and its data/video system ''MNET.''

File No. 95207 CRB University of Minnesota, 10 University Drive, Duluth, MN 55812. Signed By: Mr. Todd Morrison, Assistant Director. Funds Requested: $103,720. Total Project Cost: $159,566. To extend the signal of public radio station KUMD, 103.3 MHz, Duluth, MN, by activating a repeater station to operate on 90.7 MHz in Grand Marais, MN, to bring the first public radio service to about 16,149 residents of Cook County. The project includes studio equipment to allow for locally originated broadcasts from the new station as well as programs repeated from KMUD.

MO (Missouri)

File No. 95079 ICTB Public Television 19, Inc., 125 East 31st Street, Kansas City, MO 64108. Signed By: Mr. William T. Reed, President. Funds Requested: $54,773. Total Project Cost: $109,546. To expand the audio/video signal distribution capability and to construct a digital audio recording capability to allow public television station KCPT, Ch. 19, Kansas City, MO, to improve its capability to offer educational programming via a diversity of media to school districts in a wide area in both Missouri and Kansas. The proposal requests a master router expansion kit, a frame synchronizer, and an audio product system.

File No. 95131 CRB University of Missouri—St. Louis, 8001 Natural Bridge Road, St. Louis, MO 63121. Signed By: Mr. Douglas Wartzok, Associate Vice Chancellor. Funds Requested: $23,500. Total Project Cost: $47,000. To improve the production capability of pubic radio station KWMU, 90.7 MHz, St. Louis, MO, by replacing outmoded and worn-out equipment, including its on-air audio console, DAT recorders, cart machines, a switcher, and microphones. The project would also improve the station's transmission reliability by acquiring a transmission line dehydrator. The station serves a population of about 2.734,900 persons.

File No. 95141 CTB St. Louis Reg Ed & Public TV Comm, 6996 Millbrook Boulevard, St. Louis, MO 63130. Signed By: Mr. Michael Hardgrove, President & CEO. Funds Requested: $583,125. Total Project Cost: $1,166,251. To improve the transmission capability of public television station KETC, Ch. 9, St. Louis, MO, by replacing its worn-out and obsolete 24-year-old transmitter, transmission line, and related test equipment. The station serves a population of about 3-million persons.

File No. 95153 CRB Northwest Missouri State University, 800 University Drive, Maryville, MO 64468. Signed By: Dr. Dean Hubbard, President. Funds Requested: $90,896. Total Project Cost: $181,792. To improve the signal of public radio station KXCV, 90.5 MHz, Maryville, MO, by replacing its obsolete 24-year-old transmitter, antenna, and transmission line. KXCV serves a population of about 157,400.

File No. 95158 IPTN University of Missouri—St. Louis, 8001 Natural Bridge Rd Lucas Hal, St. Louis, MO 63121. Signed By: Dr. Douglas Wartzok, Assoc. V.Chan/Rsch & Grad Dean. Funds Requested: $20,500. Total Project Cost: $44,915. The St. Louis EdNet consortium which includes the University of Missouri-St. Louis, St. Louis Community College, and 28 K–12 public school districts propose to develop a plan for a two-way, interactive interconnection system providing video, voice and data distance learning services among educational institutions, government offices, service agencies and other organizations in an eleven county area of Missouri and Illinois.

File No. 95242 ICTN Monett R–1 School District, 8th & Scott Streets, Monett, MO 65708. Signed By: Dr. Charles Cudney, Superintendent. Funds Requested: $211,133. Total Project Cost: $324,820. To construct classroom production facilities, and a fiber optic network to produce and distribute first instructional programming service to five school districts serving 28,366 students in the Western Ozark region of Southern Missouri.

MP (Marianas Protectorate)

File No. 95056 IPTN Northern Marianas College, P.O. Box 1250, Saipan, MP 96950. Signed By: Ms. Agnes McPhetres, President. Funds Requested: $61,530. Total Project Cost: $61,530. To conduct a study for the design and possible technical options in planning a two-way, interactive video distance education system between the main campus of Northern Marianas College at Saipan, and its extension center at Songsong, Rota.

MS (Mississippi)

File No. 95057 ICTN University of Mississippi, 201 Bishop Hall, University, MS 38677. Signed By: Dr. Michael R. Dingerson, Assoc. Vice Chancellor/Research. Funds Requested: $193,910. Total Project Cost: $387,820. To establish a video production studio at the Teleproductions Resource Center of the University of Mississippi. The new studio would allow the University to offer diverse instructional programming to audiences it cannot at present reach. The University hopes to provide additional programming for Project LEAP—an adult literacy program primarily serving African-American women—in Georgia, Alabama, South Carolina, North Carolina, Maryland, and Michigan. It also wishes to provide specialized programming on nutrition education (targeted towards elderly Mississippians, with funding from the State's Department of Human Services), and to a variety of rural public services employees; e.g., firefighters; emergency management personnel; state, municipal, and county employees; court personnel; and health professionals.

File No. 95190 CTB Mississippi Authority for ETV, 3825 Ridgewood Road, Jackson, MS 39211. Signed By: Mr. Larry Miller, Executive Director. Funds Requested: $173,070. Total Project Cost: $346,140. To provide reliable public television service to the entire population of Mississippi by replacing twenty-three and twenty-four year old transmission lines at WMAW–TV, Channel 14 in Meridian, WMAE–TV, Channel 12 in Booneville and WMAB–TV, Channel 2 in Ackerman.

MT (Montana)

File No. 95007 CRB University of Montana, PA/R–TV Building, Room 180, Missoula, MT 59812. Signed By: Mr. John Cleaveland, Ex. Dir. of Information Tech. Funds Requested: $583,791. Total Project Cost: $778,388. To establish a series of FM repeater stations and translator stations to extend the broadcast services of public radio station KUFM(FM), operating on 89.1 MHz. in Missoula, to 101,000 additional residents of Montana. New 1 KW FM repeater stations will be established operating on 91.7 MHz. in Helena, 89.9 MHz. in Kalispell, 91.3 MHz. in Butte and 91.9 MHz. in Hamilton, MT. A 100 watt FM translator will also be constructed operating on 91.7 MHz to serve Dillon, MT. KUFM (FM) programming will be fed to each new facility via a C-band satellite uplink to be constructed in Missoula.

File No. 95208 CRB Montana State University-Billings, 1500 North 30th Street, Billings, MT 59101. Signed By: Dr. Ronald Sexton, Acting Chancellor. Funds Requested: $20,726. Total Project Cost: $27,632. To extend the public radio service of KEMC(FM), operating on 91.7 MHz in Billings MT, to three additional communities through the construction of FM translators operating on 91.1 MHz in Forsyth, 89.1 MHz in Ashland, and 91.9 in Broadus, MT. The project will provide first public radio service to an additional 12,555 residents of Montana.

File No. 95209 ICTN South East MT T/C Ed. Coop., P.O. Box 500, 500 N. Trautman, Broadus, MT 59317. Signed By: Mr. Brian Patrick, President. Funds Requested: $802,433. Total Project Cost: $1,069,911. To provide distance learning production and interconnection facilities to serve 17,000 students at ten sites in southeast Montana.

NC (North Carolina)

File No. 95017 CRB Fayetteville State University, 1200 Murchison Road, Fayetteville, NC 28301. Signed By: Dr. Donna Benson, Interim Chancellor. Funds Requested: $107,837. Total Project Cost: $143,783. To improve the broadcast operations of public radio station WFSS–FM, operating on 91.9 MHz in Fayetteville, NC, by replacing old and failing equipment in its on-air control room and its primary production studio.

File No. 95028 CRB Shaw University, 118 East South Street, Raleigh, NC 27601. Signed By: Dr. Talbert O. Shaw, President. Funds Requested: $318,054. Total Project Cost: $424,072. To eliminate interference and improve its broadcast operations, WSHA–FM, operating on 88.9 MHz in Raleigh, NC, will relocate its facilities, built a new tower and replace the transmitter, antenna and associated equipment. WSHA will also replace old and worn-out on-air equipment.

File No. 95041 CTN Bennett College, 900 East Washington Street, Greensboro, NC 27401. Signed By: Dr. Gloria Scott, President. Funds Requested: $175,934. Total Project Cost: $234,578. To purchase a digital satellite uplink without compression for the purpose of providing Distance Learning degree programs in the fields of Social Work and in Education.

File No. 95091 CRB Craven Community College, 800 College Court, New Bern, NC 28562. Signed By: Ms. Kathleen Beal, General Manager. Funds Requested: $186,300. Total Project Cost: $248,400. To extend its coverage area and provide first public radio service to unserved areas in Wayne County and Carteret County, WTEB–FM operating on 89.3 MHz in New Bern, NC, will build a 300 foot tower with a 4 kilowatt transmitter to re-broadcast its signal to the Wayne County area and a 195 watt, 7 kilowatt transmitter to re-broadcast its signal to coastal Carteret County.

File No. 95100 CRB Better Life, Inc., 230–B Roanoke Avenue, Roanoke Rapids, NC 27870. Signed By: Mr. George Campbell, Executive Director. Funds Requested: $75,150. Total Project Cost: $100,200. To expand its service area and to provide first service to portions of Northampton County, noncommercial radio station WZRU–FM, operating on 88.5 MHz in Roanoke Rapids, NC, will move to an existing taller tower and increase its operating power.

File No. 95252 CTB University of North Carolina, 10 T.W. Alexander Drive, Research Triangle Pk, NC 27709. Signed By: Mr. Tom Howe, Director & General Manager. Funds Requested: $731,000. Total Project Cost: $1,462,000. To improve its broadcast operations, WUNF–TV, Channel 33 in Asheville, NC, will replace its transmitter, antenna, associated terminal equipment and remote control equipment. The antenna will be located higher on the existing tower and microwave interconnection equipment will also be replaced.

ND (North Dakota)

File No. 95096 CRB Prairie Public Broadcasting, Inc., P.O. Box 3240, 207 N 5th St., Fargo, ND 58108–3240. Signed By: Mr. Steve Leyland, President/ General Manager. Funds Requested: $367,083. Total Project Cost: $489,444. To construct a new public radio station on 90.3 MHz in Devils Lake. Repeater/ satellite station (with limited local origination capacity) will extend the signal of the state public radio network. Station will provide a first public radio signal to 12,199 people and an additional service to 8,825 people who currently receive a signal from three existing FM translators.

File No. 95101 CRB Prairie Public Broadcasting, Inc., P.O. Box 3240, 207 N 5th St., Fargo, ND 58108–3240. Signed By: Mr. Steve Leyland, President/

General Manager. Funds Requested: $104,800. Total Project Cost: $139,734. To extend the signal of the state public radio network by constructing six FM translators at the following ND locations: Beach (91.9 MHz); Bowman (91.9 MHz); Crosby (91.9 MHz); Harvey (91.9 MHz); Hettinger (91.9 MHz); Tioga (91.9 MHz) and one translator at Plentywood, MT (91.9 MHz). New translators will provide a first public radio signal to 11,509 people.

File No. 95267 CRB KEYA, Incorporated, POB 190, Belcourt, ND 58316. Signed By: Mrs. Betty Hamley, General Manager. Funds Requested: $17,389. Total Project Cost: $34,778. To improve the facilities of public radio station KEYA–FM, 88.5 MHz, in Belcourt, by replacing old control room origination equipment with a new console, digital audio tape (DAT) players, a cassette player, a modulation monitor system, a remote control unit, and other related origination equipment. KEYA–FM provides a signal to about 25,000 people on the Turtle Mt. Indian Reservation/Rolette County, ND.

NE (Nebraska)

File No. 95123 CTB University of Nebraska, 60th & Dodge Streets, Omaha, NE 68182–0022. Signed By: Mr. Howard Lowe, General Manager. Funds Requested: $133,800. Total Project Cost: $293,800. To improve public television station KYNE–TV, Ch. 26, in Omaha by replacing three 12 to 15 year old studio cameras. The facility serves as the Omaha production center for the Nebraska ETV Network. It serves approximately 605,097 people.

File No. 95148 CRB Sunrise Communications, Inc., 941 O Street, Suite 1025, Lincoln, NE 68508. Signed By: Mr. Dick Noble, General Manager. Funds Requested: $84,612. Total Project Cost: $112,816. To improve the facilities of public radio station KZUM–FM, 89.3 MHz, in Lincoln by acquiring new and replacement equipment for the on-air control and production control rooms as well as a C-band satellite downlink. Station serves approximately 214,000 people.

File No. 95174 CTN Agricultural Satellite Corporation, C218 Animal Science Building, Lincoln, NE 68583. Signed By: Dr. Janet Poley, President/CEO. Funds Requested: $776,500. Total Project Cost: $1,553,000. To convert 9 existing Ku-band satellite uplinks in the Agsat system and 315 existing satellite downlinks operated by Agsat affiliated schools from analog to digital technology.

File No. 95273 CRB Nebraska Educ. T/C Commission, 1800 N. 33rd Street, Lincoln, NE 68501–3111. Signed By: Mr. Jack McBride, Secretary. Funds Requested: $31,500. Total Project Cost: $63,000. To improve the facilities of public radio station KUCV–FM, 90.9 MHz, in Lincoln by replacing the network's worn out and obsolete master control console and routing switcher. In addition, KUCV–FM would acquire a digital audio workstation to replace the existing analog editing system. Nebraska's nine Station public radio network serves approximately 854,154 people.

File No. 95276 CTB Nebraska Educ. T/C Commission, 1800 N. 33rd Street, Lincoln, NE 68501–3111. Signed By: Mr. Jack McBride, Secretary. Funds Requested: $145,802. Total Project Cost: $291,604. To improve the facilities of the state public television network and public television station KLNE–TV, Ch. 3, in Lincoln, by replacing two television translators: a 16-year-old translator in Beatrice (K23AA) and a 17-year-old unit in Pawnee City (K33AC). The project would also replace existing worn out, obsolete still store and audio editing equipment with a new still store and a digital audio work station, and a digital audio test set. The state public television network serves approximately 1.5 million people.

NH (New Hampshire)

File No. 95166 CRB New Hampshire Public Radio, Inc., 207 North Main Street, Concord, NH 03301. Signed By: Mrs. Gail Devoid, Dir. Admin. Services. Funds Requested: $52,334. Total Project Cost: $104,669. To replace an obsolete and worn out transmitter, test equipment, and an emergency generator providing public radio service to approximately 950,000 persons at WEVO FM, 89.1 MHz, Concord, New Hampshire.

File No. 95177 CTB University of New Hampshire, Mast Road, Box 1100, Durham, NH 03824. Signed By: Mr. Robert Ross, Director of Engineering. Funds Requested: $30,000. Total Project Cost: $60,000. To replace an obsolete and worn out master control switcher and an ENG field videotape recorder at WENH–TV, Channel 11, Durham, New Hampshire, providing public television to approximately 1,109,252 citizens throughout New Hampshire.

NJ (New Jersey)

File No. 95073 CRB New Jersey Public Brdcstg Authority, 25 South Stockton Street, Trenton, NJ 08625. Signed By: Mr. William Jobes, Acting General Manager. Funds Requested: $129,775. Total Project Cost: $192,951. To replace obsolete and worn out transmitters providing public radio programming to approximately 302,346 persons at WNJS–FM, 88.1 MHz, Berlin, New Jersey, and WNJT–FM, 88.1 MHz, Trenton, New Jersey, with a power increase at WNJT; and to provide first public radio service to approximately 252,654 persons by constructing new transmitting facilities at WNJB–FM, 89.3 MHz, Bridgeton, New Jersey and WNJP–FM, 88.5 MHz, Sussex, New Jersey.

File No. 95078 IPTN Ocean County College, College Drive, Toms River, NJ 08754. Signed By: Dr. Milton Shaw, President. Funds Requested: $42,890. Total Project Cost: $42,890. To identify the most effective means of establishing an interactive, distance learning system among fifteen county high schools, Ocean County College, five vocational-technical schools, the Ocean County library, five area hospitals, and Thomas Edison State College.

NM (New Mexico)

File No. 95012 CTB Eastern New Mexico University, 15th and Avenue O, Portales, NM 88130. Signed By: Mr. Duane W. Ryan, Director of Broadcasting. Funds Requested: $49,230. Total Project Cost: $98,460. To improve the facilities of public television station KENW–TV, Ch. 3, in Portales, by replacing an obsolete character generator and test/monitoring equipment including a waveform/vectorscope, signal test generator and a modulation monitor. KENW–TV serves about 350,000 residents of eastern New Mexico and west Texas.

File No. 95129 CTB New Mexico State University, Jordon St. Milton Hall, Room 100, Las Cruces, NM 88003. Signed By: Mr. Ronald Salak, General Manager. Funds Requested: $55,988. Total Project Cost: $111,976. To improve the facilities of public television station KRWG–TV, Ch. 22, in Las Cruces by replacing very old, unreliable ¾″ field production cameras and associated equipment, off-line editing equipment and post-production recorder/players used in news and production areas. KRWG–TV serves approximately 865,094 people.

File No. 95287 ICTN Hispanic Educational Telecom System, 1130 University Blvd., NE, Albuquerque, NM 87102. Signed By: Mr. Jose Mendez, Chair of HETS Board. Funds Requested: $1,225,626. Total Project Cost: $1,634,168. To establish a C-band VSAT satellite-based network to provide distance learning to Hispanic students attending nine institutions of higher education: Lehman College and Hostos Community College, Bronx, NY; South Mountain Community College, Phoenix, AZ; Mississippi University for Women, Columbus, MS; University of New Mexico, Albuquerque, NM; Ana Mendez

University System and the University of Puerto Rico, San Juan, PR; University of Texas, Brownsville, and the University of Texas Pan American, Edinburg, TX.

NV (Nevada)

File No. 95088 ICTN Univ. & Community Coll Sys of NV, P.O. Box 9060, Reno, NV 89507. Signed By: Dr. Donald Zitter, Executive Director. Funds Requested: $868,885. Total Project Cost: $1,737,770. To expand the interactive compressed video distance learning network of the University and Community College System of Nevada. The project would construct instructional sites at three campuses: Stead; Truckee Meadows Community College; and the Southern Nevada Science Center. It would do the same at eight off-campus, high-usage learning centers: Alamo, Beatty, Caliente, Incline Village, Lovelock, Minden, Round Mountain, and Yerington. It would also upgrade the current system's multipoint switching hub sites in Las Vegas and Reno and add such a switching site in Elko.

File No. 95236 CTB Lander County (Austin TV Assoc.), P.O. Box 10, Austin, NV 89310. Signed By: Mr. Gerald La Miaux, Chairman. Funds Requested: $24,510. Total Project Cost: $32,680. To extend the signal of public television station KNPB–TV, Ch. 5, in Reno, by constructing two television translator stations in Austin. K28EI and K60FK will translate the signal from an existing translator, K50AI, in Hawthorne. The two new translators will provide a first public television signal to Austin/South Lander County, NV.

File No. 95237 ICTBN Clark County School District, 4210 Channel 10 Drive, Las Vegas, NV 89119. Signed By: Mr. Thomas Axtell, General Manager. Funds Requested: $210,250. Total Project Cost: $358,500. To provide first instructional television service to Pahrump and Boulder City, Nevada, and to install satellite downlinks at 13 sites in Clark, Lincoln, White Pine and Nye Counties, Nevada, and locations in western Arizona and eastern California, serving approximately 30,042 persons with both broadcast and non-broadcast programs.

NY (New York)

File No. 95003 CTB Western NY Public Brdcstg. Assn., P.O. Box 1263, Buffalo, NY 14240. Signed By: Mr. J. Michael Collins, President and CEO. Funds Requested: $283,102. Total Project Cost: $566,204. To replace obsolete and worn out studio cameras, and to acquire digital VTRs and test equipment for local and national television productions at WNED, Channel 17, Buffalo, New York.

File No. 95039 CRB State University of NY, Oswego, 14 Lanigan Hall, Oswego, NY 13126. Signed By: Dr. Stephen Weber, President. Funds Requested: $68,985. Total Project Cost: $137,970. To construct a new 1000 Watt FM repeater station on a frequency of 90.3 MHz, located in Dewitt, New York and serving approximately 125,000 residents of Syracuse, New York.

File No. 95043 ICTN NY City Dept. of Info Tech & T/com., 75 Park Place, New York, NY 10017. Signed By: Mr. Ralph Balzano, Commissioner. Funds Requested: $563,850. Total Project Cost: $939,750. To establish a SONET-based fiber optic network that will interconnect Hunter College School of Social Work, Borough of Manhattan Community College, New York City's Department of Personnel, and the City's municipal cable television network, called Crosswalks. The objective is to deliver educational programming that will help encourage the City's economic development by enhancing the work force skills of the City's residents and of its municipal workforce.

File No. 95051 ICTN Cayuga-Onondaga BOCES, 5980 South Street Road, Auburn, NY 13021. Signed By: Dr. Frank Ambrosie, District Superintendent. Funds Requested: $331,083. Total Project Cost: $441,444. To purchase video classrooms at twelve academic institutions in the Cayuga-Onondaga area of central New York, under the aegis of the Cayuga-Onondaga Board of Cooperative Educational Services (BOCES). The sites will be connected by fiber optics to form a distance learning system. The system would comprise 9 public school districts, one BOCES site, a community college and a four-year private college and would permit the exchange of live educational programming, satellite teleconferences and programs, data communication, and media distribution.

File No. 95052 ICTN Fashion Institute of Technology, Seventh Ave. at West 27 Street, New York, NY 10001. Signed By: Dr. Durwood Long, Treas. & VP/Finance & Admin. Funds Requested: $372,969. Total Project Cost: $497,293. To establish a broadcast-quality video classroom at the Fashion Institute of America, New York City, and to purchase fiber optic cable and a terminal multiplexer to allow the Institute to originate diverse educational/instructional programming and transmit that programming throughout New York City, the State, and, via satellite, the Nation.

File No. 95062 ICTN Cattaraugus/Allegany BOCES, 1825 Windfall Road, Olean, NY 14760. Signed By: Mr. Thomas P. Nickler, Asst. District Superintendent. Funds Requested: $434,140. Total Project Cost: $1,118,380. To help establish a two-way interactive, full-motion video, analog distance learning system to interconnect 13 public schools and one post-secondary school in Cattaraugus and Allegany Counties, a mainly-rural, economically depressed area in southwest New York State. The proposal would support the activation of 14 video classrooms for the new system.

File No. 95064 CTB WXXI Public Broadcasting Council, 280 State Street, Rochester, NY 14614. Signed By: Mr. William Pearce, President & General Mgr. Funds Requested: $115,640. Total Project Cost: $236,000. To construct a Ku-band satellite uplink to permit public television station WXXI–TV, operating on Ch. 21 in Rochester, NY, to distribute programming nationwide. The uplink would permit timely distribution of programming such as ''Assignment: The World'' and ''New York Speaks Out'' after the demise of the New York Terrestrial Distribution System, which interconnected all New York State public television stations with an uplink in New York City.

File No. 95107 ICTN State University of New York, Whipple Administration Bldg., Morrisville, NY 13408. Signed By: Dr. Frederick Woodward, President. Funds Requested: $431,577. Total Project Cost: $575,981. To establish a distance learning network connected by fiber optic cable carrying interactive voice, video, and data. The network would connect nine public schools, a cooperative education center, the Oneida Indian Nation, and two state operated college campuses. The programming schedule would include academic classes, Indian cultural education, workforce training, adult education, and civic activities.

File No. 95108 CRB State University of New York, 14 Lanigan Hall, Oswego, NY 13126. Signed By: Mr. William Shigley, Station Manager. Funds Requested: $124,586. Total Project Cost: $124,586. To replace an obsolete and worn out transmitter and related equipment at WRVO–FM, 89.9 MHz, serving 549,000 persons from Oswego, New York.

File No. 95122 CRTB WMHT Educational Telecommunications, 17 Fern Avenue, Schenectady, NY 12301–0017. Signed By: Mr. William D. Rogosin, President & General Manager. Funds Requested: $330,300. Total Project Cost: $660,600. To replace an obsolete, worn out routing switcher and related equipment, a master control console, an automation system and monitoring equipment for WMHT–TV, Channel 17, WMHQ–TV, Channel 45,

WMHT–FM, 89.1 MHz, Schenectady, New York, and WRNV–FM, 88.7 MHz, Poughkeepsie, New York, providing Public Radio and TV to approximately 2,225,550 people in eastern New York, western Massachusetts, Connecticut and Vermont.

File No. 95168 CTB St. Lawrence Valley ETV Council, 1056 Arsenal Street, Watertown, NY 13601. Signed By: Mr. William Saiff, Jr., President General Manager. Funds Requested: $965,837. Total Project Cost: $1,931,674. To replace worn out and obsolete transmitters serving approximately 395,000 U.S. citizens, and additionally serving Canadian citizens from public television stations WNPE–TV, Channel 16, in Watertown, New York, and WNPI–TV, Channel 18, in Norwood, New York.

File No. 95172 CTB Long Island Educ. TV Council, Inc., Channel 21 Drive, P.O. Box 21, Plainview, NY 11803. Signed By: Mr. Terrel Cass. Funds Requested: $192,900. Total Project Cost: $385,800. To replace an obsolete television antenna, and to acquire test equipment for WLIW–TV, Channel 21, Plainview, New York, providing service to 2,400,000 people in New York, New Jersey and Connecticut.

File No. 95191 CRB Niagara Frontier Radio Reading Sv, 15 Industrial Parkway, Cheektowaga, NY 14227. Signed By: Mr. Robert Sikorski, Executive Director. Funds Requested: $51,900. Total Project Cost: $103,838. To replace and augment studio origination equipment including a control console, reel-to-reel tape decks, compact disc, cassette and cart players, microphones, mixers and amplifiers; and to purchase 200 SCA, and 200 SAP receivers for a radio reading service for 30,000 print impaired persons in Western New York State.

File No. 95288 ICTN City College of CUNY, 138th Street & Convent Avenue, New York, NY 10031. Signed By: Ms. Regina Masterson, Acting Director, Ofc of Resrch. Funds Requested: $320,300. Total Project Cost: $640,675. To construct classroom multi-media production facilities providing first educational service to 3,000 students at three educational sites in the Harlem District of New York City, and to acquire interface facilities to link them with an on-campus multi-media delivery system at City College of New York.

OH (Ohio)

File No. 95002 CRB Akron Board of Education, 65 Steiner Avenue, Akron, OH 44301. Signed By: Mr. Phil R. Hoffman, General Manager. Funds Requested: $15,000. Total Project Cost: $30,000. To improve the operational capability of public radio station WAPS, 91.3 MHz, Akron, OH, by replacing obsolete and worn-out production equipment, including an audio console, CD players, and DAT recorders. WAPS serves a population of about 15,000 persons.

File No. 95065 CTB Ohio University, 9 South College Street, Athens, OH 45701. Signed By: Mr. T. Lloyd Chestnut, Vice President. Funds Requested: $169,160. Total Project Cost: $338,320. To improve the production capability of public station WOUB–TV, Ch. 20, Athens, OH, by replacing worn-out and obsolete equipment, including its production lighting system and switcher, still store, and monitors, and by upgrading its routing switcher. WOUB–TV serves a population of about 950,000.

File No. 95083 ICTN City of Columbus, Ohio, 90 West Broad Street, Columbus, OH 43215. Signed By: Mr. Noel Reese, Administrator. Funds Requested: $70,162. Total Project Cost: $140,325. To extend the City of Columbus's fiber optics network to the Martin Luther King Jr. Performing and Cultural Arts Center and to install a video production studio in the Center so as to allow for the production of programming, much of which will be directed towards the interests of African-Americans.

File No. 95112 CRB Miami University, Spring & Oak Streets, Oxford, OH 45056. Signed By: Mr. Edward Demske, Vice President/Finance. Funds Requested: $57,173. Total Project Cost: $114,346. To improve the transmission capability of public radio station WMUB, 88.5 MHz, Oxford, OH, by replacing its 13-year-old transmitter and adding an emergency power generator. The project would also upgrade its Emergency Broadcast System to the new Emergency Alert System mandated by the FCC. WMUB serves a population of about 312,302.

File No. 95126 CTB ETV Assn of Metro Cleveland, 4300 Brookpark Road, Cleveland, OH 44134. Signed By: Mr. Jerry Wareham, President & General Manager. Funds Requested: $441,822. Total Project Cost: $883,645. To improve the operation of public television station WVIZ, Ch. 25, Cleveland, OH, by replacing its manual video recording and playback system with an automated one. The station serves a population of about 3.7-million.

File No. 95184 CTB Greater Dayton Public TV, Inc., 110 South Jefferson Street, Dayton, OH 45402–2402. Signed By: Mr. David M. Fogarty, President & General Manager. Funds Requested: $81,715. Total Project Cost: $163,430. To improve the broadcast signal of public television station WPTD, Ch. 16, Dayton, OH, by replacing the 19-year-old transmitters of its translators in Maplewood, Ch. 63, and Celina, Ch. 17, OH, and by replacing worn-out and obsolete test equipment, including a spectrum analyzer, a portable oscilloscope, a waveform monitor, and a video test signal generator. WPTD serves a population of about 384,537.

File No. 95205 ICTBN Greater Cincinnati TV Educ. Fdn., 1223 Central Parkway, Cincinnati, OH 45214. Signed By: Mr. W. Wayne Godwin. Funds Requested: $399,960. Total Project Cost: $799,921. To replace an obsolete, worn out routing switcher and 15 video recording/playback machines at WCET, Channel 48, Cincinnati, Ohio, serving 1,500,000 public television viewers, and 250,000 students in 400 schools, and local cable subscribers with public television and educational programming.

File No. 95240 CRB Kent State University, 1613 East Summit Street, Kent, OH 44242. Signed By: Dr. Carol Cartwright, President. Funds Requested: $328,202. Total Project Cost: $437,603. To extend the signal of public radio station WKSU, 89.7 MHz, Kent, OH, by replacing its worn-out transmitter and antenna and relocating the transmitter to Copley, OH, and increasing the tower height of its antenna. The change will provide the first public radio signal to about 58,187 residents of three counties and additional service to about 268,400 residents. The station presently serves a population of about 2,340,307 persons.

File No. 95251 CRB Ohio State University, 2400 Olentangy River Road, Columbus, OH 43210. Signed By: Mr. Dale K. Ouzts, Director/General Manager. Funds Requested: $227,261. Total Project Cost: $303,015. To extend the signal of public radio station WOSU–FM, 89.7 MHz, Columbus, OH, by activating a repeater station on 91.1 MHz in Marion, OH. The new station will provide the first public radio signal to about 19,061 persons.

File No. 95271 CRB Public Broadcasting Fndn of NW Ohio, 136 Huron Street, Toledo, OH 43604. Signed By: Ms. Shirley E. Timonere, President & General Manager. Funds Requested: $245,223. Total Project Cost: $326,964. To extend the signal of public radio station WGTE–FM, 91.3 MHz, Toledo, OH, by activating repeaters on 91.9 MHz in Bryan, OH, and on 90.9 MHz, in Defiance, OH. The new stations will bring the first public radio service to about 97,889 persons. WGTE–FM presently serves a population of about 1,040,500.

File No. 95279 CRB Kent State University, 1613 East Summit Street, Kent, OH 44242. Signed By: Dr. Carol Cartwright, President. Funds Requested: $169,996. Total Project Cost: $226,661. To extend the coverage of public radio station WKSU, 89.7 MHz, Kent, OH, by activating a repeater station on 89.1 MHz in Thompson, OH. The new station would serve a population of about 247,987.

File No. 95282 CTB Ohio State University, 2400 Olentangy River Road, Columbus, OH 43210. Signed By: Mr. Dale K. Ouzts, Director/General Manager. Funds Requested: $207,321. Total Project Cost: $414,642. To improve the production capability of public television station WOSU–TV, Ch. 34, Columbus, OH, by replacing worn-out and obsolete items of studio, editing and test equipment, including video tape machines, an audio mixer, camera pedestals and heads, monitors, oscilloscopes, a logic analyzer, and a color analyzer. All items are at least 10 years old, some are more than 20 years old, and some are nearly 40 years old. WOSU–TV serves a population of about 1,866,000.

File No. 95296 CRB Xavier University, 3800 Victory Parkway, Cincinnati, OH 45207–7211. Signed By: Mr. John Kucia, Administrative Vice President. Funds Requested: $263,169. Total Project Cost: $350,893. To extend the signal of public radio station WVXU, 91.7 MHz, Cincinnati, OH, by activating a repeater to operate on 106.3 MHz, in Crawfordsville, IN, bringing WVXU's program service to approximately 58,328 people. The station presently serves a population of about 1,364,000.

OK (Oklahoma)

File No. 95004 ICTN Oklahoma Panhandle State University, 323 W. Eagle Blvd., P.O. Box 126, Goodwell, OK 73939. Signed By: Dr. Carl Westbrook, Interim President. Funds Requested: $400,000. Total Project Cost: $3,400,000. To purchase a DS–3 video switcher and to assist Oklahoma Panhandle State University upgrade the distance learning network that the University shares with 12 public schools in the three counties of the Oklahoma Panhandle. The project would allow the network to extend its services to the school districts in the communities of Guymon and Tyrone, add a second video classroom to each of the current sites, and permit Internet access.

File No. 95182 CRB University of Central Oklahoma, 100 N. University Drive, Edmond, OK 73034. Signed By: Dr. Joyce Mounce, V.P. for Administration. Funds Requested: $319,100. Total Project Cost: $487,003. To expand its broadcast area and provide first service to approximately 75,000 people in greater Oklahoma City, KCSC–FM operating on 90.1 MHz in Edmond, OK, will relocate its antenna to a higher location and increase transmitter power. In addition, KCSC will replace old and worn-out equipment in its on-air and production rooms.

File No. 95198 CRB University of Central Oklahoma, 100 N. University Drive, Edmond, OK 73034. Signed By: Dr. Joyce Mounce, V.P. for Administration. Funds Requested: $156,567. Total Project Cost: $208,757. To provide first service to approximately 40,000 people, KCSC–FM operating on 90.1 MHz in Edmond, OK, will activate a repeater noncommercial radio station on 91.9 MHz in McAlester, Oklahoma.

File No. 95227 CTB Oklahoma Educational TV Authority, 7403 N. Kelley Avenue, Oklahoma City, OK 73113. Signed By: Mr. Robert Allen, Executive Director. Funds Requested: $350,000. Total Project Cost: $700,000. To upgrade the technical facilities of public television stations KETA–TV, Channel 13 in Oklahoma City and KOED–TV, Channel 11 in Tulsa by purchasing stereo audio equipment and establishing a secondary audio program channel (SAP). Six translators will also be upgraded to provide enhanced services to the community.

OR (Oregon)

File No. 95097 CTB Oregon Public Broadcasting, 7140 SW Macadam Avenue, Portland, OR 97219. Signed By: Mr. Maynard Orme, President & CEO. Funds Requested: $158,875. Total Project Cost: $317,750. To replace the 30-year-old broadcast antenna, transmission line and tower of public station KOAC–TV, Ch. 7, Corvallis, OR. The project will enable the station to continue service to 220,000 residents of the Willamette Valley and coastal communities in western Oregon.

File No. 95233 CTB Southern Oregon Public Television, 34 South Fir St., Medford, OR 97501. Signed By: Mr. William Campbell, President, General Manager. Funds Requested: $296,456. Total Project Cost: $569,127. To extend the signal of public station KSYS–TV, Ch. 8, Medford, OR, by activating a 100-watt translator in Brookings, OR, to serve 13,000 residents in the Brookings/Harbor area. The project also seeks to improve the facilities of KSYS–TV by replacing obsolete production equipment, including video cassette machines, production switcher, field cameras, and post-production editing. KSYS–TV serves 405,000 people in the Medford and Klamath Falls area.

File No. 95293 IPTN Southwestern Oregon Cmmty College, 1988 Newmark Avenue, Coos Bay, OR 97420–2956. Signed By: Dr. Stephen Kridelbaugh, President. Funds Requested: $109,677. Total Project Cost: $146,236. To develop a telecommunications plan for the use of technologies in distance learning and training applications, in a geographically isolated rural area of potentially three counties served by Southwestern Oregon Community College.

PA (Pennsylvania)

File No. 95013 CRB QED Communications, Inc., 4802 Fifth Avenue, Pittsburgh, PA 15213. Signed By: Mr. George L. Miles, Jr., President & CEO. Funds Requested: $112,994. Total Project Cost: $171,167. To extend the service of public station WQED–FM, 89.3 MHz, Pittsburgh, PA, in the Johnstown, PA, area by activating a full-power repeater station on 89.7 MHz to replace its existing translator. The new repeater will bring the first public radio signal to about 263,005 persons in the Johnstown area. The project will also improve the transmission capability, of WQED–FM by replacing its 20-year-old antenna.

File No. 95119 CRB Pennsylvania State University, 202 Wagner Building, University Park, PA 16802–3899. Signed By: Mr. Robert Killoren, Director of Sponsored Programs. Funds Requested: $47,142. Total Project Cost: $62,856. To extend the signal of public radio station WPSU 91.5 MHz, University Park, PA, by activating three translators to operate on 96.1 MHz in Clearfield, 100.3 MHz in Lewistown, and 106.5 MHz in DuBois, all PA. The new translators will bring the first public radio signal to about 33,028 residents of Clearfield and Mifflin Counties. WPSU presently serves a population of about 366,196.

File No. 95134 CBT Pennsylvania State University, 202 Wagner Building University Park, PA 16802–3899. Signed By: Mr. Robert Killoren, Director of Sponsored Programs. Funds Requested: $25,021. Total Project Cost: $50,042. To improve the service of public television station WPSX, Ch. 3, University Park, PA, by acquiring the necessary equipment to provide Descriptive Video Service and stereophonic audio. The station serves a population of about 1,365,627.

File No. 95138 CTB WHYY, Inc., 150 N. Sixth Street, Philadelphia, PA 19106. Signed By: Dr. Frederick Breitenfeld, Jr., President. Funds Requested: $292,157. Total Project Cost: $584,314. To improve the operation of public

television station WHYY–TV, Ch. 12, Philadelphia, PA, by replacing its worn-out and obsolete master control and routing switchers, video tape recorders, and distribution and monitoring equipment. The station serves a population of about 7 million persons.

File No. 95171 CRB Lehigh Valley Cmty Bdcstrs Assn, 301 Broadway, Bethlehem, PA 18015. Signed By: Mr. Brian F. Landers, President. Funds Requested: $25,429. Total Project Cost: $50,858. To enhance the signal of public radio station WDIY, 88.1 MHz, Bethlehem, PA, by activating translators to operate on 93.9 MHz in Easton, PA, and on 93.5 MHz in Bethlehem, and to improve the operational capability of the station by acquiring remote origination equipment. WDIY presently serves a population of about 351,167. The new translators will add about 69,547 persons.

PR (Puerto Rico)

File No. 95197 CRB University of Puerto Rico, Ponce de Leon & Pastrana St., San Juan, PR 00931. Signed By: Prof Rafael Garcia-Machuca, Director. Funds Requested: $174,619. Total Project Cost: $349,238. To provide first public radio programming to 476,379 persons on the west coast of Puerto Rico by activating a new station, WTRU–FM, 89.7 MHz, Mayaguez, Puerto Rico.

File No. 95248 CTB Fundacion Educativa Ana G. Mendez, P.O. Box 21345, Rio Piedras, PR 00928. Signed By: Mr. Jose F. Mendez, President. Funds Requested: $449,456. Total Project Cost: $599,275. To improve current public television service to 2,530,120 citizens, and to provide first public television service to an additional 118,000 citizens in eastern Puerto Rico by replacing an obsolete and worn out transmitter at WMTJ–TV, Channel 40, San Juan, Puerto Rico.

SC (South Carolina)

File No. 95185 ICTN Horry-Georgetown Technical College, 2050 Highway, 501 East, Conway, SC 29526. Signed By: Dr. D. Kent Sharples, President. Funds Requested: $319,745. Total Project Cost: $569,745. To establish two-way interactive compressed video and audio linking three campuses of Horry-Georgetown Technical College campuses in Conway, Georgetown and Myrtle Beach, South Carolina, and to establish studio production facilities to serve the system.

File No. 95231 ICTN South Carolina ETV Commission, 1101 George Rodgers Boulevard, Columbia, SC 29201. Signed By: Mr. Ronald Schoenherr, Senior Vice President. Funds Requested: $722,912. Total Project Cost: $1,445,825. To extend the services of South Carolina Educational Television by placing satellite downlink equipment at 383 middle, secondary and vocational schools throughout the state. The applicant currently distributes 6 channels of distance learning via satellite to 102 schools in the state.

File No. 95295 CRB South Carolina State University, 300 College Street, PO Box 7656, Orangeburg, SC 29117. Signed By: Dr. Barbara Hatton, President. Funds Requested: $139,327. Total Project Cost: $185,770. To improve and upgrade the facilities of public station WSSB–FM, 90.3 MHz, Orangeburg, SC, by installing a satellite downlink to receive national programming and by replacing analog control room equipment with digital equipment.

TN (Tennessee)

File No. 95034 ICTN University of TN at Chattanooga, 615 McCallie Avenue, Chattanooga, TN 37403. Signed By: Dr. Frederick Obear, Chancellor. Funds Requested: $116,367. Total Project Cost: $232,734. To activate a video classroom for the Division of Continuing Education and Public Service at the University of Tennessee at Chattanooga. The classroom will originate educational/instruction programming that will be delivered via cable television throughout the greater Chattanooga area. The course work will center on the following: Combating illiteracy; expanding parenting skills; and offering teacher education in conflict resolution, technology in the classroom, and teach recertification in rural areas.

File No. 95036 IPRTN Knoxville College, 901 College Street, Knoxville, TN 37921. Signed By: Dr. Lois Williams, President. Funds Requested: $80,000. Total Project Cost: $80,000. To explore all reasonable and feasible telecommunications options in developing a plan to establish the Knoxville College Communications Center, for a possible future radio broadcasting facility and an interconnection system for distance learning programs between Knoxville College and the University of Tennessee.

File No. 95042 CTB West TN Public TV Council, Inc., University of Tenn.-Clement Hall, Martin, TN 38237. Signed By: Mr. John Hesse, General Manager. Funds Requested: $33,832. Total Project Cost. $67,664. To assure reliability of the station's broadcast services, public television station WLJT–TV, Channel 11 in Martin, TN, will relocate the intermediate point of the station's studio transmitter link.

File No. 95058 CRB Metropolitan Governt of Nashville, 225 Polk Avenue, Nashville, TN 37203. Signed By: Mr. Chase Adams, Interim Library Director. Funds Requested: $55,695. Total Project Cost: $74,260. To extend the service of noncommercial radio station WPLN–FM operating on 90.3 MHz in Nashville, TN, by constructing a repeater station in Cookeville to provide first service to approximately 43,550 people.

File No. 95069 CTB Mid-South Public Commun. Found., 900 Getwell Street, Memphis, TN 38111. Signed By: Mr. Michael LaBonia, President & CEO. Funds Requested: $138,600. Total Project Cost: $277,200. To provide uninterrupted, high quality broadcast services, WKNO–TV, Channel 10 in Memphis, TN, will replace outdated ¾″ machines with three state-of-the-art digital videotape machines and will enhance its graphics capability by purchasing a new computer graphics system.

File No. 95074 CRB Guiding Hands for the Blind, Inc., 1970–D North Highland Avenue, Jackson, TN 38305. Signed By: Mr. Ernest Harper, Jr., General Manager. Funds Requested: $35,000. Total Project Cost: $74,511. Guiding Hands for the Blind, Inc. proposes the construction of a non-commercial FM radio station operating on 88.7 MHz to provide information from local and national publications, local public affairs programming, news and other services to visually and physically impaired persons in its service area.

File No. 95103 CTB Upper Cumberland Broadcast Council, PO Box 2040, Stadium Drive, Cookeville, TN 38502. Signed By: Mr. Richard Castle, Jr., General Manager. Funds Requested: $193,990. Total Project Cost: $387,980. To replace and upgrade outdated equipment, WCTE–TV, Channel 22 in Cookeville, TN, will purchase video and audio test equipment, routers, processors and a video monitor. To improve remote production facilities, WCTE will replace one camera, two VTRs, the audio console and the video and graphics processors.

File No. 95128 CRB University of Tennessee @ Chatt., 615 McCallie Avenue, Chattanooga, TN 37403. Signed By: Dr. Frederick Obear, Chancellor. Funds Requested: $20,600. Total Project Cost: $41,200. To upgrade its program origination facilities, public radio station WUTC–FM, operating on 88.1 MHz in Chattanooga, TN, will purchase and install a master control console, four digital audio tape recorders and four professional compact disc players.

File No. 95221 CTB Metropolitan Board of Public Educ., 161 Rains

Avenue, Nashville, TN 37203. Signed By: Dr. Richard Benjamin, Director of Schools. Funds Requested: $627,367. Total Project Cost: $1,254,733. To upgrade the facilities of public television station WDCN–TV, Channel 8 in Nashville, TN, by replacing the 22-year old transmitter, antenna, transmission line, studio-to-transmitter link and associated monitoring and test equipment.

File No. 95263 ICTB Knoxville Communications Coop. In, 3018 East 5th Avenue, Knoxville, TN 37914. Signed By: Mr. Emanuel Bailey, President. Funds Requested: $311,000. Total Project Cost: $415,000. To construct a community based, minority owned and operated, television production Facility to serve 200,000 citizens in Knoxville, Tennessee.

File No. 95286 CTB East Tennessee Public Comm. Corp., 1611 E. Magnolia Avenue, Knoxville, TN 37917. Signed By: Mr. Richard Meschendorf, Chairman, Board of Directors. Funds Requested: $190,026. Total Project Cost: $380,053. To replace obsolete or technically-deficient Master Control equipment at WSJK–TV, Channel 2 and WKOP–TV, Channel 15 in Knoxville, Tennessee.

TX (Texas)

File No. 95011 ICTN Prairie View A & M University, New Classroom Bldg., Room 129, Prairie View, TX 77446. Signed By: Dr. Joahanne Thomas-Smith, Provost/VP-Academic Affairs. Funds Requested: $150,000. Total Project Cost: $200,000. To establish an educational access channel for Prairie View A&M University, Prairie View, Texas. The University—which is an Historically Black University—will use the equipment to originate educational and instructional programming to be distributed over the cable television systems in the communities of Prairie View and Waller, both in Waller County in southeast Texas.

File No. 95125 CTB University of Houston, 1600 Smith Street, Suite 3400, Houston, TX 77002. Signed By: Dr. B. Dell Felder, Senior Vice Chancellor. Funds Requested: $490,826. Total Project Cost: $981,652. To improve public television station KUHT–TV, Ch. 8, in Houston by replacing on-air analog video tape machines with six (6) digital video machines. In addition, KUHT–TV will acquire an automation system for on-air and a digital editing system to replace existing equipment. KUHT–TV serves approximately 3.9 million people.

File No. 95135 ICTN TX State Tech. College Sweetwater, 300 College Drive, Sweetwater, TX 79556. Signed By: Dr. Robert Musgrove, Dean of Instruction. Funds Requested: $126,898. Total Project Cost: $211,498. To provide first distance education services to 5,000 students on the Abeline, Breckenridge, and Brownwood campuses of Texas State Technical College, Sweetwater (TSTC) and their surrounding communities by acquiring studio production equipment for the Sweetwater studio, VTEL equipment for Sweetwater and three other unnamed sites, and by constructing a multipoint bridge to access other T1 networks in a hub and star configuration from the Sweetwater Campus.

File No. 95156 ICTN Alliance for Higher Education, 17103 Preston Road, Dallas, TX 75248–1373. Signed By: Dr. Allan Watson, President. Funds Requested: $553,011. Total Project Cost: $1,106,022. To support delivery of distance learning programs to multiple users of a variety of digital technologies and high speed fiber optic network systems serving 23 Dallas-Fort Worth, Texas higher education and medical institutions, by acquiring digital switching, fiber optic terminals, fiber optic multiplexers, and codec equipment to provide network access.

File No. 95159 CTB Capital of TX Pub Telecom Council, 2504–B Whitis Street, Austin, TX 78705. Signed By: Mr. Bill Arhos, President/General Manager. Funds Requested: $157,274. Total Project Cost: $314,549. To improve the facilities of public television station KLRU–TV, Ch. 18, in Austin, by replacing a worn-out lighting dimmer system that is 22 years old. KLRU–TV serves approximately 1.04 million people in Austin and produces nationally distributed programming.

File No. 95195 CTB Alamo Public Telecomm. Council, 501 Broadway, San Antonio, TX 78125. Signed By: Ms. Joanne Winik, President and General Mgr. Funds Requested: $251,143. Total Project Cost: $502,286. To improve the facilities of public television station KLRN–TV, Ch. 9, in San Antonio by replacing essential videotape delay equipment, replacing inadequate studio cameras and associated equipment, and acquiring off-line editing equipment that will improve the efficiency of the existing on-line editing system. KLRN–TV serves approximately 2 million people.

File No. 95206 CRB University of Texas at Austin, POB 7726, University Station, Austin, TX 78713. Signed By: Mr. Wayne Kuenstler, Director, Sponsored Projects. Funds Requested: $73,299. Total Project Cost: $146,600. To improve the facilities of public radio station KUT–FM, 90.5 MHz, in Austin by replacing and/or upgrading the transmitter/antenna system, acquiring digital audio tape (DAT) machines and replacing a 1976 remote audio recording console. KUT–FM provides service to approximately 1.1 million people in central TX.

File No. 95211 ICTN Corpus Christi Public Library Fdn, 805 Comanche, Corpus Christi, TX 78401. Signed By: Mr. William White, President. Funds Requested: $168,670. Total Project Cost: $255,561. To acquire a UNIX-based host computer, telecommunications equipment and digital communication lines, including T1, at the Central Library and several branch sites, serving 147,000 persons, in Corpus Christi, Texas, and adding 107,000 persons by constructing the proposed system.

File No. 95261 ICTB Ysleta Independent School District, 9600 Sims, El Paso, TX 79925. Signed By: Mr. Anthony Trujillo, Superintendent. Funds Requested: $1,608,900. Total Project Cost: $2,145,200. To activate a low power television station to provide public television service to 415,000 persons in El Paso, Texas, and to construct a television studio and editing facility at a building owned by the Ysleta Independent School District in El Paso.

UT (Utah)

File No. 95040 ICTN Utah State University, Eccles Conference Center, Rm 102, Logan, UT 84322–5035. Signed By: Mr. M.K. Jeppesen, Director, Contracts & Grants. Funds Requested: $1,003,875. Total Project Cost: $1,338,500. To establish a two-way video, two-way audio, distance learning system to interconnect Utah State University's Continuing Education program with 48 academic sites through the State. The system would be based on compressed video transmission via telephone lines. Ten of the proposed sites would have origination capacity. The system would replace the University's outdated slow-scan video conferencing system, which reaches only 37 sites.

File No. 95050 CRB Utah State University, 745 North 1200 East, Logan, UT 84322. Signed By: Mr. M.K. Jeppesen, Director. Funds Requested: $8,775. Total Project Cost: $11,700. To extend the signal of public radio station KUSU–FM, 91.5 MHz, in Logan by activating two new FM translators to serve Hanksville (91.9 MHz) and Teasdale/Torrey (94.5 MHz). Translators would provide first public radio service to approximately 2,177 people.

File No. 95130 CTB University of Utah, 101 Wasatch Drive, Salt Lake City, UT 84112. Signed By: Mr. Ted Capener, V. Pres. for Univ. Relations. Funds

Requested: $287,769. Total Project Cost: $457,040. To extend the signal of public television station KULC–TV, Ch. 9, by activating eight new translators. First instructional/educational television service would be provided to the following areas: Long Valley Junction (Ch. 46), Tooele (K20ER), Panquitch (Ch. 18), Alton (Ch. 62), Orangeville (Ch. 15), Monticello/Blanding (Ch. 21), rural Sanpete County (Ch. 18) and Heber City (Ch. 68). KUED–TV (PBS), Ch. 7, would be extended by providing first public television to the following communities: Rural Grand County (Ch. 17), Rockville/Springdale (Ch. 58) and Bullfrog (Ch. 15). Existing translators would be replaced at Laketown/Garden City (K63BF), Randolph/Woodruff (K55BS) and Monticello/Blanding (K40AF). Project would also replace video tape recorders and related equipment as well as replace a WWII vintage diesel generator at a very critical communications site in the state network.

VA (Virginia)

File No. 95005 CTB Shenandoah Valley ETV Corp., 298 Port Republic Road, Harrisonburg, VA 22801. Signed By: Mr. Arthur Albrecht, President. Funds Requested: $444,227. Total Project Cost: $888,453. To improve WVPT–TV, Channel 51, Harrisonburgh, Virginia public television reception for 156,925 persons, and to provide first public television service to an additional 5,000 persons in the Front Royal area of Virginia, by replacing an obsolete and worn out 1KW non-commercial TV translator with a 5KW TV repeater station on Channel 42, Front Royal, Virginia; and to acquire a new studio transmitter link to deliver the signal to the new facility.

File No. 95031 CTB Greater WA Educ. T/C Association, 3700 S. Four Mile Run Drive, Arlington, VA 22206. Signed By: Mr. Jerry Butler, Vice President, Engineering. Funds Requested: $431,000. Total Project Cost: $862,000. To replace obsolete studio production equipment, and to improve nationally and locally distributed program production capabilities at WETA–TV, Channel 26, Washington, DC, by acquiring a new audio console, character generator, digital effects generator, frame synchronizer and four studio cameras.

File No. 95084 ICTN Old Dominion University, Room 228, Education Bldg., Norfolk, VA 23529–0526. Signed By: Dr. John Eck, Assoc. VP for Rsrch & Grad Std. Funds Requested: $677,318. Total Project Cost: $1,354,637. To extend the TELETECHNET distance learning network of Old Dominion University, Norfolk, VA, to eight presently unserved and, for the most part, rural learning centers and to expand the University's ability to provide educational programming to areas the TELETECHNET system already services. The TELETECHNET system provides baccalaureate programs (2+2) to students at community colleges throughout Virginia. The project would establish video classrooms at the new sites, purchase 25 satellite receive-only earth stations, and provide an additional video originating classroom at the system's Virginia Beach Higher Education Center.

File No. 95102 IPTN Network for Instructional TV, Inc., 11490 Commerce Park Dr., Ste 110, Reston, VA 22091. Signed By: Mr. Thomas A. Pyle, Executive Director/CEO. Funds Requested: $132,018. Total Project Cost: $191,643. To help the Network for Instructional TV, Inc. (NITV) plan how best to provide instructional and training programming to traditionally-underserved audiences with interactive multi-media materials to be delivered to NITV affiliates as well as to neighborhood learning centers via ITFS transmission from a central distribution center in Washington, DC. Today, NITV has 64 ITFS channels on-air in 16 cities in ten states and the District of Columbia. This planning project would assist NTIV to move towards the delivery of interactive, multi-media services through a national distribution system.

File No. 95152 CTB Central VA Educ Telecomm Corp, 8101A Lee Highway, Falls Church, VA 22042. Signed By: Mr. Frederick Thomas, Station Manager. Funds Requested: $23,986. Total Project Cost: $47,972. To acquire equipment to sub-title foreign language programming for approximately 3,923,574 English-speaking viewers served by WNVC–TV, Channel 56, Fairfax, Virginia.

File No. 95180 IPTN Campbell County School Division, School Admin. Bldg., Main Street, Rustburg, VA 24588. Signed By: Dr. George Nolley, Superintendent. Funds Requested: $65,050. Total Project Cost: $71,250. To plan a two-way interactive audio and video classroom system connecting four secondary schools in Campbell County, Virginia, and determine methods to establish direct access connections to the Internet.

File No. 95200 PRB Saint Paul's College, 406 Windsor Avenue, Lawrenceville, VA 23868. Signed By: Dr. Thomas Law, President. Funds Requested: $77,791. Total Project Cost: $86,791. To plan for the activation of a non-commercial FM radio station to provide public radio programming to Brunswick County, Virginia.

File No. 95226 ICTN Amer. Indian Higher Ed. Consortium, 121 Oronoco Street, Alexandria, VA 22314. Signed By: Ms. Margarett Perez, President. Funds Requested: $915,363. Total Project Cost: $1,220,484. To establish a C-band VSAT satellite network to provide distance learning to students attending institutions which are members of the American Indian Higher Education Consortium (AIHEC). C-band VSAT terminals will be placed at 11 colleges: Bay Mills Community College, Brimley, MI; D–Q University, Davis, CA; Haskell Indian Nation University, Lawrence, KS; Leech Lake Tribal College, Cass Lake, MN; Navajo Community College, Tsaile, AZ; Northwest Indian College, Bellingham, WA; Salish-Kootenai Community College, Pablo, MT; Stone Child Community College, Rocky Boy, MT; Sinte Gleska University, Rosebud, SD; Southwest Indian Polytechnical Institute, Albuquerque, NM; and Turtle Mountain Community College, Belcourt, ND. Eighteen additional Native American colleges will receive the programming distributed by the VSAT system.

File No. 95272 ICTN Southside VA Community College, 109 Campus Drive, Alberta, VA 23821. Signed By: Dr. John Cavan, President. Funds Requested: $252,500. Total Project Cost: $505,000. To construct classroom compressed video production facilities, and to activate a fiber optic telecommunications network to serve 8 public and secondary schools and 2 community college campuses in southern rural Virginia.

File No. 95289 ICTN Fairfax Cable Access Corporation, 2929 Eskridge Road, Suite S, Fairfax, VA 22031. Signed By: Mr. James Flynn, President, Board FCAC. Funds Requested: $135,000. Total Project Cost: $180,000. To construct 25 C/Ku-band satellite downlinks to link 25 existing National Public Access Telecommunications Network/Consortium members located in 14 states.

VI (Virgin Island)

File No. 95142 CRB Virgin Islands PTV System, PO Box 7879, Barbel Plaza S., Charlotte Amalie, VI 00801. Signed By: Mr. Richard P Bourne-Vanneck, Board Chairman. Funds Requested: $255,264. Total Project Cost: $340,352. To provide first local and national public radio service to 100,000 persons in St. Croix and St. Thomas, Virgin Islands by activating FM stations at 89.1 MHz, Charlotte Amalie, and at 88.5 MHz, Christiansted, Virgin Islands, and

by constructing studio, master control, and satellite receive facilities at Charlotte Amalie and Christiansted, V.I.

VT (Vermont)

File No. 95257 ICTN University of Vermont, 322 South Prospect Street, Burlington, VT 05401–3505. Signed By: Ms. Regina White, Director, Sponsored Programs. Funds Requested: $542,170. Total Project Cost: $1,084,339. To provide master control, classroom production and interconnection equipment for the University of Vermont to permit increased distribution of distance learning programming via the Vermont Interactive Television system. The project will also provide for satellite distribution of advanced placement and credit degree programs to sites throughout the state.

WA (Washington)

File No. 95136 CTB KCTS Television, 401 Mercer Street, Seattle, WA 98109. Signed By: Mr. Burnill F. Clark, President & CEO. Funds Requested: $242,958. Total Project Cost: $485,916. To improve the technical facilities of public television station KCTS, Ch. 9, Seattle, WA, by replacing analog equipment including three videotape machines, a production switcher, and a video effects unit.

File No. 95173 CRB Washington State University, 382 Murrow Communication Ctr., Pullman, WA 99164–2530. Signed By: Mr. Dennis Haarsager, General Manager. Funds Requested: $252,053. Total Project Cost: $336,071. To extend the signal of Northwest Public Radio, based in Pullman, Washington, by activating repeater stations at 9.15 MHz in Moses Lake and 89.7 MHz in Walla Walla, bringing first public radio service to approximately 62,400 residents in central and south central Washington, and to improve service by constructing a digital audio interconnection to deliver the public radio signal to those stations and to other stations in the system.

File No. 95175 CTB Washington State University, 382 Murrow Communications Center, Pullman, WA 99164–2530. Signed By: Dr. R. V. Smith, Vice Provost for Research. Funds Requested: $36,809. Total Project Cost: $73,618. To provide first local origination capacity to the coverage area of KTNW–TV, Ch. 31, Richland, WA, by constructing an editing suite and establishing an electronic field production unit.

File No. 95218 CTB Spokane School District #81, 3911 S. Regal Street, Spokane, WA 99223. Signed By: Dr. Gary Livingston, Superintendent of Schools. Funds Requested: $470,107. Total Project Cost: $940,214. To improve the broadcast operations of public station KSPS–TV, Ch. 7, Spokane, WA, by replacing a worn-out and failing 18-year-old transmitter, an old one-inch video tape machine, and by purchasing a disk-based playback device for on-air programming.

File No. 95239 ICTN Washington Public Affairs Network, 1063 South Capitol Way, Ste 16, Olympia, WA 98501. Signed By: Mr. Dennis Heck, President. Funds Requested: $157,085. Total Project Cost: $314,171. To construct a television production center at the State Capitol in Olympia, Washington to record government deliberations and public policy events for dissemination on cable television outlets serving 5,400,000 citizens.

File No. 95290 CRB Spokane Public Radio, 2319 North Monroe Street, Spokane, WA 99205. Signed By: Mr. Richard Kunkel, General Manager. Funds Requested: $18,480. Total Project Cost: $24,640. To provide first public radio service to 9,147 persons by constructing a new FM station on 90.7 MHz in Bonners Ferry, ID, to repeat the signal of KPBX, 91.1 MHz, Spokane, WA.

File No. 95292 IPTN City of Richland, 505 Swift Boulevard, Richland, WA 99352. Signed By: Mr. Joseph King, City Manager. Funds Requested: $155,101. Total Project Cost: $310,202. To prepare an integrated telecommunications plan for the city of Richland, Washington, in a cooperative project involving many organizations and agencies in government, education, and business including the Richland School District, the Richland Campus of Washington State University, telecommunications companies, and city departments in developing an interconnection system for distance education and training.

WI (Wisconsin)

File No. 95053 CRB University of Wisconsin, 1725 State Street, La Crosse, WI 54601. Signed By: Dr. Julius Erlenbach, Provost/Vice Chancellor. Funds Requested: $15,325. Total Project Cost: $30,650. To improve the broadcast operations of public radio station WLSU–FM, 88.9 MHz, La Crosse, WI, by replacing 15- and 20-year-old studio equipment and purchasing a transmitter spare parts kit.

File No. 95054 CRB University of Wisconsin, 105 Garfield Avenue, Eau Claire, WI 54702. Signed By: Dr. Marjorie Smelstor, Provost/Vice Chancellor. Funds Requested: $25,872. Total Project Cost: $51,744. To extend the signal of public radio station WUEC, 89.7 MHz, Eau Claire, WI, by increasing its transmitter power, which will provide first service to approximately 75,000 rural residents of West Central Wisconsin.

File No. 95137 CTB Bd of Regents of the Univ of WI Sys, 821 University Avenue, Madison, WI 53706. Signed By: Ms. Cheryl Gest, Admin. Officer, Res Admin-Fin. Funds Requested: $97,169. Total Project Cost: $194,338. To improve the production facilities of public station WHA–TV, Ch. 21, Madison, WI, by replacing one-inch videotape machines in the on-line editing suite and in the remote production unit.

File No. 95189 ICTN Western Wisconsin Tech. College, 304 North Sixth Street, La Crosse, WI 54602. Signed By: Ms. Denise Warner, Advancement Manager. Funds Requested: $78,800. Total Project Cost: $109,157. To construct a fully interactive, two-way, video/audio network between the Western Wisconsin Technical College campus at La Crosse, and the Sparta Campus in Monroe County, Wisconsin, and to construct a teacher-operated TV production facility at the La Crosse campus.

File No. 95194 IPTN Fox Valley Technical College, 1825 N. Bluemound Drive, Appleton, WI 54913. Signed By: Dr. H. Victor Baldi, President. Funds Requested: $164,702. Total Project Cost: $388,121. To plan for an interconnected, interactive distance learning network among the K–12 schools and colleges of the East Wisconsin Distance Learning Consortium in five counties of northeastern Wisconsin, for the use of technologies in secondary and post-secondary distance education programs in rural and small urban areas.

File No. 95253 CRTB Wisconsin Ed. Communications Board, 3319 West Beltline Highway, Madison, WI 53713–4296. Signed By: Mr. Glenn A. Davison, Executive Director. Funds Requested: $1,004,430. Total Project Cost: $2,008,860. To improve the broadcast signals of the Wisconsin Educational Communications Board by replacing one TV translator located in Adams, WI, and old and worn-out transmission equipment at WHWC–TV, Ch. 28, Menomonie-Eau Claire; WLEF–TV, Ch. 36, Park Falls; WHHI–FM, 91.3 MHz, Highland; and WHRM–FM, 90.9 MHz, Wausau. The new transmission system will extend the signal of WHHI–FM to provide first service to approximately 82,000 people in the southwestern region of Wisconsin.

WV (West Virginia)

File No. 95121 CRB WV Educ. Broadcasting Authority, 600 Capitol Street, Charleston, WV 25301. Signed By: Ms. Rita Ray, Executive Director. Funds Requested: $274,933. Total Project Cost: $366,578. To provide first public radio service to approximately 82,000 people in the rural area of Matewan, Petersburg and Union, West Virginia, by installing one transmitter near Petersburg, one translator in Union and one translator near Matewan, plus all necessary satellite equipment.

File No. 95246 CTB WV Ed. Broadcasting Authority, 1615 Third Avenue, Huntington, WV 25701. Signed By: Ms. Rita Ray, Executive Director. Funds Requested: $156,000. Total Project Cost: $312,000. To improve public television station WPBY–TV, Channel 33 in Huntington, WV by replacing six ¾″ videotape machines and the production audio console.

WY (Wyoming)

File No. 95139 ICTN No. Wyoming Cmmty College District, 525 West Lakeway, Suite #107, Gillette, WY 82718. Signed By: Dr. Steve Maier, President, NWCCD. Funds Requested: $462,317. Total Project Cost: $924,634. To provide first educational services to approximately 60,754 citizens in Campbell, Johnson and Sheridan Counties, Wyoming by constructing three, four-channel ITFS transmitters in Gillette, Pumpkin Buttes and Sheridan, fixed classroom production facilities at the Northern Wyoming Community College campus in Gillette, fiber optic STL equipment at Sheridan and Gillette to link studios with transmitters, statewide compressed video, computer equipment at one of the interactive sites, and satellite downlinks at various locations.

File No. 95169 CRB Northern Arapaho Tribe, 533 Ethete Road, Ft. Washakie, WY 82514. Signed By: Mr. Richard Brannon, Chairman, Tribal Council. Funds Requested: $329,344. Total Project Cost: $439,125. To activate a new public radio station operating on 89.5 MHz in Ethete, WY, to bring the first public radio service to the Wind River Indian Reservation.

File No. 95294 IPTN Lincoln-Uinta Association of Gov't, P.O. Box 389, Kemmerer, WY 83101. Signed By: Ms. Mary Crosby, Director. Funds Requested: $15,000. Total Project Cost: $15,000. The two-county Lincoln-Uinta Association of Governments in southwestern Wyoming proposes to plan for the incorporation of appropriate technologies which might be feasible for an interconnected distance learning and training network and public broadcasting distribution system, across mountainous terrain to a scattered population in rural areas.

AK (Alaska)

File No. 95021 CRB, Old File Nos. 94285,93191, Kashunamiut School District, Chevak, AK.

File No. 95181 CRB, Old File Nos. 94138, University of Alaska, Fairbanks, AK.

CA (California)

File No. 95176 CRB, Old File Nos. 94277, San Mateo Cnty Cmty College Dist, San Mateo, CA.

File No. 95234 ICTBN, Old File Nos. 94312, Kern Educational T/C Consortium, Bakersfield, CA.

IL (Illinois)

File No. 95006 CRB, Old File Nos. 94043, Northern Illinois University, DeKalb, IL.

MA (Massachusetts)

File No. 95045 CRB, Old File Nos. 94026, University of Massachusetts, Amherst, MA.

NC (North Carolina)

File No. 95070 ICTN, Old File Nos. 94299,93071, Pembroke State University, Pembroke, NC.

NM (New Mexico)

File No. 95120 ICTN, Old File Nos. 94321,93124, Eastern New Mexico University, Portales, NM.

NY (New York)

File No. 95009 ICTN, Old File Nos. 95064, Hispanic Info. & Telecom. Net, Inc., New York, NY.

File No. 95027 CRB, Old File Nos. 94301, Colleges of the Seneca, Geneva, NY.

File No. 95255 CRTB, Old File Nos. 94234, WSKG Public T/C Council, Vestal, NY.

PA (Pennsylvania)

File No. 95225 CRB, Old File Nos. 94316, Public Broadcasting of NW PA, Inc, Erie, PA.

PR (Puerto Rico)

File No. 95099 ICTN, Old File Nos. 94320, Fundacion Educativa Ana G Mendez, Rio Piedras, PR.

RI (Rhode Island)

File No. 95241 ICTN, Old File Nos. 94194, Brown University, Providence, RI.

VA (Virginia)

File No. 95026 CRB, Old File Nos. 94318, Greater Washington Educ. T/C Assoc., Arlington, VA.

File No. 95254 CRB, Old File Nos. 94033, CAPRA, Inc., Mechanicsville, VA.

[FR Doc. 95–11746 Filed 5–11–95; 8:45 am]

BILLING CODE 3510–60–M

Friday
May 12, 1995

Part III

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Part 32

Federal Acquisition Regulation; Fraud Remedies; Proposed Rule

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Part 32

[FAR Case 94–765]

RIN 9000–AG54

Federal Acquisition Regulation; Fraud Remedies

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: This proposed rule is issued pursuant to the Federal Acquisition Streamlining Act of 1994, Public Law 103–355 (the Act) to implement requirements for fraud remedies. This regulatory action was subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

DATES: Comments should be submitted on or before July 11, 1995 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th and F Streets, NW, Room 4037, Washington, DC 20405.

Please cite FAR case 94–765 in all correspondence related to this case.

FOR FURTHER INFORMATION CONTACT: Mr. John Galbraith, Finance/Payment Team Leader, at (703) 697–6710 in reference to this FAR case. For general information, contact the FAR Secretariat, Room 4037, GS Building, Washington, DC 20405 (202) 501–4755. Please cite FAR case 94–765.

SUPPLEMENTARY INFORMATION:

A. Background

The Federal Acquisition Streamlining Act of 1994 (Pub. L. 103–355) (the Act) provides authorities that streamline the acquisition process and minimize burdensome government-unique requirements. Major changes that can be expected in the acquisition process as a result of the Act's implementation include changes in the areas of Commercial Item Acquisition, Simplified Acquisition Procedures, the Truth in Negotiations Act, and introduction of the Federal Acquisition Computer Network (FACNET). In order to promptly achieve the benefits of the provisions of the Act, the government is issuing implementing regulations on an expedited basis. We believe prompt publication of proposed rules provides the public the opportunity to participate more fully in the process of developing regulations.

This notice announces FAR revisions developed under FAR case 94–765. 10 U.S.C. 2307 has contained a statutory requirement titled ''Action in Case of Fraud'' applicable to only the Department of Defense. Section 2051(e) of the Act added this statutory requirement to the Federal Property and Administrative Services Act (41 U.S.C. 255) applicable to the civilian agencies. This case proposes for FAR 32.006 substantially the same policy and language used by DOD in its implementation at Defense Federal Acquisition Regulations Supplement (DFARS) 232.173.

The statutes at 10 U.S.C. 2307 and 41 U.S.C. 255 provide that if the Government official concerned with coordinating the Government's remedies for a particular case of fraud finds that an advance, partial, or progress payment is based on fraud, that official must recommend the head of the agency reduce or suspend further payments to that contractor. The statutes further provide due process requirements, standards for the amount of suspension or reduction, and other policy and procedural requirements. It should be noted that the authority of the head of the agency to act and the rights of the accused are statutory and are not based on contractual agreement. However, in any situation in which the contractor bases a request for payment in fraud, the Government has contractual and legal rights which the contracting officer may exercise to stop or recover payments. The authority provided by these statutes is in addition to those contractual and legal rights and remedies.

The Department of Defense implemented the statute in part by placing acquisition policy and procedures in the DFARS. However, primary responsibility for implementation of the statute will fall on the agency's fraud remedy coordination official who, in the DOD, is outside the procurement function. Thus, the content of DFARS 232.173 is primarily informational, for the convenience of interested contracting officers and contractors. The DOD also provided a clause at 252.232–7006, ''Reduction or Suspension of Contract Payments Upon Finding of Fraud.'' This clause was also informational in that it notified potential offerors and contractors of the existence of the statutory remedy and that the Government's exercise of the sovereign remedy for fraud was not an excusable delay contractually.

The proposed FAR coverage follows the existing DFARS with minor differences. The statutory reporting requirements for civilian agencies are slightly different from those for DOD. Also, the FAR coverage does not include a contract clause. The statutory remedy originates in the sovereignty of the United States, not from agreement with the contractor; therefore, no clause is necessary to implement the remedy. Also, if a contractor's request for advance, partial or progress payment is based in fraud, the contractor has no contractual right to the payment; therefore, the agency head's suspension or reduction of payment is not an excusable delay.

A number of points should be noted concerning the details of the coverage:

—The very high level of approval stated in section 32.006–1(b) reflects a specific requirement of the statutes.

—The term ''remedy coordination official'' is defined by the statutes; however, the agency determines who this official is, what other duties are assigned, where the official is located, and what non-FAR regulations or agency policies are also applicable to the official.

—The proceedings under this subsection are in addition to any contractual or legal rights and remedies the Government may have and are separate from any civil or criminal proceedings.

—The statute provides a limited due process right for the contractor to be notified and submit information prior to the proposed action which is reflected in section 32.006–4(e).

The FAR Council is interested in an exchange of ideas and opinions with respect to the regulatory implementation of the Act. For that reason, the FAR Council is conducting a series of public meetings. However, the FAR Council has not scheduled a public meeting on this rule (FAR case 94–765) because of the clarity and non-controversial nature of the rule. If the public believes such a meeting is needed with respect to this rule, a letter requesting a public meeting and outlining the nature of the requested meeting shall be submitted to and received by the FAR Secretariat (see **ADDRESSES** caption, above) on or before June 12, 1995. The FAR Council will consider such requests in determining whether a public meeting on this rule should be scheduled.

B. Regulatory Flexibility Act

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because the rule is not expected to impact 20 percent or more of those small businesses who contract with the Federal Government. The rule will have a significant economic impact only on those small businesses whose request for advance, partial, or progress payment is based upon fraud. While no precise numbers are available, we expect that the number of small businesses who attempt to defraud the Federal Government is extremely small. Moreover, for those affected entities, the economic impact of this rule flows directly from 10 U.S.C. 2307(e)(5) and 41 U.S.C. 255, which state that the contractor must be afforded an opportunity to submit matters to the head of the agency in response to the proposed reduction or suspension of payment. An Initial Regulatory Flexibility Analysis has, therefore, not been performed. Comments from small entities concerning the affected FAR subpart will be considered in accordance with 5 U.S.C. 610 of the Act. Such comments must be submitted separately and should cite 5 U.S.C. 601, *et seq.* (FAR case 94–765), in correspondence.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule falls within the exception provided under 5 CFR 1320.3(c), *i.e.*, matters pertaining to the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter.

List of Subjects in 48 CFR Part 32

Government procurement.

Dated: May 9, 1995.

Edward C. Loeb,

Deputy Project Manager for the Implementation of the Federal Acquisition Streamlining Act of 1994.

Therefore, it is proposed that 48 CFR Part 32 be amended as set forth below:

PART 32—CONTRACT FINANCING

1. The authority citation for 48 CFR Part 32 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

2. Section 32.006 through 32.006–5 is added to read as follows:

32.006 Reduction or suspension of contract payments upon finding of fraud.

32.006–1 General.

(a) 10 U.S.C. 2307(h)(2) and 41 U.S.C. 255, as amended by the Federal Acquisition Streamlining Act of 1994, Pub. L. 103–355, provide for a reduction or suspension of further payments to a contractor when the agency head determines there is substantial evidence that the contractor's request for advance, partial, or progress payments is based on fraud.

(b) The agency head may not delegate his or her responsibilities under these statutes below Level IV of the Executive Schedule.

(c) Authority to reduce or suspend payments under these statutes is in addition to other Government rights, remedies, and procedures.

(d) In accordance with these statutes, agency head determinations and decisions under this section may be made for an individual contract or any group of contracts affected by the fraud.

32.006–2 Definitions.

As used in this section—

(a) *Remedy coordination official* means the person or entity in the agency who coordinates within that agency the administration of criminal, civil, administrative, and contractual remedies resulting from investigations of fraud or corruption related to procurement activities. (See 10 U.S.C. 2307(h)(10) and 41 U.S.C. 255(g)(9)).

(b) *Substantial evidence* means information sufficient to support the reasonable belief that a particular act or omission has occurred.

32.006–3 Responsibilities.

(a) Agencies shall establish appropriate procedures to implement the policies and procedures of this section.

(b) Government personnel shall report suspected fraud related to advance, partial, or progress payments in accordance with agency regulations.

32.006–4 Procedures.

(a) In any case in which an agency's remedy coordination official finds substantial evidence that a contractor's request for advance, partial, or progress payments under a contract awarded by that agency is based on fraud, the remedy coordination official shall recommend that the agency head reduce or suspend further payments to the contractor. The remedy coordination official shall submit to the agency head a written report setting forth the remedy coordination official's findings that support each recommendation.

(b) Upon receiving a recommendation from the remedy coordination official under paragraph (a) of this subsection, the agency head shall determine whether substantial evidence exists that the request for payment under a contract is based on fraud.

(c) If the agency head determines that substantial evidence exists, the agency head may reduce or suspend further payments to the contractor under the affected contract(s). Such reduction or suspension shall be reasonably commensurate with the anticipated loss to the Government resulting from the fraud.

(d) In determining whether to reduce or suspend further payment(s), as a minimum, the agency head shall consider—

(1) A recommendation from investigating officers that disclosure of the allegations of fraud to the contractor may compromise an ongoing investigation;

(2) The anticipated loss to the Government as a result of the fraud;

(3) The contractor's overall financial condition and ability to continue performance if payments are reduced or suspended;

(4) The contractor's essentiality to the national defense, or to the execution of the agency's official business;

(5) Assessment of all documentation concerning the alleged fraud, including documentation submitted by the contractor in its response to the notice required by paragraph (e) of this subsection.

(e) Before making a decision to reduce or suspend further payments, the agency head shall, in accordance with agency procedures—

(1) Notify the contractor in writing of the action proposed by the remedy coordination official and the reasons therefor (such notice must be sufficiently specific to permit the contractor to collect and present evidence addressing the aforesaid reasons); and

(2) Provide the contractor an opportunity to submit information within a reasonable time, in response to the action proposed by the remedy coordination official.

(f) When more than one agency has contracts affected by the fraud, the agencies shall consider designating one agency as the lead agency for making the determination and decision.

(g) The agency shall retain in its files the written justification for each—

(1) Decision of the agency head whether to reduce or suspend further payments; and

(2) Recommendation received by an agency head in connection with such decision.

(h) Not later than 180 calendar days after the date of the reduction or suspension action, the remedy coordination official shall—

(1) Review the agency head's determination on which the reduction or suspension decision is based; and

(2) Transmit a recommendation to the agency head as to whether the reduction or suspension should continue.

32.006–5 Reporting.

(a) In accordance with 41 U.S.C. 255, the head of an agency other than the Department of Defense, shall prepare a report for each fiscal year in which a recommendation has been received pursuant to 32.006–4(a). Reports within the Department of Defense shall be prepared in accordance with 10 U.S.C. 2307.

(b) In accordance with 41 U.S.C. 255 and 10 U.S.C. 2307, each report shall contain—

(1) Each recommendation made by the remedy coordination official;

(2) The actions taken on the recommendation(s), with reasons for such actions; and

(3) An assessment of the effects of each action on the Government.

[FR Doc. 95–11797 Filed 5–11–95; 8:45 am]

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Federal Register

Friday
May 12, 1995

Part IV

Environmental Protection Agency

Certain Chemicals; Premanufacture Notices

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51840; FRL–4942–7]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical to notify EPA and comply with the statutory provisions pertaining to the manufacture or import of substances not on the TSCA Inventory. Section 5 of TSCA also requires EPA to publish receipt and status information in the **Federal Register** each month reporting premanufacture notices (PMN), polymer exemption notices and test marketing exemption (TME) application requests received, both pending and expired. This is the first consolidated report. The information contained in this document clears a backlog of notices received from June 1994 to September 1994 and monthly status reports from August, 1993 to September 1994.

ADDRESSES: Written comments, identified by the document control number ''[OPPTS–51840]'' and the specific PMN number, if appropriate, should be sent to: Document Control Office (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. ETG–099 Washington, DC 20460.

Comments and data may also be submitted electronically by sending electronic mail (e-mail) to: ncic@epamail.epa.gov. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on disks in WordPerfect in 5.1 file format or ASCII file format. All comments and data in electronic form must be identified by the docket number [OPPTS–51840]. No CBI should be submitted through e-mail. Electronic comments on this notice may be filed online at many Federal Depository Libraries. Additional information on electronic submissions can be found under **SUPPLEMENTARY INFORMATION** of this document.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–545, 401 M St., SW., Washington, DC, 20460, (202) 554–1404, TDD (202) 554–0551.

SUPPLEMENTARY INFORMATION: Under the provisions of TSCA, EPA is required to publish notice of receipt and status reports of chemicals subject to section 5 reporting requirements. The notice requirements are provided in TSCA sections 5(d)(2) and 5(d)(3). Specifically, EPA is required to provide notice of receipt of PMNs, polymer exemption notices and TME application requests received. EPA also is required to identify those chemical submissions for which data has been received, the uses or intended uses of such chemicals, and the nature of any test data which may have been developed. Lastly, EPA is required to provide periodic status reports of all chemical substances undergoing review and receipt of notices of commencement.

A record has been established for this notice under docket number ''[OPPTS–51840]'' (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as confidential business information (CBI), is available for inspection from 12 noon to 4 p.m., Monday through Friday, excluding legal holidays. The public record is located in the TSCA Nonconfidential Information Center (NCIC), Rm. NEM–B607, 401 M St., SW., Washington, DC 20460.

Electronic comments can be sent directly to EPA at:
ncic@epamail.epa.gov

Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

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

In the past, EPA has published individual notices reflecting the status of section 5 filings received, pending or expired, as well as notices reflecting receipt of notices of commencement. In an effort to become more responsive to the regulated community, the users of this information and the general public, to comply with the requirements of TSCA, to conserve EPA resources, and to streamline the process and make it more timely, EPA is consolidating these separate notices into one comprehensive notice that will be issued at regular intervals.

Beginning with this notice, EPA shall provide a consolidated report in the **Federal Register** reflecting the dates PMNs, polymer exemptions and TME application requests were received, the projected notice end date, the manufacturer or importer identity, to the extent that such information is not claimed as confidential and chemical identity, either specific or generic depending on whether chemical identity has been claimed confidential. Additionally, in this same report, EPA shall provide a listing of receipt of new notices of commencement. Beginning with the next notice, generic use information on these substances will be provided.

EPA believes the new format of the notice will be easier to understand by the interested public, and provides the information that is of greatest interest to the public users. Certain information provided in the earlier notices will not be provided under the new format. The status reports of substances under review, potential production volume, and summaries of health and safety data will not be provided in the new notices.

EPA is not providing production volume information in the consolidated notice since such information is generally claimed as confidential. For this reason, there is no substantive loss to the public in not publishing the data. Health and safety data are not summarized in the notice since it is recognized as impossible, given the format of this notice, as well as the previous style of notices, to provide meaningful information on the subject. In those submissions where health and safety data were received by the Agency, a footnote is included by the Manufacturer/Importer identity to indicate its existence. As stated below, interested persons may contact EPA directly to secure information on such studies. As stated in the previous paragraph, while generic use information is not included in this notice all future notices shall carry this information.

For persons who are interested in data not included in this notice, access can be secured at EPA Headquarters in the NCIC at the address provided above. Additionally, interested parties may telephone the Document Control Office at (202) 260–1532, TDD (202) 554–0551, for generic use information, health and safety data not claimed as confidential or status reports on section 5 filings.

Send all comments to the address listed above. All comments received will be reviewed and appropriate

amendments will be made as deemed necessary.

This notice will identify: (I) PMNs received; (II) Polymer exemptions received; (III) TMEs received; and (IV) Notices of Commencement to manufacture/import.

I. Premanufacture Notices Received From: 05/31/94 to 09/30/94.

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–1631	06/01/94	08/30/94	Confidential [1]	(G) Thiadiazole derivative
P–94–1632	06/01/94	08/30/94	Hoechst Celanese [1]	(G) Trisubstituted naphthalene disulfonic acid salt
P–94–1633	06/01/94	08/30/94	Hoechst Celanese [1]	(G) Trisubstituted naphthalene disulfonic acid salt
P–94–1634	06/01/94	08/30/94	Confidential [1]	(S) Fatty acids, $C_{16–18}$ and C_{18}-unsatd., branched and linear, butyl esters
P–94–1635	06/01/94	08/30/94	Confidential [1]	(S) Fatty acids, $C_{16–18}$ and C_{18}-unsatd., branched and linear, methyl esters
P–94–1636	06/01/94	08/30/94	Confidential [1]	(S) Fatty acids, C_{18}-unsatd., dimers, distn. lights, butyl esters
P–94–1637	06/01/94	08/30/94	Confidential [1]	(S) Fatty acids, C_{18}-unsatd., dimers, distn. lights, methyl esters
P–94–1638	06/01/94	08/30/94	Confidential [1]	(S) Fatty acids, $C_{14–18}$-branched and linear, butyl esters
P–94–1639	06/01/94	08/30/94	Confidential [1]	(S) Fatty acids, $C_{14–18}$-branched and linear, methyl esters
P–94–1640	06/01/94	08/30/94	Confidential [1]	(G) Carbomonocyclic carboxylic acid reaction product with polyalkylene polyamine polyalkyl sulfate salt
P–94–1641	06/01/94	08/30/94	Confidential [1]	(G) Carbomonocyclic carboxylic acid reaction product with polyalkylene polyamine polyalkyl sulfate salt
P–94–1642	06/01/94	08/30/94	Bostik Division of USM Corporation [1]	(G) Polyurethane prepolymer
P–94–1643	06/01/94	08/30/94	Confidential [1]	(G) Metallized azo dyestuff
P–94–1644	06/01/94	08/30/94	Hoechst Celanese [1]	(G) Amine modified polyether alcohol
P–94–1645	06/01/94	08/30/94	Hoechst Celanese [1]	(G) Amine modified polyether alcohol
P–94–1646	06/01/94	08/30/94	Confidential [1]	(G) Esterfied styrene/maleic anhydride polymer
P–94–1647	06/01/94	08/30/94	Hoechst Celanese [1]	(G) Blocked isocyanate copolymer
P–94–1649	06/02/94	08/31/94	NOF America Corporation	(S) A polymer of: styrene; polyethylene
P–94–1650	06/02/94	08/31/94	Confidential [1]	(G) Modified polyvinyl alcohol
P–94–1651	06/03/94	09/01/94	Confidential [1]	(G) Alkyl heteromonocyclic metal complex, halosubstituted salt
P–94–1652	06/03/94	09/01/94	Johnson Matthey Inc. [1]	(S) Rhodium (III) acetate. hexakis acetato u3 oxo triaquo trirhodium (111) acetate.
P–94–1653	06/03/94	09/01/94	Confidential [1]	(G) Aromatic polyisocyanate
P–94–1654	06/03/94	09/01/94	Siltech Inc.	(G) Fluoro silicone polyester wax
P–94–1655	06/03/94	09/01/94	Dow Chemical U.S.A. [1]	(S) Polyoxypropylene polymer
P–94–1656	06/03/94	09/01/94	Dow Corning [1]	(G) Methylphenylvinysiloxane
P–94–1657	06/03/94	09/01/94	Dow Corning [1]	(G) Hydrogen functional polyorganosiloxane
P–94–1658	06/03/94	09/01/94	3M [1]	(G) Isooctyl acrylate polymer
P–94–1659	06/03/94	09/01/94	Cerac, Inc. [1]	(S) Ethanol, niobium (5+) salt or niobium etoxide
P–94–1660	06/06/94	09/04/94	Confidential [1]	(G) Fatty acid modified isophthalate polyester polymer
P–94–1661	06/06/94	09/04/94	Thiokol Corporation [1]	(G) Glycidyl ether epoxy resins chain extended with an anhydride
P–94–1662	06/06/94	09/04/94	Confidential [1]	(G) Acrylic methacrylic copolymer
P–94–1663	06/07/94	09/05/94	Shell Oil Company [1]	(G) Alkyl amide
P–94–1664	06/07/94	09/05/94	NOF America Corporation [1]	(G) Glycidyl methacrylate copolymer
P–94–1665	06/07/94	09/05/94	Ciba-Geigy Corporation [1]	(G) Bis(oxiranylmethoxyphenyl) compound
P–94–1666	06/07/94	09/05/94	Union Specialties, Inc. [1]	(G) Hexanedioic acid, polymer with alkanediols, propanoic acid, 3-hydroxy-2-(hydromethyl)-2-methyl, amines, cycloaliphatic isocyanates
P–94–1667	06/07/94	09/05/94	Confidential [1]	(G) Aliphatic polyester resin

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–1670	06/07/94	09/05/94	Allied Corporation [1]	(G) Cyclosiloxanes, methylvinyl, polymer with polymethylhydrosiloxane
P–94–1671	06/07/94	09/05/94	Confidential [1]	(G) Chromophore substituted polyoxyalkylene intermediate
P–94–1672	06/07/94	09/05/94	Hoechst Celanese [1]	(S) 1-[3-(2*H*-benzotriazol-2-yl)-4′-hydroxyphenyl)]ethanone
P–94–1673	06/07/94	09/05/94	Confidential [1]	(G) Modified diphenylmethan diisocyanate polymer
P–94–1675	06/07/94	09/05/94	Elf Atochem North America, Inc.	(S) 2-propenoic acid, 2-methyl-2-(2-oxo-limidazolidone) ethyl ester
P–94–1676	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1677	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1678	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1679	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1680	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1681	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1682	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1683	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1684	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1685	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1686	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1687	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1688	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1689	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1690	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1691	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1692	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–1693	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1694	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1695	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-, salt (*S*)
P–94–1696	06/07/94	09/05/94	Confidential [1]	(G) Naphthalenedisulfonic acid, [[[[(substituted heterocycle)azo]bdenzamido]methoxyphenyl]azo]-
P–94–1668	06/08/94	09/06/94	Nicca U.S.A., Inc. [1]	(G) 2-(4-substituted-2′-hydroxyphenyl)-5-chlorobenzotriazole
P–94–1669	06/08/94	09/06/94	Confidential [1]	(G) Mono and di amine salt carboxylate
P–94–1674	06/08/94	09/06/94	Confidential [1]	(G) Polyester resin
P–94–1697	06/08/94	09/06/94	Akzo Nobel Chemicals Inc.	(G) Water reducible polyester resin
P–94–1698	06/08/94	09/06/94	Confidential [1]	(G) Rosin modified phenolic resin
P–94–1699	06/09/94	09/07/94	Confidential [1]	(G) Polyol modified polyester polyol
P–94–1700	06/09/94	09/07/94	Confidential [1]	(G) Polyol modified polyester polyol
P–94–1701	06/09/94	09/07/94	Confidential [1]	(G) Polyol modified polyester polyol
P–94–1702	06/09/94	09/07/94	Confidential [1]	(G) Polyol modified polyester polyol
P–94–1703	06/09/94	09/07/94	Confidential [1]	(G) Polyol modified polyester polyol
P–94–1704	06/09/94	09/07/94	Henkel Corporation [1]	(G) Polysubstituted vinyl polymer
P–94–1705	06/09/94	09/07/94	Confidential [1]	(G) Pentaerythritol ester
P–94–1706	06/09/94	09/05/94	Hoechst Celanese [1]	(S) 3-(2*H*-benzotriazol-2-yl)-1′,1′,1′-tris(4-hydroxyphenyl)ethane
P–94–1707	06/10/94	09/08/94	Kenflo Products Incorporation [1]	(G) Alkyl pyridinium salt
P–94–1708	06/10/94	09/08/94	Kenflo Products Incorporation [1]	(G) Alkyl pyridinium salt
P–94–1709	06/13/94	09/11/94	Confidential [1]	(G) Modified polyolefin
P–94–1710	06/13/94	09/11/94	Confidential [1]	(G) Aliphatic epoxy amine adduct
P–94–1711	06/13/94	09/11/94	Confidential [1]	(G) Hydroxy functional styrene/acrylic polymer
P–94–1712	06/13/94	09/11/94	Confidential [1]	(G) Epoxy amine adduct salt
P–94–1713	06/13/94	09/11/94	Confidential [1]	(G) Polyurethane polymer
P–94–1714	06/13/94	09/11/94	Esprit Chemical Company [1]	(S) A mixture of potassium fluoroaluminate known as FL-7 containing 15–25% dopotassium pentafluoro aluminate monohydrate and 75–85% potassium aluminum fluoride
P–94–1715	06/13/94	09/11/94	Aluminum Company of America [1]	(G) Modified triglyceride
P–94–1716	06/13/94	09/11/94	Confidential [1]	(G) Substituted propanediol adipate
P–94–1717	06/13/94	09/11/94	Confidential [1]	(G) Amine salt of polyester aliphatic polyurethane
P–94–1718	06/13/94	09/11/94	Confidential [1]	(G) Hydroxyalkyl amino-substituted heterocarbocycle-bis(amino-substituted carbocycle azosulfonylcarbopolycyclic) salt
P–94–1719	06/14/94	09/12/94	Organic Dyestuffs Corporation [1]	(S) Chromate (2-), [3-hydroxy-4-[(2-hydroxy-1-naphthalenyl), azo]-1-naphthalene sulfonato (3-)][1-[(2-hydroxy-5-methoxyphenyl)azo]-2-naphthalenolato (2-)], disodium
P–94–1720	06/14/94	09/12/94	Organic Dyestuffs Corporation [1]	(S) Copper, 4-hydroxy-7-[[4-[(2-hydroxyethyl)amino]-6-[[5-hydroxy-6-[(2-hydroxy-5-sulfophenyl)azo]-7-sulfo-2-naphthalenyl]amino]-1,3,5,-triazin-2-yl]amino]-3-[(4-methoxy-2-sulfophenyl)azo]-2-naphthalenesulfonic acid complex
P–94–1721	06/13/94	09/11/94	Confidential [1]	(G) Strontium aluminate
P–94–1722	06/14/94	09/12/94	Confidential [1]	(G) Polyethylene terpolymer
P–94–1723	06/14/94	09/12/94	Confidential [1]	(G) Polyester resin
P–94–1724	06/14/94	09/12/94	Confidential [1]	(G) Mono and di-amine salt carboxylate

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–1725	06/14/94	09/12/94	Confidential [1]	(G) Aliphatic amine derivative and aliphatic amide derivertive copolymer
P–94–1726	06/16/94	09/14/94	Confidential [1]	(G) Phosphomolybdotungstic salt of 2-[[2-cyano-3-substituted)amino]phenyl]-1-oxo-propenyl]oxy
P–94–1727	06/15/94	09/13/94	Confidential [1]	(G) Neopentyl glycol diesters with branched fatty acids
P–94–1728	06/15/94	09/13/94	Confidential [1]	(G) Aqueous polyurethane dispersion
P–94–1729	06/15/94	09/13/94	Confidential [1]	(G) Polyester polyol intermediate
P–94–1730	06/15/94	09/13/94	Confidential [1]	(G) Waterborne urethane silanol acrylate polymer
P–94–1731	06/15/94	09/13/94	Confidential [1]	(G) Waterborne urethane silanol acrylate polymer
P–94–1732	06/15/94	09/13/94	Confidential [1]	(G) Waterborne urethane silanol acrylate polymer
P–94–1733	06/15/94	09/13/94	Confidential [1]	(G) Waterborne urethane silanol acrylate polymer
P–94–1734	06/16/94	09/14/94	Confidential [1]	(G) Sulfurized mixed fatty acid esters
P–94–1735	06/16/94	09/14/94	Ausimont USA, Inc. [1]	(G) Isocyanate terminated perfluoropolyoxyalkene
P–94–1736	06/16/94	09/14/94	Ashland Chemical Company [1]	(G) Unsaturated polyester
P–94–1737	06/16/94	09/14/94	Ashland Chemical Company [1]	(G) Unsaturated polyester
P–94–1738	06/17/94	09/15/94	Confidential [1]	(G) Phthalocyanine copper complex dyestuff, aqueous preparation
P–94–1739	06/20/94	09/18/94	Confidential [1]	(G) Copolyimide
P–94–1740	06/14/94	09/12/94	Confidential [1]	(G) Polystyrene copolymer
P–94–1741	06/20/94	09/18/94	Confidential [1]	(G) Urethane prepolymer
P–94–1742	06/21/94	09/19/94	Confidential [1]	(G) Eugenol modified polyalkyleneoxide, polydimethylsiloxane copolymer
P–94–1743	06/21/94	09/19/94	Confidential [1]	(G) Isophorone diisocyanate neopentyl glycol adipate polyurethane prepolymer
P–94–1744	06/21/94	09/19/94	Ciba-Geigy Corporation [1]	(G) Substituted benzotriazole
P–94–1745	06/21/94	09/19/94	Confidential [1]	(G) Polyester polyurethane
P–94–1746	06/21/94	09/19/94	Jones Blair Company [1]	(G) Polyurethane prepolymer
P–94–1747	06/21/94	09/19/94	Confidential [1]	(G) Halogenated alkane aromatic compound
P–94–1748	06/23/94	09/21/94	Confidential [1]	(G) Alkyl phosphate
P–94–1749	06/23/94	09/21/94	McWhorter, Inc. [1]	(G) Unsaturated oligoester
P–94–1750	06/23/94	09/21/94	Confidential [1]	(G) Condensation product of novolak and naphthoquinone deriv.
P–94–1751	06/23/94	09/21/94	3M [1]	(S) 2-Propenoic acid, 2-methyl-, 2-methylpropyl ester; siloxanes and silicones, di-me 3-mercaptopropyl; propanenitrile, 2,2′-azobis[2-methyl-
P–94–1752	06/23/94	09/21/94	Ciba-Geigy Corporation [1]	(G) Cuprate(6-), substituted 1,2-ethanediylbis[imino(6-halo-1,3,5-triazine-4,2-diyl)imino(hydroxy sulfophenylene)azo(pehylmethylene)azo] sulfobenzoate(10-)di-, sodium
P–94–1753	06/23/94	09/21/94	Eastman Kodak Company [1]	(G) Aromatic amidosubstituted naphthalenecarboxamide
P–94–1754	06/22/94	09/20/94	American Maiz-Products Company [1]	(G) Chemically modified alpha cycldextrin
P–94–1755	06/27/94	09/25/94	Confidential [1]	(G) Substituted phenol
P–94–1756	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1757	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1758	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1759	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1760	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1761	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1762	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1763	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1764	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1765	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1766	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–1767	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1768	06/24/94	09/22/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
P–94–1769	06/27/94	09/25/94	Confidential [1]	(G) Methacrylate copolymer
P–94–1770	06/27/94	09/25/94	Confidential [1]	(G) Methacrylate copolymer
P–94–1771	06/23/94	09/21/94	GFI, Inc. [1]	(S) 1-methoxy-2-propyl propionate
P–94–1772	06/28/94	09/26/94	Tomen America Inc. [1]	(S) A polymer of: dextrin; palmitoyl chloride
P–94–1773	06/28/94	09/26/94	Confidential [1]	(G) Alkylated diphenylamine
P–94–1774	06/28/94	09/26/94	Cytec Industries [1]	(G) Isocyanate-terminated prepolymer intermediate
P–94–1775	06/28/94	09/26/94	Cytec Industries [1]	(G) Isocyanate-terminated prepolymer intermediate
P–94–1776	06/28/94	09/26/94	Cytec Industries [1]	(G) Isocyanate-terminated prepolymer intermediate
P–94–1777	06/28/94	09/26/94	Cytec Industries [1]	(G) Polyurethane resin
P–94–1778	06/28/94	09/26/94	Cytec Industries [1]	(G) Polyurethane resin
P–94–1779	06/28/94	09/26/94	Cytec Industries [1]	(G) Polyurethane resin
P–94–1780	06/28/94	09/26/94	Cytec Industries [1]	(G) Isocyanate-terminated prepolyme intermediate
P–94–1781	06/28/94	09/26/94	Cytec Industries [1]	(G) Isocyanate-terminated prepolyme intermediate
P–94–1782	06/28/94	09/26/94	Shell Oil Company [1]	(G) Brominated epoxy resin
P–94–1783	06/28/94	09/26/94	Akzo Nobel Chemicals Inc.	(G) Short oil alkyd resin
P–94–1784	06/28/94	09/26/94	Confidential [1]	(G) Polyurethane polymer
P–94–1785	06/29/94	09/27/94	Confidential [1]	(G) Modified halogenated polymer
P–94–1786	06/29/94	09/27/94	Confidential [1]	(G) Perlfluoroalkylethyl ester
P–94–1787	06/29/94	09/27/94	Confidential [1]	(G) Perfluoropoly amphiphile
P–94–1788	06/29/94	09/27/94	Confidential [1]	(G) Organo silicon copolymer
P–94–1789	06/29/94	09/27/94	Confidential [1]	(G) Polycarboxylic acid modified epoxy acrylate
P–94–1790	06/30/94	09/28/94	Confidential [1]	(G) Novolac-resin from substituted phenols and formaldehyde
P–94–1791	06/30/94	09/28/94	Hercules-Sanyo Incorporated [1]	(G) Modified polysaccharide
P–94–1792	06/29/94	09/27/94	Confidential [1]	(G) Bornyloxy substituted alkyl alkanol
P–94–1793	06/29/94	09/27/94	Confidential [1]	(G) Aryl substituted nitroalkane
P–94–1794	07/01/94	09/29/94	Organic Dyestuffs Corporation [1]	(S) Acid black 172
P–94–1795	07/01/94	09/29/94	Confidential [1]	(G) Urethane polymer
P–94–1796	07/01/94	09/29/94	Rheox, Inc. [1]	(G) Polyesteramide resin
P–94–1797	07/01/94	09/29/94	Confidential [1]	(G) Poly asparitic ester
P–94–1798	07/01/94	09/29/94	Ciba-Geigy Corporation [1]	(G) Naphthalenesulfonic acid, azo substituted naphthalene amino triazinyl aminophenyl azo substituted naphthalene amino substituted triazin
P–94–1799	07/01/94	09/29/94	Dow Chemical U.S.A. [1]	(S) 1-amino-2-butanol
P–94–1800	07/01/94	09/29/94	Dow Chemical U.S.A. [1]	(S) 1,1′aminodi-2-butanol
P–94–1801	07/01/94	09/29/94	Dow Chemical U.S.A. [1]	(S) 1,1′,1′′ nitrilotri-2-butanol
P–94–1802	07/01/94	09/29/94	S. C. Johnson & Son, Inc.	(G) Maleic polymer
P–94–1803	07/01/94	09/29/94	S. C. Johnson & Son, Inc.	(G) Maleic polymer
P–94–1804	07/01/94	09/29/94	S. C. Johnson & Son, Inc.	(G) Maleic polymer
P–94–1805	07/01/94	09/29/94	S. C. Johnson & Son, Inc.	(G) Maleic Polymer
P–94–1806	07/01/94	09/29/94	S. C. Johnson & Son, Inc.	(G) Maleic Polymer
P–94–1807	07/01/94	09/29/94	S. C. Johnson & Son, Inc.	(G) Maleic Polymer
P–94–1808	07/01/94	09/29/94	S. C. Johnson & Son, Inc.	(G) Maleic Polymer
P–94–1809	07/01/94	09/29/94	Confidential [1]	(G) Substituted dipyrrolo-diperimidine
P–94–1810	07/05/94	10/03/94	Confidential [1]	(G) Amine/aldehyde condensate
P–94–1811	07/05/94	10/03/94	Confidential [1]	(G) Hexane, 1,6-diisocyanate homopolymer, polymer with alkanediol, phthalic anhydride, and functionalzed acrylate
P–94–1812	07/06/94	10/04/94	Confidential [1]	(G) Esterfied polyether polyol
P–94–1813	07/06/94	10/04/94	Confidential [1]	(G) Esterfied polyether polyol

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–1814	07/06/94	10/04/94	Confidential [1]	(G) Imidazol derivative
P–94–1815	07/05/94	10/03/94	Confidential [1]	(G) Modified polyurethane of a substituted alkane diole and a diisocyanate
P–94–1816	07/05/94	10/03/94	Confidential [1]	(G) Modified polyurethane of a substituted alkane diole and a diisocyanate
P–94–1817	07/06/94	10/04/94	The Dexter Corporation [1]	(G) Toughening resin
P–94–1818	07/06/94	10/04/94	The Dexter Corporation [1]	(G) Toughened epoxy resin
P–94–1819	07/06/94	10/04/94	Confidential [1]	(G) Acrylated styrenated alkyd
P–94–1820	07/06/94	10/04/94	Confidential [1]	(G) Double metal cyanide complex
P–94–1821	07/06/94	10/04/94	Confidential [1]	(G) Acrylic resin solution
P–94–1822	07/05/94	10/03/94	Confidential [1]	(G) Vinylimidazole copolymer
P–94–1823	07/06/94	10/04/94	Hoechst Celanese [1]	(S) Acetic acid, oxo-, potassium salt
P–94–1824	07/06/94	10/04/94	Confidential	(G) Polyurethane
P–94–1825	07/06/94	10/04/94	Confidential [1]	(G) Molybdate catalyst
P–94–1826	07/06/94	10/04/94	Confidential [1]	(G) Modified acrylic polymer
P–94–1827	07/06/94	10/04/94	NOF America Corporation [1]	(G) Glycidyl methacrylate copolymer
P–94–1828	07/06/94	10/04/94	BASF Wyandotte Corporation	(S) Pyridinium, 1-(2-propenyl)-, chloride
P–94–1829	07/06/94	10/04/94	Confidential [1]	(G) Aromatic poly isocyanate
P–94–1830	07/06/94	10/04/94	EMS American Grilon Inc. [1]	(S) Copolyester of terephthalic acid, isophthalic acid, 1,4-cyclohexane dicarbonic acid, adipic acid, neopentyl glycol and ethylene glycol
P–94–1831	07/06/94	10/04/94	EMS American Grilon Inc. [1]	(S) Copolyester of isophthalic acid, trimellithic anhydride, 1,4-cyclohexane dicarbonic acid, neopentyl glycol, 1,6-hexanediol, and 1,1,1, - trimethylol propane
P–94–1832	07/06/94	10/04/94	Confidential [1]	(G) Sulfonated acrylate/methylmethacrylate polymer
P–94–1833	07/06/94	10/04/94	Confidential [1]	(G) Sulfonated acrylate/methylmethacrylate polymer
P–94–1834	07/06/94	10/04/94	Confidential [1]	(G) Sulfonated acrylate/methylmethacrylate polymer
P–94–1835	07/06/94	10/04/94	Confidential [1]	(G) Sulfonated acrylate/methylmethacrylate polymer
P–94–1836	07/06/94	10/04/94	Confidential [1]	(G) Sulfonated acrylate/methylmethacrylate polymer
P–94–1837	07/06/94	10/04/94	Confidential [1]	(G) Sulfonated acrylate/methylmethacrylate polymer
P–94–1838	07/07/94	10/05/94	Confidential [1]	(G) Organic polyurethane
P–94–1839	07/06/94	10/04/94	Shell Oil Company	(G) Pet additive
P–94–1840	07/08/94	10/06/94	Confidential [1]	(G) Styrene acrylic polymer ammonium salt
P–94–1841	07/08/94	10/06/94	Confidential [1]	(G) Bis-substituted dichlorobenzoquinone
P–94–1842	07/08/94	10/06/94	Confidential [1]	(G) Modified acrylic polymer
P–94–1843	07/08/94	10/06/94	Confidential [1]	(G) Polyaromatic polymer
P–94–1844	07/11/94	10/09/94	Confidential [1]	(G) Polyurethane polymer of 1,1′-methylenebis(4-isocyanatobenzene) and polyols
P–94–1845	07/11/94	10/09/94	Surface Chemists of Florida [1]	(G) Fatty acid salt of alkyl diamine
P–94–1846	07/11/94	10/09/94	Confidential [1]	(G) Fluoroaliphatic polymer
P–94–1847	07/12/94	10/10/94	Huls America Inc [1]	(G) Polyester of aliphatic/cycloaliphatic dicarboxylic acids and aliphatic diols
P–94–1848	07/12/94	10/10/94	Confidential [1]	(G) Oxime ether
P–94–1849	07/12/94	10/10/94	Confidential [1]	(G) Chromophore substituted polyalkaline intermediate
P–94–1850	07/12/94	10/10/94	Confidential [1]	(G) Chromophore substituted polyalkaline intermediate
P–94–1851	07/12/94	10/10/94	Confidential [1]	(G) Chromophore substituted polyalkaline intermediate
P–94–1852	07/12/94	10/10/94	Confidential [1]	(G) Chromophore substituted polyalkaline intermediate
P–94–1853	07/12/94	10/10/94	Confidential [1]	(G) Polymeric colorant
P–94–1854	07/12/94	10/10/94	Confidential [1]	(G) Polymeric colorant
P–94–1855	07/12/94	10/10/94	Confidential [1]	(G) Polymeric colorant
P–94–1856	07/12/94	10/10/94	Confidential [1]	(G) Polymeric colorant
P–94–1857	07/12/94	10/10/94	Confidential [1]	(G) Polymeric colorant
P–94–1858	07/12/94	10/10/94	Confidential [1]	(G) Polymeric colorant

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–1859	07/12/94	10/10/94	Confidential [1]	(G) Polymeric colorant
P–94–1860	07/12/94	10/10/94	Confidential [1]	(G) Polymeric colorant
P–94–1861	07/13/94	10/11/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene copolymer
P–94–1862	07/13/94	10/11/94	Confidential [1]	(G) Paraffin/alkylamino carboxamine aqueous preparation
P–94–1863	07/14/94	10/12/94	Heterene, Inc.	(S) Stearyl stearoyl stearate
P–94–1864	07/14/94	10/12/94	Confidential	(G) Dialkyl amido imidazoline
P–94–1865	07/15/94	10/13/94	Confidential [1]	(G) Alkaline metal halide salt of alkylated cyclic alkoxide
P–94–1866	07/15/94	10/13/94	Confidential [1]	(G) Alkylated cyclic diene
P–94–1867	07/15/94	10/13/94	Confidential [1]	(G) Dialkyl cyclodienyl complex of alkali metals
P–94–1868	07/15/94	10/13/94	Confidential	(G) Substituted bis(cyclic dienylyl) metal halide
P–94–1869	07/18/94	10/16/94	Confidential [1]	(G) Silicone polyether copolymer
P–94–1870	07/19/94	10/17/94	FMC Company [1]	(G) Aminophenyl substituted triazolinone
P–94–1871	07/19/94	10/17/94	FMC Company [1]	(G) Phenyl substituted triazolinone (benztriazole)
P–94–1872	07/19/94	10/17/94	FMC Company [1]	(G) Halophenyl substituted triazolinone (halobenztriazole)
P–94–1873	07/19/94	10/17/94	FMC Company [1]	(G) Halophenyl substituted triazolinone (halobenztriazole)
P–94–1874	07/19/94	10/17/94	FMC Company [1]	(G) Phenyl substituted triazolinone (benztriazole)
P–94–1875	07/20/94	10/18/94	Confidential [1]	(G) Sulfonated acrylate polymer
P–94–1876	07/20/94	10/18/94	Confidential [1]	(G) Sulfonated acrylate polymer
P–94–1877	07/20/94	10/18/94	Confidential [1]	(G) Sulfonated acrylate polymer
P–94–1878	07/20/94	10/18/94	Confidential [1]	(G) Sulfonated acrylate polymer
P–94–1879	07/20/94	10/18/94	Confidential [1]	(G) Sulfonated acrylate polymer
P–94–1880	07/20/94	10/18/94	Confidential	(G) Sulfonated acrylate polymer
P–94–1881	07/20/94	10/18/94	Confidential	(G) Urethane methacrylate
P–94–1882	07/20/94	10/18/94	Confidential [1]	(S) A polymer of: rosin; fumaric; dinayl phenol; nayl phenol; pentaerythritol; paraformaldehyde
P–94–1883	07/20/94	10/18/94	Confidential [1]	(S) A polymer of: dicyclpentadiene polymer; rosin; fumaric; dinayl phenol; nayl phenol; pentaerythritol; paraformaldehyde; tall oil fatty acid
P–94–1884	07/20/94	10/18/94	Hoechst Celanese	(S) A polymer of: 1,6-hexanediol; cyclohexane, 1,1′-methylene bis [4-isocyanato-]; hexanedioic acid; 1,3-benzenedicarboxylic acid; 1,3-diisocyanato-2-methyl-benzene 2,4-diisocyanato-1-methyl-benzene; fatty acid, C_{18} unsatd,, dimer, hydrogenated; propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl; ethanamine, *N,N*-diethyl; 1,2-ethanediamine, *N,N′*-bis (2-aminoethyl); dibutyloxo stannane
P–94–1885	07/20/94	10/18/94	Hoechst Celanese	(S) A polymer of: 2,2 dimethyl-1,3-propanediol; terephthalic acid; glycerol; maleic anhydride
P–94–1886	07/20/94	10/18/94	Confidential [1]	(G) Perfluoroalkylethyl acrylate copolymer
P–94–1887	07/20/94	10/18/94	Confidential [1]	(G) Aliphatic urethane
P–94–1888	07/20/94	10/18/94	Confidential	(G) Carboxy terminated polymer of aliphatic diols, aromatic carboxylic acid/anhydride and tall oil fatty acid dimer
P–94–1889	07/20/94	10/18/94	Confidential	(G) Ammonium salt of carboxyl terminated polyester of aliphatic diols and aromatic acid/anhydride and tall oil fatty acid dimer
P–94–1890	07/21/94	10/19/94	Confidential [1]	(G) Modified polymeric diphenylmethane diisocyanate prepolymer
P–94–1891	07/21/94	10/19/94	Confidential [1]	(G) Perflouroalkylethyl acrylate copolymer
P–94–1892	07/22/94	10/20/94	Hercules-Sanyo Incorporated	(G) Methacrylate adducted polyurethane
P–94–1893	07/25/94	10/23/94	Nutrasweet Co.	(G) Peptidoglycan-aldehyde-diamine-polysaccharide
P–94–1894	07/25/94	10/23/94	Confidential [1]	(G) Hydrogenated nitrile terpolymer
P–94–1895	07/25/94	10/23/94	Confidential [1]	(G) Hydrogenated nitrile terpolymer

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–1896	07/22/94	10/20/94	Mitsubishi Chemical Industries Am., Inc. [1]	(G) Diisocyanate-based polymer blocked by oxime
P–94–1897	07/25/94	10/23/94	Dow Corning [1]	(G) Alkoxy-functional polydimethylsiloxane
P–94–1898	07/25/94	10/23/94	Dow Corning [1]	(G) Alkoxy-functional polydimethylsiloxane
P–94–1899	07/25/94	10/23/94	Dow Corning [1]	(G) Alkoxy-functional polydimethylsiloxane
P–94–1900	07/25/94	10/23/94	Dow Corning [1]	(G) Alkoxy-functional polydimethylsiloxane
P–94–1901	07/22/94	10/20/94	Confidential [1]	(G) Blocked aliphatic polyisocyanate
P–94–1902	07/22/94	10/20/94	Hoechst Celanese [1]	(G) Polymer of ethylene; alkanoic acid, ethenyl ester; and acetic acid alkenyl ester
P–94–1903	07/22/94	10/20/94	Hoechst Celanese [1]	(S) A polymer of: benzene, ethenyl; 2,5 furandione, dihydro 3-(tetrapropenyl); 1,6-hexandiol; hexanedioic acid; hexanedioic acid; soybean oil, epoxidized; 1,3-dihydroxy-2,2-dimethylpropane; 5-isobenzofurancarboxylic acid, 1,3-dihydro-1,3-dioxo; 2-propenoic acid, 2-methyl-oxiranylmethylester; 2-propenoic acid, 2-ethylhexyl ester; 1-propanol, 2-amino-2-methyl; 1,2-propanediol
P–94–1904	07/25/94	10/23/94	S. C. Johnson & Son, Inc.	(G) Aqueous acrylic polymer
P–94–1905	07/25/94	10/23/94	S. C. Johnson & Son, Inc.	(G) Aqueous acrylic polymer
P–94–1906	07/25/94	10/23/94	S. C. Johnson & Son, Inc.	(G) Aqueous acrylic polymer
P–94–1907	07/25/94	10/23/94	S. C. Johnson & Son, Inc.	(G) Aqueous acrylic polymer
P–94–1908	07/25/94	10/23/94	S. C. Johnson & Son, Inc.	(G) Aqueous acrylic polymer
P–94–1909	07/25/94	10/23/94	S. C. Johnson & Son, Inc.	(G) Aqueous acrylic polymer
P–94–1910	07/25/94	10/23/94	S. C. Johnson & Son, Inc.	(G) Aqueous acrylic polymer
P–94–1911	07/26/94	10/24/94	Estron Chemical, Inc. [1]	(G) Reaction product of an aliphatic diisocyanate and an imidazole
P–94–1912	07/26/94	10/24/94	Confidential [1]	(G) Hydrocarbon modified resinate
P–94–1913	07/26/94	10/24/94	Rohm Tech Inc. [1]	(G) Cationic polyurethane emulsion
P–94–1914	07/26/94	10/24/94	Hoechst Celanese [1]	(G) Disubstituted benzene sulfonic acid
P–94–1916	07/26/94	10/24/94	Wacker Silicones Corporation [1]	(G) Hydroalkyl functional polydimethylsiloxane
P–94–1917	07/26/94	10/24/94	Confidential [1]	(G) A Phthalocyanine reactive dye
P–94–1918	07/29/94	10/27/94	Confidential [1]	(G) Modified acylate polymer salts
P–94–1919	07/29/94	10/27/94	Confidential [1]	(G) Modified acylate polymer salts
P–94–1920	07/29/94	10/27/94	Confidential [1]	(G) Modified acylate polymer salts
P–94–1921	07/29/94	10/27/94	Confidential [1]	(G) Modified acylate polymer salts
P–94–1922	07/29/94	10/27/94	Confidential [1]	(G) Modified acylate polymer salts
P–94–1923	07/29/94	10/27/94	Confidential [1]	(G) Modified acylate polymer salts
P–94–1924	07/29/94	10/27/94	Confidential [1]	(G) Isocyanate terminated polyurethane
P–94–1925	08/01/94	10/30/94	Huls America Inc [1]	(S) 3-*N*[*T*-butylaminopropyl]trimethoxysilane
P–94–1926	08/01/94	10/30/94	Akzo Nobel Chemicals Inc.	(G) Alkyd resin
P–94–1927	08/01/94	10/30/94	Calgene Chemical, Inc [1]	(S) Ethoxylated mono- and diglycerides of high erucic acid rapeseed (hear) oil, as well as triglycerides of hear oil
P–94–1928	08/02/94	10/31/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Copolyester
P–94–1929	08/02/94	10/31/94	Confidential	(G) Polyamideimide resin
P–94–1930	08/02/94	10/31/94	Dow Corning	(G) Polyalkylenechlorosilanes
P–94–1931	08/02/94	10/31/94	Confidential [1]	(G) Substituted phthaloperine
P–94–1932	08/02/94	10/31/94	Confidential [1]	(G) Substituted phthaloperine
P–94–1933	08/02/94	10/31/94	Confidential [1]	(G) Silica supported magnesium-titanium catalyst
P–94–1934	08/02/94	10/31/94	Confidential [1]	(G) Isocyanate terminated polyurethane
P–94–1935	08/02/94	10/31/94	Confidential [1]	(G) Organo silane ester
P–94–1936	08/02/94	10/31/94	Confidential [1]	(G) Amine modified epoxy
P–94–1937	08/03/94	11/01/94	Hoechst Celanese [1]	(G) Polymeric urea derivative

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–1938	08/03/94	11/01/94	Confidential [1]	(G) Reaction product of aluminum isopropoxide with 2-ethylhexanoic acid and an ester
P–94–1939	08/05/94	11/03/94	Confidential [1]	(G) Polyester diol
P–94–1940	08/05/94	11/03/94	Confidential [1]	(G) Ethenyl unsaturated polyester
P–94–1941	08/05/94	11/03/94	Confidential [1]	(G) Copolymer of fluoroorein
P–94–1942	08/05/94	11/03/94	3M [1]	(G) Modified methyl methacrylate / ethyl acrylate polymer
P–94–1943	08/08/94	11/06/94	Cytec Industries [1]	(G) Modified epoxy resin modified aromatic epoxy resin
P–94–1944	08/08/94	11/06/94	Cytec Industries [1]	(G) Modified epoxy resin modified aromatic epoxy resin
P–94–1945	08/08/94	11/06/94	Cytec Industries [1]	(G) Modified epoxy resin modified aromatic epoxy resin
P–94–1946	08/08/94	11/06/94	Cytec Industries [1]	(G) Modified epoxy resin modified aromatic epoxy resin
P–94–1947	08/08/94	11/06/94	Cytec Industries [1]	(G) Modified epoxy resin modified aromatic epoxy resin
P–94–1948	08/08/94	11/06/94	Cytec Industries [1]	(G) Modified epoxy resin modified aromatic epoxy resin
P–94–1949	08/08/94	11/06/94	Cytec Industries [1]	(G) Modified epoxy resin modified aromatic epoxy resin
P–94–1950	08/08/94	11/06/94	Cytec Industries [1]	(G) Modified epoxy resin modified aromatic epoxy resin
P–94–1951	08/05/94	11/03/94	Confidential [1]	(G) 1,2-benzenedicarboxylic acid, butyl ethyl ester
P–94–1952	08/05/94	11/03/94	Ethox Chemicals, Inc. [1]	(S) Reaction product, neopentyl glycol, adipic acid, white grease
P–94–1953	08/05/94	11/03/94	Confidential [1]	(G) Unsaturated aliphatic polyester
P–94–1954	08/05/94	11/03/94	Confidential [1]	(G) Styrene acrylic latex polymer
P–94–1955	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene copolymer
P–94–1956	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene copolymer
P–94–1957	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene copolymer
P–94–1958	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene copolymer
P–94–1959	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1960	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1961	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1962	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1963	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1964	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1965	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1966	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1967	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1968	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1969	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1970	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1971	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1972	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1973	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–1974	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1975	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1976	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1977	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1978	08/05/94	11/03/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene interpolymer
P–94–1979	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1980	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1981	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1982	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1983	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1984	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1985	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1986	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1987	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1988	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1989	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1990	08/08/94	11/06/94	Confidential [1]	(G) Phenolic modified drying oil polyester
P–94–1991	08/09/94	11/06/94	Hoechst Celanese	(G) Alkanesulfonic acid, hydroxyalkoxy, monosodium salt
P–94–1992	08/09/94	11/07/94	Hoechst Celanese [1]	(G) Polymer of alkanediols; monocyclic dicarboxylic acid, dimethyl ester; monocyclic monosulfonated dicarboxylic acid, dimethyl ester, monosodium salt; and hydroxy alkoxyaldanesulfonic acid, sodium salt
P–94–1993	08/09/94	11/07/94	FMC Company [1]	(S) A polymer of: acrylic acid; 1-propane sulphonic acid, 2-methyl-2-[(1-oxo-2-propenyl)amino]-, monosodium salt; 1-hydroxy-1-methylethyl phosphorous acid; sodium per sulphate; sodium hydroxide; sodium hypochlorite
P–94–1994	08/09/94	11/07/94	Hoechst Celanese [1]	(S) A polymer of: 2-propenoic acid, 2-methyl, methyl ester; benzene, 1,3-bis(1-isocyanato-1-methylethyl)-; 1,6 hexanediol; hexanedioic acid; 1,3-benzenedicarboxylic acid; propenoic acid, 2-ethylhexyl ester; fatty acid, C_{18} unsated. dimers, hydrogenated; propenoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl; 2-propenoic acid, 2-methyl, 2,3-dihydroxypropylester; ethanol, 2,2′-iminobis; ethanol, 2-(dimethylamino); 1,4 butandiol; 2-proenamide, *N*-(1,1-dimethyl-3-oxo butyl)
P–94–1995	08/09/94	11/07/94	Confidential [1]	(G) Aromatic glycidyl ether derivative
P–94–1996	08/09/94	11/07/94	Confidential [1]	(G) Aromatic epoxide derivative
P–94–1997	08/09/94	11/07/94	Bedoukian Research, Inc.	(S) A polymer of: pyridine, 4-ethenyl-, polymer with diethyl benzene; *P*-toluene sulfonic acid
P–94–1998	08/09/94	11/07/94	Confidential [1]	(G) Acrylic acid, polymer with cationic monomer, sodium salt
P–94–1999	08/09/94	11/07/94	Ciba-Geigy Corporation	(G) Reaction product of acrylate epoxy oligomer with succinic anhydride
P–94–2000	08/09/94	11/07/94	Dow Chemical U.S.A.	(G) Sulfonated modified styrene acrylate copolymer
P–94–2001	08/09/94	11/07/94	Dow Chemical U.S.A.	(G) Sulfonated modified styrene acrylate copolymer
P–94–2002	08/09/94	11/07/94	Dow Chemical U.S.A.	(G) Sulfonated modified styrene acrylate copolymer
P–94–2008	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2009	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2010	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2011	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2012	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–2013	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2014	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2015	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2016	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2017	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2018	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2019	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2020	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2021	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2022	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2023	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2024	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2025	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2026	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2027	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2028	08/09/94	11/07/94	Confidential [1]	(G) Acid modified hydrocarbon resin
P–94–2029	08/10/94	11/08/94	Ausimont USA, Inc.	(S) A polymer of: vinylidene fluorine; 2,2-dichloro-1,1,1-trifluoro ethane; di-*T*-butyl peroxide
P–94–2030	08/10/94	11/08/94	Omya, Inc.	(G) Saturated polyester resin
P–94–2031	08/11/94	11/09/94	Confidential [1]	(G) Formaldehyde, polymer with branched 4-nonyl phenol and substituted phenol
P–94–2032	08/11/94	11/09/94	Confidential [1]	(G) Formaldehyde, polymer with branched 4-nonyl phenol, substituted phenol and oxirane
P–94–2033	08/11/94	11/09/94	Confidential [1]	(G) Formaldehyde, polymer with branched 4-nonyl phenol, substituted phenol and methyl oxirane
P–94–2034	08/11/94	11/09/94	Confidential [1]	(G) Formaldehyde, polymer with branched 4-nonyl phenol, substituted phenol methyl oxirane and oxirane
P–94–2035	08/12/94	11/10/94	Bedoukian Research, Inc.	(S) 2-nonen-1-ol, (*Z*)-
P–94–2036	08/15/94	11/13/94	Ciba-Geigy Corporation [1]	(S) Polymer of acrylic acid, sodium salt, acrylamide, 2,2′-azobis(2-amidinopropane)-dihydrochloride, 3-mercaptopropionic acid, methyl methacrylate
P–94–2037	08/12/94	11/10/94	Shipley Company, Inc. [1]	(G) Arysulfonium salt mixture
P–94–2038	08/12/94	11/10/94	Confidential [1]	(G) Amine terminated polyether
P–94–2039	08/12/94	11/10/94	Essex Speciality Products, Inc. [1]	(G) Phenolic/amine complex
P–94–2040	08/12/94	11/10/94	Essex Speciality Products, Inc. [1]	(G) Phenolic/amine complex
P–94–2041	08/12/94	11/10/94	Confidential [1]	(G) Amidoamine ester quat
P–94–2042	08/12/94	11/10/94	Confidential [1]	(G) Amidoamine ester quat
P–94–2043	08/12/94	11/10/94	Confidential [1]	(G) Amidoamine ester quat
P–94–2044	08/12/94	11/10/94	Confidential [1]	(G) Amidoamine ester quat
P–94–2045	08/12/94	11/10/94	Confidential [1]	(G) Amidoamine ester quat
P–94–2046	08/12/94	11/10/94	Confidential [1]	(G) Amidoamine ester quat
P–94–2047	08/12/94	11/10/94	Confidential [1]	(G) Amidoamine ester quat
P–94–2048	08/12/94	11/10/94	Confidential [1]	(G) Amidoamine ester quat
P–94–2049	08/15/94	11/13/94	R.T. Vanderbilt [1]	(G) 2,5-dimercapto-1,3,4-thiadiazole reaction product
P–94–2050	08/15/94	11/13/94	Confidential [1]	(G) aromatic sulfonic acid, salt
P–94–2051	08/15/94	11/13/94	Confidential [1]	(G) aromatic sulfonic acid, salt
P–94–2052	08/12/94	11/10/94	Confidential [1]	(G) Azo chromium complex dyestuff preparation
P–94–2053	08/09/94	11/07/94	Confidential [1]	(G) Acrylate copolymer
P–94–2054	08/09/94	11/07/94	Confidential [1]	(G) Acrylate copolymer
P–94–2055	08/16/94	11/14/94	Cytec Industries [1]	(G) Modified polyacrylamide
P–94–2056	08/16/94	11/14/94	Cytec Industries [1]	(G) Modified polyacrylamide
P–94–2057	08/16/94	11/14/94	Confidential [1]	(G) Polyurethane resin
P–94–2058	08/16/94	11/14/94	Confidential [1]	(G) Polymeric colorant

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–2059	08/17/94	11/15/94	Confidential [1]	(G) Phospho molybdo tungstic complex of 2-[[2-cyano-3-substituted)amino]phenyl]-1-oxo-propenyl]oxy & basic red I
P–94–2060	08/17/94	11/15/94	Hoechst Celanese	(S) a polymer of: 2-propenoic acid, 2-methyl-, methyl ester; benzene, ethenyl; 1,4 benzenedicarboxylic acid; 1,6 hexanediol; hexanedioic acid; 2-propenoic acid, 2-ethylhexyl ester; 1,3 propanediol, 2,2-dimethyl; soybean oil, epoxidized; 5-isobenzofurancarboxylic acid 1,3-dihydro-1,3-dioxo; 2-propenoic acid, 2-methyl-, oxiranylmethyl ester; 1-propanol, 2-amino-2-methyl; 1,2-propanediol
P–94–2061	08/17/94	11/15/94	Ciba-Geigy Corporation [1]	(G) Benzotriazole derivative
P–94–2062	08/17/94	11/15/94	Confidential [1]	(G) Copolymer of alkyl methacrylates
P–94–2063	08/17/94	11/15/94	Confidential [1]	(G) Copolymer of alkyl methacrylates
P–94–2064	08/17/94	11/15/94	Confidential [1]	(G) Copolymer of alkyl methacrylates
P–94–2065	08/17/94	11/15/94	Confidential [1]	(G) Copolymer of alkyl methacrylates
P–94–2066	08/17/94	11/15/94	Confidential [1]	(S) 2-butyloctanedioic acid
P–94–2067	08/17/94	11/15/94	Confidential [1]	(S) 2,3-dibutanedioic acid
P–94–2068	08/17/94	11/15/94	Confidential [1]	(S) Dodecanedioic acid, ammonium salt
P–94–2069	08/17/94	11/15/94	Confidential [1]	(S) 2-butyloctanedioic acid, ammonium salt
P–94–2070	08/17/94	11/15/94	Confidential [1]	(S) 2,3-butylbutanedioic acid, ammonium salt
P–94–2071	08/18/94	11/16/94	Confidential [1]	(G) Acrylmodified polysiloxane
P–94–2072	08/18/94	11/16/94	Wacker Silicones Corporation [1]	(G) Ethoxysilane
P–94–2073	08/19/94	11/17/94	Pac Polymers, Inc. [1]	(G) Organic compoumd containing transitional metal
P–94–2074	08/19/94	11/17/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Perfluorinated carboxylic acid fluoride
P–94–2075	08/19/94	11/17/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Perlfluorinated ether
P–94–2076	08/19/94	11/17/94	The P. D. George Company [1]	(G) Vinyl ester
P–94–2077	08/19/94	11/17/94	Confidential [1]	(G) Carboxyl-functional polyamide
P–94–2078	08/19/94	11/17/94	Confidential [1]	(G) Carboxyl-functional polyamide
P–94–2079	08/19/94	11/17/94	Confidential [1]	(G) Carboxyl-functional polyamide
P–94–2080	08/19/94	11/17/94	Goldschmidt Chemical Corp. [1]	(G) Acrylmodified polysiloxane
P–94–2081	08/19/94	11/17/94	Goldschmidt Chemical Corp. [1]	(G) Acrylmodified polysiloxane
P–94–2082	08/19/94	11/17/94	Confidential [1]	(G) Organomodified polysiloxane
P–94–2083	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2084	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2085	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2086	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2087	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2088	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2089	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2090	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2091	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2092	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2093	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2094	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2095	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2096	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2097	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2098	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2099	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2100	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2101	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–2102	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2103	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2104	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2105	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2106	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2107	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2108	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2109	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2110	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2111	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2112	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2113	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2114	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2115	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2116	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2117	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2118	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2119	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2120	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2121	08/19/94	11/17/94	The Lubrizol Corporation [1]	(G) Polyalkylpolymethacrylate
P–94–2122	08/22/94	11/20/94	Confidential [1]	(G) Perfluoroalkylethyl acrylate copolymer
P–94–2123	08/22/94	11/20/94	Confidential [1]	(G) Substituted azo dyestuff
P–94–2124	08/22/94	11/20/94	Confidential [1]	(G) Cation exchange resin
P–94–2125	08/23/94	11/21/94	Rheox, Inc. [1]	(G) Polyesteramide resin
P–94–2126	08/23/94	11/21/94	Confidential [1]	(G) Polyethermodified urea
P–94–2127	08/23/94	11/21/94	Confidential [1]	(G) Polyacrylate, salt
P–94–2128	08/23/94	11/21/94	Seydel Companies [1]	(G) Acid terminated terephthalate/isophthalate polyester resin
P–94–2129	08/23/94	11/21/94	Confidential [1]	(G) Dibasic acid/glycol ester
P–94–2130	08/23/94	11/21/94	Sachem, Inc. [1]	(S) Magnesium formate (or formic acid, magnesium salt)
P–94–2131	08/23/94	11/21/94	Confidential [1]	(G) Polyester isocyanate polymer
P–94–2132	08/23/94	11/21/94	Confidential [1]	(G) Polyester isocyanate polymer
P–94–2133	08/23/94	11/21/94	Confidential [1]	(G) Polyalphaolefins
P–94–2134	08/23/94	11/21/94	Confidential [1]	(G) Polyalphaolefins
P–94–2135	08/23/94	11/21/94	Confidential [1]	(G) Polyalphaolefins
P–94–2136	08/23/94	11/21/94	Confidential [1]	(G) Polyalphaolefins
P–94–2137	08/23/94	11/21/94	Confidential [1]	(G) Polyalphaolefins
P–94–2138	08/23/94	11/21/94	Confidential [1]	(G) Polyalphaolefins
P–94–2139	08/23/94	11/21/94	Confidential [1]	(G) Amine salt of polyester aliphatic polyurethane
P–94–2140	08/24/94	11/22/94	Confidential [1]	(G) Styrenated acrylic polymer
P–94–2141	08/24/94	11/22/94	Confidential [1]	(G) Styrenated acrylic polymer
P–94–2142	08/24/94	11/22/94	Confidential [1]	(G) Styrenated acrylic polymer
P–94–2143	08/24/94	11/22/94	Confidential [1]	(G) Styrenated acrylic polymer
P–94–2144	08/24/94	11/22/94	Confidential [1]	(G) Styrenated acrylic polymer
P–94–2145	08/24/94	11/22/94	Confidential [1]	(G) Styrenated acrylic polymer
P–94–2146	08/24/94	11/22/94	Confidential [1]	(G) Polyacrylic resin
P–94–2147	08/24/94	11/22/94	Confidential [1]	(G) Dibasic acid/glycol ester
P–94–2148	08/24/94	11/22/94	Confidential [1]	(G) Dibasic acid/glycol ester
P–94–2149	08/24/94	11/22/94	Confidential [1]	(G) Dibasic acid/glycol ester
P–94–2153	08/24/94	11/22/94	Confidential [1]	(G) Multifunctional epoxy resin
P–94–2150	08/25/94	11/23/94	Confidential [1]	(G) Substituted phthaloxyanine dyestuff

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–2151	08/25/94	11/23/94	Ciba-Geigy Corporation [1]	(G) Tetraphenylphosphonium salt
P–94–2152	08/29/94	11/27/94	Confidential [1]	(G) Disodium [[(chloro-difluoropyrimidiylamino)benzamido]sulfophenylazo]-pentasubstituted heterocycle
P–94–2159	08/29/94	11/27/94	Ciba-Geigy Corporation [1]	(G) Anthraquinone dye
P–94–2158	08/30/94	11/28/94	Confidential [1]	(G) 2 carboxamide-3 hydroxy-*N* phenyl-naphthanyl 4-(2′ methyl substituted phenyl azo
P–94–2160	08/30/94	11/28/94	Confidential [1]	(G) Epoxy functionalized acrylate ester polymer
P–94–2161	08/30/94	11/28/94	Confidential [1]	(G) Epoxy functionalized acrylate ester polymer
P–94–2162	08/30/94	11/28/94	Hitachi Chemicals Company America, Ltd. [1]	(G) Ethenylbenzene polymer with propenoate, decanoate, diols and carboxylic acid
P–94–2163	08/30/94	11/28/94	Ranbar Technology, Inc. [1]	(S) Tripropylene glycol, trimellitic anhydride, 1,4 cyclohexane dimethanol, fumaric acid polymer
P–94–2154	08/31/94	11/29/94	Texaco Chemical Company [1]	(G) Tetraurea grease thickener prepared by the reaction of a diisocyanate with aliphatic amines
P–94–2155	08/31/94	11/29/94	Texaco Chemical Company [1]	(G) Tetraurea grease thickener prepared by the reaction of a diisocyanate with aliphatic amines
P–94–2157	08/31/94	11/29/94	Confidential [1]	(G) Acrylate ester copolymer
P–94–2156	09/01/94	11/30/94	Eastman Kodak Company [1]	(G) Substituted benzenediamine salt
P–94–2164	09/02/94	12/01/94	Cytec Industries [1]	(G) Cross-linked modified polyvinyl amide
P–94–2165	09/02/94	12/01/94	Confidential [1]	(G) Acrylic/acrylonitrile polymer
P–94–2168	09/02/94	12/01/94	Confidential [1]	(G) Quarternary amine monomer
P–94–2169	09/02/94	12/01/94	Confidential [1]	(G) Sulfonated naphthalamine reactive dye
P–94–2166	09/06/94	12/05/94	Unocal Science & Technology Division [1]	(S) Sodium perthiocarbonate
P–94–2167	09/06/94	12/05/94	Ciba-Geigy Corporation [1]	(G) Substituted naphthalenesulfonic acid azo substituted phenyl azo substituted naphtalenesulfonic acid amino substituted phenyl salt
P–94–2170	09/06/94	12/05/94	Calgene Chemical, Inc [1]	(S) Mono-, di-, and triglycerides of high erucic acid rapeseed (hear) oil
P–94–2171	09/07/94	12/06/94	Hexcel Corporation [1]	(G) Epoxy terminated polyoxyamino prepolymer
P–94–2172	09/07/94	12/06/94	Confidential [1]	(G) Acrylate acrylonitrile copolymer salt
P–94–2173	09/07/94	12/06/94	Confidential [1]	(G) Fluorinated acrylic resin
P–94–2174	09/07/94	12/01/94	Arizona Chemical Company [1]	(G) Petroleum hydrocarbon resin (cyclopentadiene type), as the basic polymer
P–94–2175	09/07/94	12/06/94	Arizona Chemical Company [1]	(G) Modified hydrocarbon resin (cyclopentadiene type), as the basic polymer
P–94–2178	09/07/94	12/06/94	3M [1]	(G) Acrylic siloxane polymer
P–94–2179	09/07/94	12/06/94	3M [1]	(G) Acrylic siloxane polymer
P–94–2176	09/08/94	12/07/94	3M [1]	(G) Silicone polyurea
P–94–2177	09/08/94	12/07/94	Confidential [1]	(G) Trisodium chloro-[(trisubstituted heteromonocycle amino)propylamino]-triazinylamino-hydroxy-azonaphtalene-trisulfonate
P–94–2180	09/08/94	12/07/94	Confidential [1]	(G) Azo dyestuff
P–94–2181	09/08/94	12/07/94	Akzo Nobel Chemicals Inc. [1]	(S) A polymer of: triallylcyanurate; didecanoylperoxide; 2,6-di-tert-butyl-4-methyl phenol
P–94–2182	09/09/94	12/08/94	Confidential [1]	(G) Polyetheramine
P–94–2183	09/09/94	12/08/94	Dow Corning [1]	(G) Polyether dimethylsiloxane copolymer
P–94–2184	09/12/94	12/11/94	Ciba-Geigy Corporation [1]	(G) Bis substituted, phenoxazin-5-ium, salt
P–94–2185	09/13/94	12/12/94	Confidential [1]	(G) Metallic salt of *B*-hydroxy naphthoic acid
P–94–2186	09/13/94	12/12/94	Confidential [1]	(G) Acrylic polymer
P–94–2187	09/13/94	12/12/94	Confidential [1]	(G) Acrylic polymer
P–94–2188	09/13/94	12/12/94	Confidential [1]	(G) Acrylic polymer
P–94–2189	09/13/94	12/12/94	Confidential [1]	(G) Amine functionalized polyether polyester polymer
P–94–2190	09/13/94	12/12/94	Raschig Corp [1]	(S) 2-propenoic acid, 2-methyl-, 3-sulfopropyl ester; Potassium salt

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–2191	09/13/94	12/12/94	Confidential [1]	(G) Polyamide resin
P–94–2192	09/13/94	12/12/94	Confidential [1]	(G) aromatic vinyl ester
P–94–2193	09/13/94	12/12/94	Confidential [1]	(G) Disubstituted bis (chloromethyl) benzene
P–94–2194	09/13/94	12/12/94	Confidential [1]	(G) Disubstituted bis (chloromethyl) benzene
P–94–2195	09/13/94	12/12/94	Confidential [1]	(G) Disubstituted benzene dimethanol
P–94–2196	09/13/94	12/12/94	Confidential [1]	(G) Disubstituted benzene dimethanol
P–94–2197	09/14/94	12/13/94	Confidential [1]	(S) Carbamic acid, [3-(trimethoxysilyl)propyl]-, 1,1-dimethylethyl ester
P–94–2198	09/14/94	12/13/94	Hoechst Celanese [1]	(S) A polymer of: terephthalic acid; isophthalic acid; 2,2 dimethyl-1,3-propandiol; 1,1,1 tris(hydroxymethyl) propan; dibutyltinoxide; adipic acid; 2,2-bis(hydroxymethyl) propionic acid; 2-dimethylaminoethanol
P–94–2199	09/14/94	12/13/94	Hoechst Celanese [1]	(S) A polymer of: 1,6-hexanediol; adipic acid; isophthalic acid; terephthalic acid; 1,1,1-tris(hydroxymethyl) propane; 2,2 dimethyl-1,3-propanediol; 2-butanone oxime; 2,2-bis-(hydroxymethyl)-propionic acid; *N,N*-dimethylethanolamine; 5-isocyanatomethyl-3,3,5-trimethyl-1-cyclohexyl isocyanate
P–94–2200	09/14/94	12/13/94	Hoechst Celanese [1]	(G) Blocked polyisocyanate
P–94–2201	09/14/94	12/13/94	Hoechst Celanese [1]	(G) Azo substituted naphthalene sulfonic acid
P–94–2202	09/14/94	12/13/94	Asahi Chemical Industry America Inc. [1]	(S) Poly(oxy-1,4-butanediyl), alpha-hydro-omega-hydroxy-, with 1,6-diisocyanatohexane
P–94–2205	09/14/94	12/13/94	3M [1]	(G) Fluorochemical urethane
P–94–2206	09/14/94	12/13/94	3M [1]	(G) Fluorosilicone acrylate
P–94–2204	09/15/94	12/14/94	Dover Chemical Corporation [1]	(S) Bis-3,9 (2,4-bis [alpha, alpha,-dimethyl benzyl phenoxy]-2,4,8,10-tetraoxa 3,9-diphosphaspiro [5.5] undecane
P–94–2207	09/15/94	12/14/94	AMOCO Canada Marketing Corp. [1]	(G) Styrene dimer
P–94–2203	09/16/94	12/15/94	Confidential [1]	(G) Di-substituted bis[aminobenzene] derivative
P–94–2208	09/19/94	12/18/94	Confidential [1]	(G) An alkoxide
P–94–2209	09/19/94	12/18/94	Confidential [1]	(G) Fatty acid, ammonium salt
P–94–2210	09/20/94	12/19/94	Confidential [1]	(G) Fatty lactamide
P–94–2211	09/20/94	12/19/94	Confidential [1]	(G) Mixed polyalkenyl succinate ester/amine salt
P–94–2212	09/20/94	12/19/94	Confidential [1]	(G) In-situ hydrophobized silica
P–94–2213	09/20/94	12/19/94	Armstrong World Industries, Inc.	(G) Polymer of 1,6-hexanediol and polyfunctional carboxylic anhydride
P–94–2214	09/20/94	12/19/94	Armstrong World Industries, Inc. [1]	(G) Acrylated polymer of 1,6-hexanediol and polyfunctional carboxylic anhydrides
P–94–2215	09/20/94	12/19/94	Confidential [1]	(G) Unsaturated alkyl aromatic ether
P–94–2216	09/20/94	12/19/94	Confidential [1]	(G) Substituted phenol
P–94–2217	09/20/94	12/19/94	Confidential [1]	(G) Substituted phenol
P–94–2218	09/20/94	12/19/94	Confidential [1]	(G) Ester alkyl quaternary
P–94–2219	09/21/94	12/20/94	Yorkshire Dyes Inc. [1]	(G) Polyoxyalkylene dialkyl ether
P–94–2220	09/21/94	12/20/94	Confidential [1]	(G) 3-substituted propanoic acid
P–94–2221	09/21/94	12/20/94	Confidential [1]	(G) 3-substituted propanoic acid glycol ester
P–94–2222	09/21/94	12/20/94	Confidential [1]	(G) Triazole derivative
P–94–2223	09/21/94	12/20/94	Unichema North America [1]	(G) Alkane/aromatic tribasic acid methoxypolyethylene glycol partial ester
P–94–2224	09/21/94	12/20/94	Unichema North America [1]	(G) Alkane/aromatic tribasic acid methoxypolyethylene glycol/2-ethylhexanol ester
P–94–2225	09/21/94	12/20/94	Unichema North America [1]	(G) Alkane/aromatic tribasic acid 2-ethylhexanol ester
P–94–2226	09/21/94	12/20/94	Unichema North America [1]	(G) Polyol fatty acid ester
P–94–2227	09/21/94	12/20/94	Unichema North America [1]	(S) 1,2,3-propanetriol, homopolymer, isooctadecanoate
P–94–2231	09/23/94	12/22/94	Eastman Kodak Company [1]	(G) Heteroalkylsubstituted benzothiazolium salt

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–2228	09/26/94	12/25/94	AMOCO Canada Marketing Corp.[1]	(G) Polyolefin-modified polyphthalamide
P–94–2229	09/26/94	12/25/94	Huls America Inc[1]	(G) Alkanol-alkanone-resin
P–94–2232	09/26/94	12/25/94	Champion International Corporation[1]	(S) Alkyl pyridine acetate and alkyl pyridine mercaptoacetate
P–94–2234	09/26/94	12/25/94	Confidential[1]	(S) Alkenes, C_{20-24}.alpha.-, polymers with maleic anhydride, reaction products with 2,2,6,6-tetramethyl-4-piperidinamine
P–94–2230	09/27/94	12/26/94	NOF America Corporation[1]	(G) Polyglycerin mono(4-*N*-Nonyl phenyl)ether
P–94–2233	09/27/94	12/26/94	Dow Corning[1]	(S) Silesquioxanes, [3-(2-aminoethyl) amino] propyl me, hydroxy-terminated
P–94–2235	09/27/94	12/26/94	Bostik division of USM Corporation[1]	(G) Polyurethane
P–94–2236	09/27/94	12/26/94	Confidential[1]	(G) Thermoplastic polyimide
P–94–2237	09/27/94	12/26/94	Confidential[1]	(G) Diol ethoxylated
P–94–2238	09/28/94	12/27/94	Confidential[1]	(G) Water borne polyuethane dispersion
P–94–2239	09/28/94	12/27/94	Confidential[1]	(G) Polyamino acid
P–94–2240	09/28/94	12/27/94	Confidential[1]	(G) Polyamino acid salt
P–94–2241	09/29/94	12/28/94	Moore Business Forms, Inc.[1]	(S) 1 (3*H*)-Isobenzofuranone, 3-[4-[ethyl(4-methylphenyl)amino]-2-hydroxyphenyl]-3-[2-methoxy-4-methyl-5-(phenylamino)phenyl]-
P–94–2242	09/29/94	12/29/94	Confidential[1]	(G) Salt of aminotetrazole
P–94–2243	09/29/94	12/28/94	Confidential[1]	(G) Polyacrylic resin
P–94–2244	09/30/94	12/29/94	Confidential[1]	(G) Acrylic polymer
P–94–2245	09/30/94	12/29/94	Confidential[1]	(G) Amino hydroxy ester
P–94–2246	09/30/94	12/29/94	Confidential[1]	(G) Polyester resin
P–94–2247	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2248	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2249	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2250	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2251	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2252	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2253	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2254	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2255	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2256	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2257	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2258	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2259	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2260	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2261	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2262	09/30/94	12/29/94	Confidential[1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
P–94–2263	09/30/94	12/29/94	Confidential [1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2264	09/30/94	12/29/94	Confidential [1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2265	09/30/94	12/29/94	Confidential [1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2266	09/30/94	12/29/94	Confidential [1]	(G) Polymer of polyisocyanate, blocked with alcohols and esters
P–94–2267	09/30/94	12/29/94	Dow Corning [1]	(S) Silsequioxanes, methyl, [3-(2-aminoethyl)amino]propyl and [3-octadecyldimethylammonium chloride]propyl, methoxy-terminated

[1] Submissions where health and saftey data was received from the Manufacturer/Importer.

II. Polymer Exemption Notices Received From: 05/31/94 to 09/30/94.

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
Y–94–0115	05/31/94	06/21/94	Confidential [1]	(G) Saturated polyester
Y–94–0116	05/31/94	06/21/94	Confidential [1]	(G) Polyamide graft copolymer
Y–94–0117	06/01/94	06/21/94	Confidential [1]	(G) Alkyd polyester resin
Y–94–0118	06/08/94	06/29/94	Estron Chemical, Inc. [1]	(G) Acrylic terpolymer
Y–94–0119	06/09/94	06/30/94	Confidential [1]	(G) Polyurethane
Y–94–0120	06/09/94	06/30/94	Seydel Companies [1]	(G) Acid terminated terephthalate/isophthalate polyester resin
Y–94–0121	06/20/94	07/11/94	Reichhold Chemicals, Inc. [1]	(G) Polyester resin
Y–94–0122	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0123	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0124	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0125	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0126	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0127	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0128	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0129	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0130	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0131	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0132	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0133	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0134	06/23/94	07/14/94	S. C. Johnson & Son, Inc.	(G) Styrene acrylic polymer
Y–94–0135	06/23/94	07/14/94	Confidential [1]	(G) Acrylate polymer
Y–94–0136	06/24/94	07/15/94	Confidential [1]	(G) Alkyd polyester resin
Y–94–0137	06/27/94	07/18/94	Sumitomo Corporation of America [1]	(S) Ethylenepolymer-diene copolymers; polypropylene
Y–94–0138	07/06/94	07/27/94	Confidential [1]	(G) Styrenated alkyd resin
Y–94–0139	07/11/94	08/01/94	Confidential [1]	(G) Vinyl acetate copolymer
Y–94–0140	07/11/94	08/01/94	S. C. Johnson & Son, Inc. [1]	(G) Styrene acrylic polymer
Y–94–0141	07/18/94	08/08/94	Confidential [1]	(G) Polyester resin
Y–94–0142	07/18/94	08/08/94	Confidential [1]	(G) Polyester resin
Y–94–0143	07/18/94	08/08/94	United Minerial and Chemical Corp [1]	(G) 1,3-benzenedicarboxylic acid polymer with diol and dione substituted benzoate 4-(1,1-dimethylethyl)
Y–94–0144	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester
Y–94–0145	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester
Y–94–0146	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester
Y–94–0147	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
Y–94–0148	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester
Y–94–0149	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester
Y–94–0150	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester
Y–94–0151	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester
Y–94–0152	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester
Y–94–0153	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester
Y–94–0154	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester
Y–94–0155	07/21/94	08/11/94	Confidential [1]	(G) Phenolic modified drying oil polyester
Y–94–0156	07/25/94	08/15/94	S. C. Johnson & Son, Inc. [1]	(G) Aqueous acrylic polymer
Y–94–0157	07/25/94	08/15/94	S. C. Johnson & Son, Inc. [1]	(G) Aqueous acrylic polymer
Y–94–0158	07/25/94	08/15/94	S. C. Johnson & Son, Inc. [1]	(G) Aqueous acrylic polymer
Y–94–0159	07/25/94	08/15/94	S. C. Johnson & Son, Inc. [1]	(G) Aqueous acrylic polymer
Y–94–0160	07/25/94	08/15/94	S. C. Johnson & Son, Inc. [1]	(G) Aqueous acrylic polymer
Y–94–0161	07/25/94	08/15/94	S. C. Johnson & Son, Inc. [1]	(G) Aqueous acrylic polymer
Y–94–0162	07/25/94	08/15/94	S. C. Johnson & Son, Inc. [1]	(G) Aqueous acrylic polymer
Y–94–0163	07/26/94	08/16/94	Confidential [1]	(G) Saturated, oil-free polyester resin
Y–94–0164	07/26/94	08/16/94	Morton International, Incorporated [1]	(G) Alkyl/aryl polyester resin
Y–94–0165	07/26/94	08/16/94	C. J. Osborn Chemicals, Inc. [1]	(G) Polyurethane alkyd
Y–94–0166	07/29/94	08/19/94	Confidential [1]	(G) Saturated polyester
Y–94–0167	08/01/94	08/22/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Polyester glycol
Y–94–0168	08/08/94	08/29/94	Mace Adhesives & Coatings Company, Inc. [1]	(G) Polyether-aromatic diisocyanate-polyurethane-polyurea
Y–94–0169	08/05/94	08/26/94	Confidential [1]	(G) Polymer of acrylic and methacrylic esters
Y–94–0170	08/05/94	08/26/94	Hitachi Chemicals Company America, Ltd. [1]	(G) Ethenylbenzene polymer with propenoate, deconoate, diols and carboxylic acid
Y–94–0171	08/05/94	08/26/94	E.I. Du Pont De Nemours & Co., Inc. [1]	(G) Ethylene copolymer
Y–94–0172	08/09/94	08/30/94	Hoechst Celanese [1]	(G) Polymer of alkanediols; monocyclic dicarboxylic acid, dimethyl ester; monocyclic monosulfonated dicarboxylic acid, dimethyl ester, monosodium salt; and hydroxy alkoxyalkanesulfonic acid, sodium salt
Y–94–0173	08/09/94	08/30/94	Confidential [1]	(G) Acrylate polymer
Y–94–0174	08/09/94	08/30/94	Confidential [1]	(G) Acrylate polymer
Y–94–0168	08/08/94	08/29/94	Mace Adhesives & Coatings Company, Inc. [1]	(G) Polyether-aromatic diisocyanate-polyurethane-polyurea
Y–94–0172	08/09/94	08/30/94	Hoechst Celanese [1]	(G) Polymer of alkanediols; monocyclic dicarboxylic acid, dimethyl ester; monocyclic monosulfonated dicarboxylic acid, dimethyl ester, monosodium salt; and hydroxy alkoxyalkanesulfonic acid, sodium salt
Y–94–0173	08/09/94	08/30/94	Confidential [1]	(G) Acrylate polymer
Y–94–0174	08/09/94	08/30/94	Confidential [1]	(G) Acrylate polymer
Y–94–0175	08/15/94	09/05/94	Confidential [1]	(G) Carboxylic acid copolymer
Y–94–0176	08/16/94	09/06/94	Confidential [1]	(S) A polymer of: alkenes, $C_{14–16}$-alpha-; 2-butenedioic acid (*E*)-, bis (2-ethylhexyl) ester; di-tert-butyl peroxide
Y–94–0177	08/18/94	09/08/94	Confidential [1]	(G) Polyethermodified polysiloxane
Y–94–0178	08/19/94	09/09/94	Shin-Etsu Silicones of America, Inc [1]	(S) Siloxanes and silicones, di-me, me hydrogen; 1-octadecanol
Y–94–0179	08/19/94	09/09/94	National Starch and Chemical Corporation [1]	(S) Polymer of styrene/maleic anhydride polymer; sulfur trioxide; ammonium hydroxide; hydrogen peroxide; dichloroethane; 5-chloro-2-methyl-4-isothiazolin-3-one; 2 methyl-4-isothiazolin-3-one; water; triethyl phosphate
Y–94–0180	08/22/94	09/12/94	Westvaco [1]	(G) Styrene/acrylic copolymer, sodium salt
Y–94–0181	08/23/94	09/13/94	C. J. Osborn Chemicals, Inc. [1]	(G) Acrylic polymer

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
Y–94–0182	08/23/94	09/13/94	Bostik DivIsion of USM Corporation [1]	(G) Cycloaliphatic polyester
Y–94–0183	08/25/94	09/15/94	Eastman Kodak [1]	(S) A polymer: cellulose acetate; rimellitic anhydride
Y–94–0184	08/29/94	09/19/94	Confidential [1]	(G) Water dispersible polyester
Y–94–0185	08/30/94	09/20/94	C. J. Osborn Chemicals, Inc. [1]	(G) Epoxy copolymer
Y–94–0186	09/12/94	10/03/94	C. J. Osborn chemicals, Inc. [1]	(G) Water reducible alkyd
Y–94–0187	09/13/94	10/04/94	Essex Speciality Products, Inc. [1]	(G) Glycol diisocyanate oligomer
Y–94–0188	09/19/94	10/10/94	DIC Trading (USA) Inc. [1]	(G) Acrylic modified alkyd
Y–94–0189	09/23/94	10/14/94	Interplastic Corporation [1]	(G) Unsaturated polyester resin
Y–94–0190	09/27/94	10/18/94	Bostik Division of USM Corporation [1]	(G) Cycloaliphatic polyester

[1] Submissions where health and saftey data was received from the Manufacturer/Importer.

III. Test Market Exemption Applications Received From: 05/31/94 to 09/30/94.

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Chemical
T–94–0015	06/10/94	07/25/94	A&R Materials, Inc.	(S) Isotopically altered zinc oxide (iazo)
T–94–0016	07/25/94	09/08/94	Confidential	(G) Polymeric colorant
T–94–0017	09/26/94	11/10/94	Oce-Bruning, Inc.	(S) Epoxy/phenoxy resin, consisting of a reaction product of epikote 828 epoxy resin with *P*-phenylphenol

IV. Notices of Commencement Received From: 08/01/93 to 09/30/94.

Case No.	Received Date	Commencement/Import Date	Chemical
P–93–0703	08/02/93	07/07/93	(G) Acrylated aliphatic urethane polymer
P–92–1400	08/02/93	07/16/93	(G) Aromatic metallic complex
P–93–0183	08/03/93	07/08/93	(G) Polyester adipate
P–91–0155	08/03/93	07/23/93	(G) Substituted aniline
P–93–0707	08/03/93	10/07/93	(G) Substituted aromatic oligomer
P–93–0674	08/04/93	07/16/93	(G) Complex substituted vinyl polymer
P–93–0056	08/04/93	07/29/93	(G) Alkylamine-maleic anhydride condensation product
P–92–0747	08/05/93	07/21/93	(G) Organic tallate salt
P–93–0878	08/05/93	07/28/93	(S) Product ZC22: intermediate 1: zirconium IV tetrakis (mixed fatty $C_{17'}$ to $C_{30'}$) alcoholato; intermediate 2: zirconium IV tetrakis (mixed fatty $C_{17'}$ to C_{30}) adduct 2 moles tris C12–C15 alkyl phosphite; not isolated
P–93–0879	08/05/93	07/28/93	(S) Product ZC22e: zirconium iv bis (mixed fatty $C_{17'}$ to $C_{30'}$ alcoholato) cyclo (mixed fatty C_{17} to C_{30}) diphosphato-0,0; adduct 2 moles tris CC_{12} – CC_{15} alkyl phosphate
P–93–0225	08/06/93	07/26/93	(G) Copolymer alkyd
P–93–0417	08/06/93	07/24/93	(G) Reactive azo dyestuff
P–93–0935	08/09/93	07/28/93	(S) Polymer of: methacrylic acid; isocytl acrylate; zinc oxide; isocytl thioglycolate; azodiisobutyronitrile
P–93–0150	08/09/93	07/30/93	(G) Isophthalic acid polymer with benzene sulfonic acid, dicarboxy, sodium salt, monoisopropanolamine, alkyl glycol, and syrne/acrylic polymer
P–92–0513	08/09/93	07/12/93	(G) Polyesterpolyol
P–93–0551	08/11/93	07/15/93	(S) Bis hydrogen, zirconium iv tris (ditridecyl) diphosphate
P–93–0592	08/11/93	07/21/93	(S) Oxy bis titanium iv tris (tridecyl) phosphato-0
P–93–0836	08/11/93	07/26/93	(G) Glycerides mixed acids mono- di- and tri
P–93–0648	08/11/93	07/22/93	(G) Alkyl benzene sulfonic acid
P–93–0651	08/11/93	07/15/93	(G) Perfluoroalkylethylacrylate copolymer
Y–93–0151	08/11/93	08/04/93	(G) Solvent free, modified polysiloxane
P–93–0437	08/13/93	07/22/93	(G) Polysubstituted methacrylic copolymer latex

Case No.	Received Date	Commencement/Import Date	Chemical
P–92–1388	08/13/93	05/04/93	(G) Polysiloxane modified polyurethane with blocked NCO group
P–92–1389	08/13/93	05/04/93	(G) Polyalkyl polyisocyanate
P–92–1390	08/13/93	05/04/93	(G) Polysiloxane modified polyurethane with terminated unsaturated groups
P–92–1391	08/13/93	05/04/93	(G) Polysiloxane modified polyurethane with terminated unsaturated groups
P–92–1392	08/13/93	05/04/93	(G) Copolymer of acrylate and methacrylic ester with cyclic vinyl compounds
P–92–1438	08/13/93	05/04/93	(G) Block polyester isocyanate adduct
P–93–0655	08/13/93	08/24/93	(G) Ketone resin graft copolymer
P–93–0084	08/15/93	08/05/93	(S) Rosin, esters with triethylene glycol
P–92–1371	08/17/93	07/29/93	(G) Epoxyalkyl modified silicone
P–92–1368	08/17/93	07/29/93	(G) Amino-modified silicone polymer copolymer
P–93–0666	08/17/93	08/04/93	(G) Styrene, polymer with diisopropyl maleate, glycidylmethacrylate and isobornylacrylate
P–93–0545	08/17/93	07/30/93	(S) Ethanamine, 2-[[2,4,8,10-tetrakis (1,1-dimethylethyl)dibenzo[d,f] [1,3,2]dioxaphosphepin-6-yl]oxy]-*N,N*-bis [2,4,8,10-tetrakis(1,1-dimethylethyl)dibenzo[d,f] [1,3,2] dioxaphosphepin-6-yl]oxy]ethyl]-
P–92–0709	08/17/93	08/02/93	(G) Sulfonated polymer acid for
P–92–0710	08/17/93	08/02/93	(G) Sulfonated polymer, sodium sal; SPS resin sodium salt of sulfonated resin
Y–92–0183	08/17/93	08/08/93	(G) Polyester
P–92–1137	08/18/93	07/27/93	(G) Cyclopentyltrichlorosilane
P–93–0710	08/18/93	07/29/93	(G) 1,4-Phenylenebis(carbonylimino-3,1-propanediylimino) triphenodioxazine sulfonic acid
P–93–0675	08/18/93	07/29/93	(G) Substituted azo triazine dye
P–93–0711	08/18/93	07/29/93	(G) Cuprte(6-), 1,2-ethanediylbis[imino(6-halo-1,3,5-triazine-4,2-diyl) imino(hydroxy sulfophenylene)azo (phenylmethylene)azo] sulfobenzoato(10-)di-,sodium
P–93–0823	08/18/93	07/23/93	(G) Polytetrahydrofuran diether, unsaturated
P–93–0741	08/19/93	07/06/93	(G) Alkyl benzene sulfonic acid salt
P–93–0739	08/19/93	08/07/93	(G) Alkyl benzene sulfonic acid
P–93–0696	08/20/93	07/19/93	(G) 2-Propenoic acid, 2-cyano-, propyl ester
P–93–0694	08/20/93	08/03/93	(G) Trisubstituted phenol
P–93–0834	08/20/93	07/29/93	(G) Polyol ester
P–93–0849	08/20/93	08/06/93	(G) Polyester isocyanate prepolymer
P–93–1032	08/23/93	08/16/93	(G) Polyphthalamide
P–93–0192	08/23/93	07/15/93	(S) Poly(ethylene-1,3-dimethyldisiloxane)coplymer-ethoxy endblocked
P–93–0967	08/24/93	08/09/93	Siloxanes and silicones, dime, me 2-(7-oxabicyclo[4.1.0]hept-3-yl)ethyl, dimethyl-2-(7-oxabicyclo [4.1.0] hept-3-yl) ethylsiloxy terminated
P–93–0173	08/24/93	08/09/93	(S) 1-Chloromethyl-4-fluoro-1,4-diazoniabicyclo [2.2.2]octane bis(tetrafluoroborate)
P–93–0174	08/24/93	07/26/93	(G) Substituted triethylenediamine chloride
P–93–0175	08/24/93	08/02/93	(G) Substituted triethylenediamine fluoroborate
P–93–0972	08/24/93	08/10/93	(G) Acrylic copolymer
P–93–0973	08/24/93	08/05/93	(G) Polyester resin
P–92–1266	08/24/93	08/11/93	(G) Styrenated acrylic copolymer
P–92–1270	08/24/93	08/11/93	(G) Styrenate
P–93–0625	08/24/93	08/07/93	(G) SIlicon-modified polyester resin
P–93–0045	08/24/93	08/09/93	(G) Polyolefin polyisocyanate prepolymer
P–91–0989	08/24/93	07/28/93	(G) Unsaturated polyester
P–92–1484	08/24/93	07/12/93	(G)Alkyd resin polymer
P–92–1354	08/24/93	06/04/81	(G) Water reducible alkyd resin
P–93–0748	08/26/93	07/21/93	(G) Modified acrylic polymer
P–93–0211	08/27/93	08/18/93	(G) PPDI Polyester prepolymer
P–93–0665	08/27/93	08/04/93	(G) Benzophenone polyimide resin
P–93–0680	08/30/93	08/11/93	(S) Polymer of: 4-hydroxybutylvinyl ether; isophorone diisocyanate; caprolactone triol
P–93–0275	08/31/93	07/28/93	(G) Oxirane, methyl-, polymer with oxirane, benzoate ester
P–93–0645	08/31/93	08/21/93	(G) Substituted aromatic ozonide

Case No.	Received Date	Commence-ment/Import Date	Chemical
P–93–0005	08/31/93	08/04/93	(G) Bisubstituted phenol
P–93–0004	08/31/93	08/03/93	(G) Bisubstituted phenol
P–93–0003	08/31/93	08/02/93	(G) Substituted aromatic ether
P–92–1411	08/31/93	08/09/93	(G) Sodium
P–93–0081	08/31/93	08/20/93	(G) Substituted phenol
P–93–0885	08/31/93	08/20/93	(G) Substituted phenol
P–93–1010	09/01/93	08/13/93	(S) Dimethyltelluride
P–93–0570	09/02/93	08/04/93	(S) Cobalt tungsten titanium buff rutile
Y–93–0174	09/02/93	08/30/93	(S) Poly (propylene glycol), 1,3 butanediol, 2-ethyl-2-(hydroxymethyl) 1,3-propanediol with tolylene 2,4-diisocyanate and E-caprolactame
P–93–0604	09/08/93	07/27/93	(G) Caprolactone polyurethane
P–93–0736	09/08/93	08/14/93	(G) 1,1′-Methylene bis(isocyanatobenzene) substituted polymer
P–93–0990	09/08/93	08/09/93	(G) Amine-salted polyester resin
P–93–0687	09/08/93	08/18/93	(S) Reaction product between mica and 2-propenoic acid, 2-methyl-, 3-(trimethoxysilyl) propyl ester commonly referred to as gamma-methacryloxypropyltrimethoxysilane
P–93–0842	09/08/93	09/01/93	(G) Methylimidazole substituted copper phthalocyanine
P–93–0497	09/08/93	08/09/93	(G) Amino ethanol-ethylene oxide-propylene oxide polymer
Y–93–0011	09/08/93	08/13/93	(G) Polymer of benzoic acid derivative, substituted biphenyl, substituted benzenes
P–93–0971	09/09/93	08/26/93	(G) Isocyanate terminated polyether polyurethane
P–93–0274	09/09/93	09/01/93	(S) Oxirane, methyl-, polymer with oxirane, benzoate ester
Y–93–0051	09/09/93	08/06/93	(G) Styrene-acrylic polymer
Y–93–0140	09/09/93	08/04/93	(G) Neutralized acrylic polymer
P–91–0077	09/09/93	11/19/90	(G) Zirconium IV 2,2(bis-2-propenolato methyl)butanolato, tris 2-methyl-2-propenato-O
P–93–0984	09/09/93	08/09/93	(G) Polyurethane resin
P–92–1086	09/09/93	08/30/93	(S) Octanoic hydrazide
P–93–0673	09/10/93	08/19/93	(G) Substituted aromatic diazo A
P–92–0352	09/14/93	08/18/93	(G)Substituted polyhydroxy aromatic compound
P–93–1084	09/14/93	09/07/93	(G) Lithium carboxylate soap
P–93–0657	09/14/93	08/20/93	(S) Mixture of: a) lithium perfluorooctane sulfonate: b) lithium perfluoroheptane sulfonate: c) lithium perfluorohexane sulfonate
P–93–0207	09/15/93	08/16/93	(G) Alkyl polyether with alkenedioic anhydride
P–93–0208	09/15/93	08/18/93	(G) Carboxylated styrene-butadiene copolymer latex
P–93–1046	09/15/93	09/10/93	(G) Substituted polyoxyethylene salt
P–93–0022	09/15/93	05/10/94	(G) Polyurethane based on polyisocyanates, polyols and polyamines.
P–93–1053	09/17/93	09/07/93	(G) Moisture curing polyurethane
P–93–0704	09/17/93	09/01/93	(G) Polyurethane-urea dispersion polymer
Y–93–0193	09/20/93	08/18/93	(G) Segmented polyurethane-urea
P–92–1500	09/20/93	09/03/93	(G) Amine modification epoxy
P–92–1225	09/20/93	09/27/93	(G) Modified styrenated methacrylate methacrylate polymer
Y–93–0194	09/21/93	09/09/93	(G) Blocked polyester polyurethane
P–93–0646	09/21/93	09/07/93	(G) (Alkylamino and alkyl) phenylimino substituted oxonaphthalene carboxamide
P–93–1038	09/21/93	08/24/93	(G) Cyclohexane, 5-isocyanato-1- (isocyanatomethyl)-1,3,3-trimethyl-homopolymer acrylate blocked
P–93–0634	09/22/93	08/30/93	(G) Polyester resin
P–93–0740	09/22/93	09/09/93	(G) Alkyl benzene
P–93–0754	09/27/93	09/02/93	(G) Alkyl alkoxylate epoxide
P–93–1041	09/27/93	09/02/93	(G) Alkyl alkoxylate
P–93–0755	09/27/93	08/30/93	(G) Complex alkyl polyalkoxy epoxide
P–93–1081	09/28/93	09/13/93	(G) Oxaluminum fatty acid complex
P–93–1037	09/28/93	09/02/93	(S) Phenol, 4,4′-[1,3-phenylenebis(1- methylethylidene)]bis(9Cl)

Case No.	Received Date	Commencement/Import Date	Chemical
P–93–0350	09/28/93	09/21/93	(S) Polymer of: 1,6-hexanediamine; neodecanoic acid, oxiranylmethyl ester; ethanol, 2,2-iminobis-; 1,3-propanediamine, *N,N*-dimethyl-; bisphenol A, epichlorohydrin polymer(epicote 1001) and 2-propenamide, *N*-(butoxymethyl)-
P–93–0470	09/28/93	09/13/93	(S) Bis(hydrogenated tallow alkyl)amines, oxidized
P–93–1104	09/29/93	09/22/93	(G) Alkyl hydroxybenzoate
P–92–0837	09/29/93	08/30/93	(S) Xylenol-ethylphenol, blocked diphenylenethane diisocyanayte
P–93–1036	09/30/93	09/14/93	(G) Polyurethane resin
P–93–0859	09/30/93	09/23/93	(G) Naphthalenedisulfonic acid sulfamide disazo naphthol salt
P–93–0986	10/04/93	09/15/93	(G) *N,N′*-Alkanediyl bis[n-(hetero)-]formamide
P–93–1011	10/05/93	09/22/93	(G) Self-crosslinking butadiene styrene copolymer
P–93–0876	10/05/93	09/02/93	(G) Polyester isocyanate prepolymer
P–93–1182	10/05/93	09/28/93	(G) Acrylic copolymer
P–93–0644	10/05/93	09/28/93	(G) Polymer of; isoprene; hydrogen peroxide (35% solution)
P–92–0032	10/05/93	09/08/93	(S) *N*-(2-nitro-4-pentoxyphenyl) acetamide
Y–93–0078	10/05/93	09/22/93	(G) Unsaturated polyester resin
Y–93–0198	10/05/93	09/16/93	(G) Alkyl carboxylic acid-alkyl methacrylate copolymer, ammonia salt
P–93–0954	10/05/93	09/01/93	(G) Aromatic isocyanate - polyether based urethane prepolymer
P–93–0616	10/05/93	09/20/93	(G) Styrene modified acrylic polymer
P–93–0716	10/05/93	09/17/93	(G) Disubstituted benzene sulfonic acid
P–93–0385	10/05/93	08/31/93	(G) Complex epoxy resin/amine adducts
P–93–1123	10/05/93	10/05/93	(G) Reaction product of an aromatic tetracarboxylic acid and an aliphatic ester with an aromatic diamine
P–93–1078	10/06/93	09/01/93	(S) Benzenamine, 4,4′-sulfonylbis, *N,N,N,′*tetra-[3-[2,3-epoxypropyl- (1-methylethylidene)bis (4,1-phenylenoxy)]-2-hydroxypropyl]
P–93–0746	10/12/93	09/25/93	(G) Fatty acid ester preparation
P–93–0942	10/12/93	10/12/93	(S) Fatty acids, dehydrated castor-oil, polymers with benzoic acid, bu acrylate, glycerol, 2-hydroxyethyl acrylate, 2-hydroxyethyl methacrylate, iso-bu methacrylate, linseed oil, methacrylic acid, pentaerythritol, phthalic anhydride and styrene
P–93–1002	10/13/93	10/13/93	(G) Polyurethane based on polyisocyanate, polyols and polyamines
P–93–0700	10/13/93	10/13/93	(G) Organo polysiloxane
P–93–0760	10/13/93	10/06/93	(G) Indolyl, phenylsubstituted isobenzofuranone
P–93–0962	10/13/93	10/13/93	(G) Alkyl polyamide
P–93–0587	10/14/93	09/20/93	(G) Polymer of vinyl alcohol, vinyl acetate and allyl ether
P–93–0269	10/14/93	09/23/93	(G) Rubber modified polythalamide
P–93–0882	10/14/93	07/22/93	(G) Dialkyl substituted carbonate
P–93–0838	10/14/93	07/13/93	(G) Alkyl substituted carbonate
P–93–0075	10/19/93	10/02/93	(G) Formaldehyde polymer
P–93–0841	10/20/93	10/08/93	(G) Sulfated alkylphenolpolyethylene glycol ether, sodium salts
P–93–1100	10/20/93	09/20/93	(G) A Magnesium, titanium organo-complex compound
P–93–0515	10/20/93	10/06/93	(G) Propietary modified carboxylated styrene butadiene polymer
P–93–0992	10/20/93	09/16/93	(G) Substituted hydrazone
P–93–0993	10/20/93	09/28/93	(G) Modified vinyl pyridine polymer
P–93–0614	10/20/93	10/13/93	(G) 1,1-Methylene bis(isocyanatobenzene) polymer
Y–93–0177	10/20/93	09/28/93	(G) Alkenoic alkyl esters, 2-methyl-2-propenoic acid polymer; salt
Y–93–0189	10/25/93	10/05/93	(G) Acrylic polymer
Y–93–0057	10/25/93	09/29/93	(G) Oil free isphthalic polyester
P–93–1029	10/25/93	10/21/93	(G) Alkoxylated alkylphenol
P–93–1045	10/25/93	10/25/93	(G) alkoxylated alkyl phenol amino alkyl ether
P–93–1097	10/25/93	10/13/93	(G) Siloxanes and silicones, dialkyl, me hydrogen, reaction product with siloxanes and silicones, dialkyl, vinyl group terminated
P–93–1223	10/26/93	09/27/93	(G) Modified epoxy resin
P–93–1086	10/27/93	10/27/93	(G) Poly-beta-fluoroalkylethyl acrylate and polyoxyalkyl methacrylate

Case No.	Received Date	Commencement/Import Date	Chemical
P–93–0619	10/27/93	10/06/93	(S) Polymer of terephthaloyl chloride; isophthaloyl chloroide; diethylenetriamine
P–93–0151	10/27/93	10/21/93	(G) Polyethermodified polysiloxane
P–93–0310	10/28/93	10/04/93	(G) Acrylic polymer containing aromatic carboxyesters
Y–93–0097	10/29/93	10/25/93	(G) Polymer of isoprene, *N*-butyl lithium, hydrogene
P–93–0490	10/29/93	10/29/93	(G) Alkylarylsulfonic acid, sodium salt
P–93–1022	11/01/93	09/24/93	(G) Polyether polyurethane polymer
P–93–0970	11/01/93	10/13/93	(G) *N*-amino-pyridone
P–93–1212	11/03/93	10/07/93	(G) Trifluoroethane sulfonyl modified methacrylate copolymer
P–93–0890	11/03/93	10/01/93	(G) Disubstituted diphenyl oxide
P–93–1076	11/03/93	10/09/93	(G) Fatty acid amide
P–93–0384	11/03/93	10/26/93	(S) 2,4,4-trimethylpentylphosphine
P–93–1257	11/04/93	10/29/93	(G) Isocyanate terminated urethane polymer
P–93–0721	11/05/93	10/18/93	(S) Furan, 2-(ethoxymethyl) tetrahydro- common name: ethyl tetrahydrofurfuryl ether
P–93–1242	11/08/93	10/25/93	(G) Substituted azo triazine dye
P–93–1101	11/08/93	09/17/93	(G) Partial orthophosphate esters of ethane diol and pentaerythritol (2:2 dimethylol 1:3 propane diol) alternatively phosphoric acid partial esters with ethane diol and pentaerythritol
P–93–1124	11/08/93	10/13/93	(G) Reaction product of an aromatic tetracarboxylic acid and aliphatic esters with an aromatic diamine
P–93–0372	11/09/93	10/15/93	(G) Epoxy resin, reaction products with 4,4′-(1-methylethylidene) bis(2,6-dibromophenyl) and acrylic acid
P–93–1226	11/09/93	10/22/93	(G) Perfluoroalkyethylacrylate copolymer
P–93–1383	11/09/93	10/27/93	(G) Polyurethane based on polyisocyanates, polyols and polyamines
P–93–0373	11/09/93	10/15/93	(G) Epoxy resin, reaction products with 4,4′-(1-methylethylidene) bis(2,6-dibromophenyl) and acrylic acid
P–93–0868	11/10/93	10/27/93	(S) 2-propenoic acid, 2-methyl-, methyl ester, polymer with ethenylbenzene and (1-methylethenyl) benzene
P–93–1125	11/10/93	10/25/93	(G) Reaction product of a mixture of aromatic dianhydrides and aliphatic esters with aromatic diamines
P–93–0488	11/12/93	10/11/93	(G) Alkylarylsulfonic acid, calcium salt
P–93–0001	11/15/93	10/20/93	(G) Unsaturated aliphatic alcohol
P–93–0865	11/15/93	11/04/93	(G) Trimethylsilylated amine
P–93–1165	11/16/93	10/11/93	(G) Crosslinked isocytl acrylate polymer
P–93–1328	11/16/93	11/02/93	(G) Fatty acids, C_{18}-unsatd., hydrogenated, dimers, polymers with C_{18} unsatd., amine dimers and ethylenediamine
P–93–1233	11/16/93	10/25/93	(G) Substituted ammonium phosphate salt
P–93–1082	11/16/93	10/14/93	(G) Treated vermiculite
P–93–1171	11/16/93	11/11/93	(S) Bis(*N*-butylcyclopentadienyl)zirconium dichloride
P–93–1311	11/16/93	11/11/93	(G) Derivative of cyclopentadiene
P–93–1169	11/16/93	11/11/93	(G) Derivative of bis(cyclopentadienyl)zirconium dichloride
P–93–1394	11/16/93	11/09/93	(G) Substituted azo triazine dye
P–93–1397	11/16/93	11/16/93	(G) Ethyl 2,2,6-trimethylcyclohexane carboxylate
P–93–1417	11/16/93	11/10/93	(S) Polyester comprised of cyclohexane dimethyl, tetrahydrophthalic anhydride & trimellitic anhydride
Y–93–0201	11/17/93	11/05/93	(G) Water-reducible alkyd resin
P–93–0122	11/17/93	10/25/93	(G) Modified acylic polymer
P–93–0124	11/17/93	10/24/93	(G) Modified acylic polymer
P–93–1244	11/18/93	11/05/93	(G) Tetraalkylthiuram disulfide
P–93–0439	11/18/93	10/26/93	(G) Reaction product of: branched aliphatic alcohol, diethylene glycol, phthalic anhydride, dimer acid, petroleum by-products
P–93–1173	11/19/93	10/21/93	(G) Substituted polyolefin
P–93–1174	11/19/93	10/21/93	(G) Substituted polyolefin
P–93–1384	11/22/93	11/05/93	(G) Polyurethane based on polyisocyanates, polyols and polyamines
P–93–1105	11/22/93	11/19/93	(G) Modified acrylic polymer

Case No.	Received Date	Commencement/Import Date	Chemical
P–93–1485	11/22/93	11/16/93	(G) Silanated urethane polymer
P–93–0493	11/22/93	11/09/93	(G) Molybdenum alkylamine complex
P–93–1350	11/22/93	11/08/93	(G) Methacrylic acid copolymer
P–93–1348	11/22/93	11/22/93	(G) Methacrylic acid copolymer
P–93–1379	11/23/93	11/12/93	(G) Oximo-functional polyorganosiloxane
P–93–0846	11/24/93	11/11/93	(S) Copper,[29*H*,31*H*- phthalocyaninato(2-)-*N*29,*N*30,*N*31,*N*32]- [(1,3,4-trimethyl-1*H*-imidazolium-5-yl) methylene]derivative, methyl sulfate and hydrogen sulfate
P–93–1419	11/24/93	11/24/93	(G) Water dipersible polyurethane with 5 comonomers leaving isocyanate and active hydrogen functionality
Y–93–0169	11/24/93	11/24/93	(G) Polyester
Y–93–0175	11/24/93	11/11/93	(S) Fatty acids $C_{6–18}$ mono and $C_{8–15}$ di and $C_{4–6}$ di-, polymer with 1,2 - propylene glycol
P–93–1183	11/26/93	11/16/93	(G) Substituted quinoline
P–93–1440	11/29/93	11/18/93	(G) Styrene copolymer
P–93–0821	11/29/93	11/11/93	(G) Mono substituted phenylazo-di substituted phenylazo-di substituted naphthalene sulfonic acid, ammonium salt
P–93–0822	11/29/93	11/29/93	(G) Mono substituted phenylazo-disubstituted benzene diazonium salt
Y–94–0002	11/29/93	11/16/93	(G) Polyamic acid
Y–93–0199	11/30/93	11/11/93	(G) Isophthalic acid, trimellitic anhydride, aliphatic glycols and polyol polymer
P–92–1329	11/30/93	11/18/93	(G) Substituted cyclopentadiene
P–92–1065	11/30/93	11/11/93	(G) Substituted cyclic alkyl halosilane
P–93–0893	11/30/93	11/02/93	(G) Transition metal halide complex
P–92–1228	11/30/93	11/24/93	(G) Halogenated butadiene copolymer
P–92–0219	11/30/93	11/30/93	(G) Telomerized rapeseed oil (low molecular weight polymer)
P–92–0903	12/03/93	11/09/93	(G) Polyether
Y–93–0202	12/03/93	11/03/93	(G) Alpha-olefins,diene terpolymer
Y–93–0203	12/03/93	11/03/93	(G) Alpha - olefins . diene terpolymer
P–92–1161	12/03/93	11/04/93	(G) Polymeric isocyante reaction product
Y–93–0195	12/03/93	11/18/93	(G) Polybutylene phthalate copolymer
P–93–0386	12/03/93	05/20/93	(G) Rubber modified polyamide
P–93–1438	12/03/93	11/22/93	(G) Aromatic polyurethane
P–93–0566	12/06/93	11/26/93	(S) Siloxanes and silicones, di-me, 3-(2-hydroxyphenyl)propyl -terminated
P–93–1175	12/06/93	11/17/93	(G) Isophthalate ester
P–93–0571	12/06/93	11/04/93	(G) Modified fluorinated acrylic resin
P–93–1252	12/06/93	10/19/93	(G) Acrylic polymer salt
P–93–1580	12/07/93	11/29/93	(G) Polyamide
P–93–1099	12/07/93	11/23/93	(G) Mixed alkoxyalkyl aryl organophosphite esters
P–93–0383	12/07/93	11/23/93	(G) Polyester polyurethane aqueous dispersion
P–93–1098	12/07/93	11/23/93	(G) Phosphonic acid esters
P–93–0495	12/08/93	12/08/93	(S) Bis (2,6-dimethoxybenzoyl)-2,4, 4-trimethylpentylphosphine oxide
P–93–0994	12/08/93	11/05/93	(G) Polyurethane modified polyester resin
P–93–1120	12/08/93	11/11/93	(S) An esterification reaction product of reactants listed on page A1 which yields an end-product comprised of those substances identified on page A5 through A6
P–93–1243	12/09/93	11/13/93	(G) Polymer of: Azacyclotridecan-*Z*-one; hexamethylene diamine; 1,9-nonanedioic acid
P–93–0216	12/13/93	11/10/93	(G) A-hydro-omegha-hydroxypoly(oxy-1,4-butanediyl), polymer with 2-propenoic acid, 2-hydroxyethyl ester, and diisocyanate
P–93–1341	12/13/93	11/15/93	(G) Methacrylic acid copolymer
P–93–1486	12/13/93	12/13/93	(G) Polymer of alkyl diol; monocyclic dicarboxylic acid, dimethyl ester; and monocyclic monosulfonated monocarboxylic acid, monosodium salt
P–93–1343	12/13/93	11/23/93	(G) Methacrylic acid copolymer
P–93–1481	12/14/93	12/07/93	(S) 2-methyl-5,6-methylenedioxylbenzothiazole
P–93–0752	12/14/93	12/02/93	(G) Alkoxylated amide
P–93–0892	12/14/93	11/30/93	(G) Alkaline earth metal salt of substituted cyclopentadiene

Case No.	Received Date	Commencement/Import Date	Chemical
P–93–0312	12/14/93	12/07/93	(G) Organofunctional silica
P–93–1444	12/14/93	11/17/93	(G) Fluorochemical acrylate polymer
P–93–1030	12/14/93	11/07/93	(G) Polyol resin
P–93–1489	12/15/93	12/15/93	(G) Water-reducible epoxy ester copolymer resin
P–93–1488	12/15/93	12/04/93	(G) Epoxy ester
P–93–1453	12/16/93	11/20/93	(G) Epoxy modified silicone polymer
P–93–0289	12/16/93	11/22/93	(G) Polyester polyol
P–93–1482	12/17/93	12/13/93	(G) Aliphatic polyurethane coating
P–93–1605	12/17/93	12/08/93	(G) Aluminum ((ethyl 3-oxobutanoato-01′,03)bis(2-propanolato)-,(*T*-4)- reaction products with alcohols, C_{11}–C_{14}-iso, C_{13}-rich, and phenolic resin
P–93–0476	12/17/93	12/17/93	(G) Nitrogen containing heterocyclic ester
P–93–1378	12/17/93	12/10/93	(G) Phosphorylated polyester, compound with reaction products of fatty acid with alkanolamin
P–93–1603	12/20/93	12/11/93	(G) Acrylate
P–93–1585	12/21/93	12/10/93	(G) Acrylate oligomer
Y–93–0205	12/22/93	11/30/93	(G) Modified acrylic resin
P–93–0883	12/22/93	11/18/93	(G) Polyester resin
P–93–0472	12/22/93	12/13/93	(G) Modified polyester urethane
P–93–0083	12/22/93	12/02/93	(G) Bis(alkylamino)-dichloro-dioxa-diazapentacene disulfonic acid
P–93–0068	12/27/93	12/13/93	(G) Modified polyether polyol
P–93–1211	12/27/93	12/02/93	(G) Epoxy modified methacrylate copolymer
P–93–0667	12/27/93	12/21/93	(G) Polyphosporic acids, polymers with castor oil and aromatic diol,*N,N*-dimethylethanolamine salts
Y–93–0172	12/27/93	12/27/93	(G) Alkyd resin
P–93–1268	12/27/93	12/07/93	(G) Amine functional polyurethane polyol
P–93–1261	12/27/93	12/03/93	(G) Isocyanate-functional prepolymer
P–93–0996	12/27/93	12/07/93	(G) Modified polymer of alkenoic esters and styrene
P–93–1319	01/03/94	12/08/93	(G) Poly(carboxylic acid), monoethanolamine salt
P–93–0725	01/03/94	12/14/93	(G) Alkyl phosphonate, ammonium salt
P–93–0726	01/03/94	12/14/93	(G) Alkyl phosphonate, mixed ammonium monoethanol amine salt
P–93–1322	01/03/94	12/14/93	(G) Poly(carboxylic acid), mixed ammonium, monoethanolamine salt
P–93–0164	01/04/94	12/07/93	(G) Modified diphenylmethane diisocyanate
P–93–1166	01/05/94	01/05/94	(G) Alkylsulfonium salt
P–93–0869	01/05/94	12/22/93	(G) Polyol ester of branched and linear fatty acids
P–93–0936	01/05/94	12/15/93	(G) Aliphatic amine adducts
P–93–0908	01/05/94	12/02/93	(G) Polyether functional acrylic polymer
P–93–1637	01/10/94	01/03/94	(G) Mixtrure of reaction products of diphenylmethane diisocyanate polymer; oxirane, methyl-,polymer with oxirane; and hexanedioic acid, polymer with 1,2-propanediol
P–93–1365	01/10/94	12/04/93	(G) Poly arylene ether sulfone
P–93–0640	01/10/94	01/07/94	(G) *N*-alkyl-*N*-methylamine
P–93–1420	01/11/94	12/31/93	(S) Polymer of: 1,6-hexanediol; cyclohexane, 1,1′-methylenebis[4-isocyanato-; hexanedioic acid; 1,3-benzenedicarboxylic acid; fatty acids, C_{18}-unsatd., dimers, hydrogenated; propanoic acid, 3-hydroxy-2-(hydroxymethyl)-2-methyl;cyclohexanemethanamine, 5-amino-1,3,3-trimethyl
P–93–1250	01/11/94	12/14/93	(S) Polymer of: 1,6 hexanediol; adipic acid; 2,2-dimethyl-1,3-propanediol; isophthalic acid; 2,2-bis-(hydroxymethyl)-propionic acid; 5-isocyanatomethyl-3,3,5-trimethyl-1-cyclohexyl isocyanate; diethanolamine; *N,N*-dimethylethanolamine
P–93–0867	01/12/94	12/17/93	(S) Polymer of: siloxanes and silicones, di-me, hydroxy terminated; siloxanes and silicones, di-me; cyclohexanamine, *N*-[dimethoxymethylsilyl]propyl]
P–93–0100	01/14/94	12/21/93	(G) 4,4′(1-methylethylidene)bisphenol, polymer with (chloromethyl)oxirane, 4,4′-(1-methylethylidene)bis (2,6-dibromophenol) and a polyepoxide
P–93–1239	01/14/94	12/28/93	(G) Oxime blocked polyurethane
P–93–1164	01/14/94	12/13/93	(G) Siloxane polymer
P–93–0974	01/18/94	01/04/94	(G) Polyurethane based on polyisocyanates, polyols and polyamines
P–93–1690	01/18/94	01/03/94	(G) Polyamic acid

Case No.	Received Date	Commencement/Import Date	Chemical
P–93–0720	01/18/94	01/07/94	(G) Ethanol,2,2′-[[3-chloro-4- [substituted azo]phenyl]imino] bis-(substituted) (ester)
P–93–0573	01/19/94	12/30/93	(G) Aromatic sulfonic acid ester
Y–94–0027	01/19/94	01/06/94	(S) [Bicyclo(2,2,1)-hept-2-ene, 5-ethylidene-,] [4,7-methano-1*H*-indene, 3*A*, 4, 7, 7*A*,-tetrahydro] polymer with ethene and 1-propene
P–93–0729	01/21/94	12/13/93	(G) Carboxyl terminated aryl alkyl polyester resin
P–93–1432	01/21/94	12/29/93	(G) Modified polymer of trimethylolpropane, neopentyl glycol, aliphatic and aromatic dicarboxylic acids
P–93–0742	01/21/94	01/18/94	(G) Acrylic polymer
P–93–1627	01/21/94	12/17/93	(S) 4-fluoro-3-phenoxybenzaldehyde acetal
P–93–1625	01/21/94	12/10/93	(S) 4-fluoro-3-bromobenzaldehyde
P–93–1626	01/21/94	12/15/93	(S) 4-fluoro-3-bromobenzaldehyde acetal
P–94–0045	01/21/94	01/13/94	(G) Hydrophilic, polyurethane grouting resin
P–93–1572	01/24/94	01/13/94	(G) Polyester/styrene-acrylic grafted resin
P–93–1578	01/24/94	01/13/94	(G) Polyester/styrene -acrylic grafted resin
P–93–1664	01/24/94	01/13/94	(S) Polymer of: .alpha.,.alpha.′- ((1-methylethyliden)di-4,1-phenylene)- bis(.ometha.-hydroxy-poly(9x6(methyl-1, 2-ethanediyl))); .alpha.,.alpha.′=((1-methylethyliden)di-4, 1-phenylene)-bis(.omega.-hydroxy-poly (oxy-1,2-ethanediyl)); 1,4-benzenedicarboxylic acid; 1,3-dihydro-1,3-dioxo-5-isobenzofuran-carboxylic acid (trimellitic anhyderide); dihydro-3-(tetrapropenyl)-2,5-furandione; 2-butenedioic acid(e) (fumaric acid); ethenylbenzen (styrene); 2-propenoic acid,2-ethylhexyl ester; dibutyltin oxide; dicumyl peroxide
P–93–1213	01/24/94	12/21/93	(G) Polyurethane-polyacrylate hybrid polymer
P–93–0969	01/25/94	01/24/94	(G) Polyester resin
P–93–1317	01/25/94	01/12/94	(S) Benzo [LMN] di permidino [2,1-B:2′,1′][3,8] phenanthroline -10,21 - dione
P–93–1064	01/26/94	01/06/94	(G) Acid functional polyester resin
P–93–1136	01/26/94	01/06/94	(G) Modified styrenated acrylate methacrylate polymer
P–93–0945	01/26/94	07/06/93	(G) Styrene/acrylates polymer
P–93–0946	01/26/94	01/26/94	(G) Styrene/acryloyl/acrylates polymer
P–93–0947	01/26/94	06/04/93	(G) Polyester resin
P–93–1220	01/27/94	12/21/93	(G) Aqueous polyurethane dispersion
P–93–1060	01/27/94	01/05/94	(G) Alkanoic acid copolymer (polymer pg. 5a); substituted alkanoic acid polymer (polymer pg. 5b); substituted alkanoic acid/lactone polymer (polymer pg. 5c); alkanoic acid/lactone copolymer (polymer pg. 5d)
P–93–1445	01/28/94	12/20/93	(G) Polyolefin-modified polythalamide
Y–94–0032	02/01/94	01/14/94	(G) Aliphthatic polyether urethane
P–93–1061	02/01/94	01/14/94	(G) Alkanoic acid copolymer (polymer pg. 5a); substituted alkanoic acid polymer (polymer pg. 5b); substituted alkanoic acid/lactone polymer (polymer pg. 5c); alkanoic acid/lactone copolymer (polymer pg. 5d)
P–93–1661	02/01/94	01/20/94	(G) Polymeric isocyanurate
P–93–1669	02/01/94	01/07/94	(G) Dicarboxylic acids - glycol copolymer
P–94–0023	02/02/94	01/07/94	(G) Disubstituted benzeneacetic acid
P–94–0032	02/02/94	01/21/94	(G) Tall oil alkyd resin
P–93–1670	02/03/94	01/26/94	(G) Aromatic tetracarboxylic acid, mixed diester with aliphatic alcohols
P–93–1668	02/04/94	02/04/94	(G) Fatty acids, C_{18} unsat, dimers, hydrogenated-, dimethyl esters
Y–93–0200	02/04/94	01/24/94	(S) Polymer of diethylene glycol; propylene glycol; terephthalic acid; maleic anhydride; butyltin oxide hydioxide; hydroquinone; toluhydroquinone
P–93–0487	02/04/94	01/18/94	(G) Alkylarylsulfonic acid, barium salt
P–93–1666	02/04/94	01/15/94	(G) Fatty triglyceride, reaction product with polyethylenepolyamine and alkenoic anhydride
P–93–1447	02/04/94	01/19/94	(G) Bis(imidomethylene)benzene
P–94–0038	02/07/94	01/25/94	(G) Vinyl ester resin
P–93–1571	02/07/94	01/11/94	(G) Methacrylic coplymer
P–93–1638	02/08/94	02/08/94	(S) Aluminate (3-), hexafluoro-, trilithium
P–93–0835	02/08/94	01/28/94	(G) Adipic acid polyester
P–93–0624	02/08/94	01/20/94	(G) Silicon-modified polyester resin

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P–93–0632	02/08/94	01/20/94	(G) Polyester resin
P–93–1122	02/08/94	01/19/94	(G) Poly (acrylonitrile-co-styrene)
P–93–0002	02/08/94	01/31/94	(G) Disubstituted amino acetylamino phenyl azoheterocycle
P–93–1615	02/08/94	01/25/94	(G) Diazonapthoquinone photoactive compound
P–94–0029	02/15/94	02/15/94	(G) Dialkylmethylamine
P–94–0030	02/15/94	02/15/94	(G) Dialdylmethylamine
P–93–1738	02/15/94	01/25/94	(G) Polyurethane
P–93–1611	02/15/94	01/06/94	(G) Diazonaphthoquinone sulfonic esters with aromatic polyhydroxy compound
P–93–1612	02/15/94	01/07/94	(G) Diazonaphthoquinone sulfonic esters with aromatic polyhydroxy compound
P–93–1433	02/15/94	01/18/94	(G) Polyester/acrylic latex
P–93–1629	02/15/94	01/19/94	(G) Modified polymer of styrene and aliphatic maleate
P–93–1051	02/15/94	12/28/93	(G) Polyurethane prepolymer
P–93–0952	02/16/94	02/02/94	(S) Di-*N*-butoxy titanium bis (2,4 pentanedionate)
Y–94–0007	02/16/94	01/23/94	(G) Ethhenol, polymer with ethene and oxirane
P–93–1613	02/16/94	02/05/94	(G) Aliphatic zirconate ester
P–94–0090	02/17/94	01/20/94	(G) Polyester polyurethane
Y–94–0010	02/23/94	02/14/94	(G) Acrylic terpolymer
P–93–1602	02/23/94	02/02/94	(G) Acrylic resin
P–94–0048	02/23/94	02/09/94	(G) Polyurethane
P–93–1643	02/23/94	02/01/94	(G) Sulfanomide salt
P–93–1459	02/23/94	02/15/94	(G) Mixed acid ester alcohols
P–93–1642	02/23/94	02/01/94	(G) Substituted triazole
P–93–1460	02/23/94	02/15/94	(G) Mixed acid ester alcohols
P–93–1468	02/23/94	02/15/94	(G) Mixed acid ester alcohols
P–93–1463	02/23/94	02/15/94	(G) Mixed acid ester alcohols
P–93–1052	02/23/94	01/13/94	(G) Polyurethane adhesive
P–93–1671	02/25/94	02/15/94	(G) Aromatic tetracarboxylic acid, mixed ester with aliphatic alcohols
Y–94–0006	02/25/94	01/28/94	(G) Ethene, polymer, with 2-propenoic acid, methyl ester, and sodium-2-propenoate
P–94–0087	02/25/94	02/14/94	(G) Dimethylpolysiloxane terpolymer
P–93–1465	02/25/94	02/15/94	(G) Mixed acid ester alcohols
P–93–1377	02/25/94	02/05/94	(G) Monochlorotriazine, bis substituted azo substituted acetyloxy ethyl, mixed salt
P–93–1737	02/25/94	02/16/94	(S) 2--ethylhexanol, ethoxylated, sulfopropylated
P–93–1591	02/28/94	02/10/94	(G) Phosphated methacrylate/acrylate/styrene copolymer
P–94–0128	02/28/94	02/18/94	(G) Hydroxy functional styrene acrylic copolymer
P–94–0105	03/01/94	02/04/94	(G) Substituted succinate hydroxyester
P–93–1396	03/01/94	02/03/94	(G) Copolymer containing isooctylacrylate
P–93–1601	03/01/94	02/19/94	(G) Methacrylate copolymer
Y–94–0036	03/01/94	02/07/94	(G) Saturated copolyester resin
Y–94–0030	03/02/94	02/07/94	(G) Substituted polyvinyl acetal
P–93–1617	03/02/94	02/17/94	(G) Polyurethane aqueous dispersion
P–94–0067	03/03/94	02/02/94	(G) Tertiary amine salt of rosin
P–93–1307	03/03/94	02/15/94	(S) Carbamic acid, butyl-2-propynyl ester
P–93–1033	03/03/94	02/07/94	(G) Prepolymer of polyester resin and aromatic isocyanate
P–93–1034	03/03/94	02/07/94	(G) Prepolymer of polyester resin and aromatic isocyanate
P–93–1035	03/03/94	02/07/94	(G) Prepolymer of polyester resin and aromatic isocyanate
P–93–0107	03/04/94	03/01/94	(S) Humates (humic acids)
P–93–1599	03/04/94	02/10/94	(G) Sulfonated bisazo substituted manochlorotriazine, sodium potassium salt
P–93–0479	03/07/94	01/27/94	(G) Modified acrylic polymer
P–93–1370	03/07/94	02/15/94	(G) Acrylate-methacrylate copolymer salt
P–93–1371	03/07/94	02/15/94	(G) Acrylate-methacrylate copolymer, salt

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P–93–1372	03/07/94	02/15/94	(G) Acrylate-methacrylate copolymer, salt
P–93–1373	03/07/94	02/15/94	(G) Acrylate-methacrylate copolymer, salt
P–93–1374	03/07/94	02/15/94	(G) Acrylate-methacrylate copolymer, salt
P–93–0339	03/07/94	02/15/94	(G) Methacrylic ester
P–94–0078	03/08/94	02/28/94	(G) Hydroxylfunctional acrylic polymer
P–94–0049	03/08/94	02/09/94	(G) Styrenated acrylate/methyacrylate polymer
P–93–0638	03/08/94	02/22/94	(G) Aliphatic carbamate ester
P–93–1610	03/08/94	02/15/94	(G) Cresol novolak resin
P–93–0815	03/08/94	02/01/94	(G) Fluorinated siloxane salt
P–94–0103	03/08/94	02/18/94	(G) Fatty acid modified polyester
P–94–0104	03/08/94	02/18/94	(G) Copolymer of acryic methacrylic esters with cyclic vinyl compounds
P–94–0120	03/08/94	02/18/94	(G) Modified polyacrylic in 2-butanol
P–93–1696	03/08/94	02/18/94	(G) Block polyester-polyether isocyanurate adduct
P–94–0031	03/08/94	02/17/94	(G) Polymeric silicane blocked copolymer of substituted alkyd halide and aromatic di alcohol
P–94–0121	03/08/94	02/18/94	(G) Modified polyacrylate in organic solvents
P–93–1475	03/08/94	02/23/94	(G) Polyurethane resin
P–93–1449	03/08/94	02/22/94	(G) Amine-salted polyester resin
P–93–0681	03/08/94	03/01/94	(S) Polymer of: 4-hydroxybutylvinyl ether; adiprene L-315
P–94–0113	03/08/94	02/22/94	(G) 2-propenamide, terpolymer with cationic monomers
Y–94–0015	03/09/94	02/15/94	(G) Modified polyester
P–94–0069	03/09/94	02/16/94	(G) Rosin metal salt
P–94–0062	03/09/94	02/16/94	(G) Tertiary amine salt of rosin
P–94–0257	03/09/94	03/01/94	(G) Polyester isocyanate polymer
P–94–0074	03/09/94	02/28/94	(S) Polymer of: rosin; paraformaldehyde; calcium hydroxide; acetic acid
P–94–0076	03/09/94	02/27/94	(G) Phenolic resin
P–93–1401	03/09/94	02/21/94	(G) Reaction product of maleated tall oil fatty acid and polyhydroxy polyalkyanes
P–93–1667	03/10/94	02/22/94	(G) 2-propenoic acid, 2-methylpropyl ester; 2-propenoic acid, 2-ethylhexyl ester; 2-propenoic acid, 2-methyl, methyl ester; 2-propenoic acid, 2-methyl-, 2-hydroxypropyl ester; 2-propenamide, *N*-[2-(dimethylamino)propyl]-2-methyl-; hexane, 1,6-diisocyanato-,homopolymer; 2*H*-azepin-2-one, hexahydro-
P–94–0133	03/10/94	03/15/94	(G) Stannane, dibutylbis [(1-oxoisooctadecyl) oxy] ''or'' dibutylbis [(1-oxoisooctadecyl)oxy) stannane
Y–94–0004	03/11/94	02/11/94	(G) Carboxylated, vinyl acetate, acrylic ester copolymer
P–94–0427	03/11/94	03/01/94	(G) Polyether polyester urethane
P–93–0077	03/14/94	03/03/94	(G) Modified acrylic polymer
P–93–1441	03/14/94	02/16/94	(G) Modified hydrocarbon resin
P–93–1662	03/14/94	03/10/94	(G) Trimethylpropane, mixed C_7–C_9 esters
P–93–1663	03/14/94	03/10/94	(G) Trimethylpropane, mixed C_7–C_8 esters
P–93–0944	03/15/94	02/26/94	(G) Acrylic polymer, ammonium salt
P–93–1439	03/15/94	03/01/94	(G) Fluorinated acrylic copolymer
P–93–1455	03/15/94	02/15/94	(G) Mixed acid ester alcohols
P–93–1456	03/15/94	02/15/94	(G) Mixed acid ester alcohols
P–93–1457	03/15/94	02/15/94	(G) Mixed acid ester alcohols
P–93–1586	03/15/94	03/09/94	(G) Polymer of ethylene and chlortrifluoroethylene
P–93–1699	03/15/94	02/28/94	(G) Polyester polyol isocyanate polymer
P–94–0403	03/15/94	03/04/94	(G) Amine terminated epoxy
P–94–0404	03/15/94	03/04/94	(G) Amine terminated epoxy polymer
P–94–0430	03/15/94	03/10/94	(G) Resorcinol/formaldehyde polymer, monopotassium salt
Y–94–0024	03/15/94	03/08/94	(G) Saturated polyester
P–93–1458	03/15/94	02/15/94	(G) Mixed acid ester alcohols
P–93–1462	03/15/94	02/15/94	(G) Mixed acid ester alcohols

Case No.	Received Date	Commence-ment/Import Date	Chemical
P–93–1466	03/15/94	02/15/94	(G) Mixed acid ester alcohols
P–93–1469	03/15/94	02/15/94	(G) Mixed acid ester alcohols
P–93–1476	03/16/94	03/01/94	(G) Polyurethane resin
P–93–1592	03/18/94	03/08/94	(G) Amino siloxane epoxy microgel
P–93–0658	03/22/94	02/19/94	(G) Polysubstituted phenyl -azo- polysubstituted phenyl dye
P–93–1597	03/22/94	03/11/94	(G) Polyurethane resin
P–93–1630	03/22/94	02/25/94	(G) Polyolefin-modified polyphthalamide
P–94–0311	03/22/94	03/07/94	(G) Chromium (III) coordination complex
P–94–0417	03/22/94	03/12/94	(G) Polyester resin
P–94–0454	03/22/94	03/18/94	(G) Polyol terminated urethane
P–94–0465	03/22/94	03/17/94	(G) Metallated polystyrene
P–93–1697	03/23/94	03/15/94	(G) Anionic aliphatic polyurethane dispersion
P–93–1703	03/23/94	03/04/94	(G) Polyester polyol isocyanate polymer reaction products
P–93–1225	03/23/94	03/16/94	(G) Methacrylate/acrylate/styrene copolymer
P–93–1227	03/24/94	03/04/94	(G) Polyester polyurethane
P–93–1407	03/24/94	03/10/94	(G) Reaction products of maleated tall oil fatty acid polyhydroxy polyalkane ester and ammonium or potassium hydroxide
P–93–1582	03/24/94	03/11/94	(G) Azo cobalt complex dyestuff
P–94–0276	03/24/94	03/15/94	(S) Ethanol, 2-[4-aminophenyl)sulfonyl]-, hydrogen sulfate (ester), monosodium salt
P–93–0609	03/25/94	02/23/94	(G) Acetamide derivative
P–93–1559	03/25/94	03/09/94	(G) Tertiary amine salts
P–93–1560	03/25/94	03/07/94	(G) Amine salts
P–94–0312	03/25/94	03/05/94	(G) Naphthalene polysulfonic acid, ((6-chloro-1,3,5-triazine)-2,4-diyl)diimino bis-; poly sodium salt
P–94–0101	03/29/94	03/03/94	(G) Substituted isothiazolanthracene
P–94–0218	03/29/94	03/18/94	(G) Substituted polyoxyeyhylene sulfosuccinate
P–94–0106	03/29/94	03/24/94	(S) Tetrakis(dimethylamino)titanium (IV)
P–94–0342	03/29/94	03/02/94	(G) Phenolic novolak resin
P–94–0416	03/29/94	03/18/94	(G) Succinimide - zinc sulfonate complex
P–94–0420	03/29/94	03/13/94	(G) Polyester resin
P–94–0478	03/29/94	03/22/94	(G) Saccharide deritive
P–94–0349	03/29/94	03/18/94	(G) Polyether-polyurethane resin
P–94–0353	03/29/94	03/10/94	(G) Alkenylpolydimethylsiloxane
P–93–1574	03/30/94	03/09/94	(G) Copolymer of acrylic acids, acrylates and azo compounds
P–93–1731	03/30/94	03/16/94	(S) Pentaerythritol, complex ester with adipic acid, isononanoic acid and pentanoic acids
P–93–1732	03/30/94	03/16/94	(S) Pentaerythritol, complex ester with adipic acid, 3,5,5-trimethyl hexanoic acid and pentanoic acids
P–93–1733	03/30/94	03/16/94	(S) Pentaerythritol, complex ester with adipic acid, isononanoic acid, 3,5,5-trimethyl hexanoic acid and pentanoic acids
P–94–0086	03/30/94	03/18/94	(G) Polyurethane
P–94–0092	03/30/94	03/02/94	(G) Aryl substituted alkylamine
P–94–0265	03/30/94	03/16/94	(G) Substituted vinyl polymer
P–93–1356	03/31/94	03/10/94	(G) Cyclic carbonate acrylic polymer
P–94–0139	03/31/94	03/04/94	(G) Modified acrylic polymer
P–94–0267	03/31/94	03/11/94	(G) Alkyl alcohols
P–94–0336	03/31/94	03/10/94	(G) Polyurethane polymer
P–94–0098	04/01/94	03/18/94	(G) Cycloalkene-acetic acid,(acetyloxy)-alkyl substituted, alkyl ester
P–94–0341	04/01/94	03/11/94	(G) Modified acrylic polymer
P–93–1556	04/04/94	03/10/94	(G) Sodium salt of substituted triphenodioxazine disuphonic acid
P–93–1587	04/04/94	03/11/94	(G) Polycarbonate resin
P–94–0036	04/04/94	03/21/94	(G) Mixed sodium/ammonium salt of substituted isophthalic acid
P–94–0056	04/04/94	03/30/94	(G) Trisubstituted naphthalene disulfonic acid

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P–94–0077	04/05/94	03/26/94	(S) Polymer of: methacrylic acid; acrylic acid; ethylacrylate; diallylmaleate; (methacryloyloxyethyl)-phenyl-carbamate [cas # unknown]; (alkyl-oligoethylene glycol-ether-crotonate [cas # unknown]; sodium peroxodisulfate
Y–94–0029	04/05/94	02/27/94	(G) Poymeric modified rosin ester
P–94–0493	04/06/94	03/23/94	(G) Acrylonitrile/styrene/acrylate rubber
P–94–0236	04/07/94	03/31/94	(G) Polyurethane based on polyisicyanates, polyols, and polyamines
P–93–0482	04/07/94	03/17/94	(G) Polyurethane
P–93–1222	04/07/94	03/29/94	(G) Phosphated polyarylphenol ethoxylate, potassium salt
P–94–0033	04/07/94	03/22/94	(G) Modified polyether
P–93–1077	04/08/94	03/25/94	(G) Polyurethane aqueous dispersion
P–94–0470	04/11/94	03/31/94	(S) Ethaminium, *N*-[4-[[diethylaminophenyl][4-(ethylamino)-1-naphthaleny]=methylene-2,5-cyclohexadien-1-=ylidene]-*N*-ethyl-,copper(1+)(oc-6-11)-hexakis(cyano-c′)=ferrate (4-) (2:2:1)
P–93–0751	04/11/94	03/23/94	(G) Alkoxylated amide, alkali salt
P–93–1604	04/12/94	03/22/94	(G) Poly-[oxy (fluoroinated methyl)-fluoroinated methylene], poly (oxy fluoroinated ethylene)polymer
P–94–0497	04/12/94	03/27/94	(G) Hydrofluorocarbon
P–93–0965	04/12/94	03/18/94	(G) Polymer of an epoxide-terminated polyether, fatty acids C_{18}-unsatd. reaction products with polymines, and an alkylpolyamine
P–93–1659	04/12/94	04/07/94	(S) I,II: 3-(3,7,7-trimethylbicyclo(4.1.0)heptyl-4)-2-propene-nitrile, Z and E isomers; III,IV: 3-(3,7,7-trimethylbibyblo(4.1.0)heptylidene-4)-propane-nitrile, z and e isomers
Y–93–0083	04/12/94	03/15/94	(G) Amine salt of styrene acrylic copolymer
P–94–0102	04/12/94	03/14/94	(G) Dialkylaminophenylimino substituted naphthalene carboxamide
P–94–0443	04/12/94	04/05/94	(G) Polyurethane based on polyisocyanate, polyol and polyamine
P–94–0451	04/12/94	03/21/94	(G) Phosphonate
P–93–1576	04/14/94	04/06/94	(G) Hexahydro-1,3-isobenzofurandione, hexahydromethyl-1,3-isobenzofurandione and tetrahydro-5-methyl-1,3-isobenzofurandione diesters
P–93–1672	04/19/94	04/07/94	(G) Fatty acids, C_{18} unsaturated, dimers, di-methyl esters, hydrogenated
P–93–1557	04/19/94	03/28/94	(G) Mixed ammonium/sodium salt of substituted copper phthalocyanine
P–94–0530	04/19/94	03/29/94	(G) Substituted pyridine polymer
P–94–0589	04/20/94	04/18/94	(G) Pyrazolotriazole derivative
P–93–1109	04/20/94	04/05/94	(G) Styrene - acrylic copolymer
P–93–0510	04/20/94	03/31/94	(G) Blocked isocyanate terminated polyurethane
P–94–0431	04/20/94	04/12/94	(S) A polymer of: 2,4-diisocyanato-methyl benzene; hydroxyethyl acrylate; furan, tetrahydro-3-methyl polymer with tetrahydro furan
Y–93–0130	04/20/94	03/13/94	(G) Silicone wax
P–94–0435	04/20/94	03/31/94	(G) Alkanolamines, reaction products with polymerized rosin
P–94–0436	04/20/94	03/31/94	(G) Alkanolamines, reaction products with rosin formaldehyde polymers
P–93–0896	04/22/94	03/31/94	(G) Polymeric quaternary ammonium compound
P–93–0576	04/22/94	03/24/94	(G) Benzenealkanenitrile, 4-alkyl-alpha, alpha-dialkyl
P–93–1326	04/22/94	03/22/94	(G) Polymer of polyimine, aminofunctional methacrylamide and diallylquarternary ammonium chloride
P–94–0475	04/26/94	04/07/94	(G) Cross linked butyl rubber
P–94–0476	04/26/94	04/07/94	(G) Cross linked butyl rubber
P–93–1304	04/26/94	03/27/94	(G) Acrylic copolymer
P–94–0459	04/26/94	04/20/94	(G) Modified polymeric diphenylmethane diisocyanate prepolymer
P–94–0505	04/26/94	04/02/94	(G) Aqueous polyurethane dispersion
P–94–0040	05/02/94	04/05/94	(G) Acrylic copolymer
P–93–1581	05/02/94	04/22/94	(G) Polyamide
P–93–1306	05/02/94	04/14/94	(S) The esterification product of tall oil fatty acids, oleic acids, linoleic acid, 9,11 and 10,12 conjugated fatty acids, benzoic acid, isophthalic acid, phthalic anhydride, trimellitic anhydride, trimethylpropane and neopentyl glycol
P–94–0118	05/02/94	04/17/94	(G) Azo reactive dyestuff
P–94–0117	05/02/94	04/17/94	(G) Azo reactive dyestuff

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P–94–0119	05/02/94	04/17/94	(G) Azo reactive dyestuff
P–93–0494	05/03/94	04/28/94	(S) 1,6,10,14-hexadecatetraen-3-ol,2,7,11,15-tetra methyl (mixed isomers)
P–94–0562	05/03/94	04/18/94	(G) Substituted diphenyl azo dye
P–93–1359	05/03/94	04/04/94	(G) Cyclic carbonate acrylic polymer
P–93–1151	05/03/94	04/12/94	(G) Fatty acids, C_{18}-unsatd., dimers polymers with diamines and a dibasic acid
P–94–0245	05/04/94	04/06/94	(G) Polyurethane latex
P–94–0595	05/05/94	04/25/94	(G) Substituted heterocycle
Y–94–0075	05/05/94	04/08/94	(G) Carboxylic acid copolymer
P–94–0097	05/06/94	04/12/94	(G) Lithium hexafluoro phosphate
P–93–0851	05/10/94	04/11/94	(G) Polyester isocyanate prepolymer
P–93–1590	05/10/94	04/06/94	(G) Aqueous polyurethane dispersion
P–93–1589	05/10/94	04/06/94	(G) Nonionic reactive polymer latex
P–94–0044	05/10/94	04/06/94	(G) Polycaprolactone polyurethane
P–93–1691	05/10/94	04/21/94	(G) Trisubstituted benzene sulfonic acid
P–93–0888	05/10/94	04/05/94	(G) Substituted phenol
P–94–0310	05/10/94	04/10/94	(G) Substituted cyclohexenone
P–94–0018	05/10/94	04/06/94	(G) Acid modified polymer of alkyl acrylates and methacrylates; amine salt
P–94–0019	05/10/94	04/06/94	(G) Acid modified polymer of alkyl acrylates and methacrylates; amine salt
P–94–0020	05/10/94	04/06/94	(G) Acid modified polymer of alkyl acrylates and methacrylates; amine salt
P–94–0021	05/10/94	04/06/94	(G) Acid modified polymer of alkyl acrylates and methacrylates; amine salt
P–94–0022	05/10/94	04/06/94	(G) Acid modified polymer of alkyl acrylates and methacrylates; amine salt
P–94–0013	05/12/94	04/06/94	(G) Copolymer of acrylic and aromatic vinyl monomers, free radical initiators and alkyl mercaptan; amine salt
P–94–0014	05/12/94	04/06/94	(G) Copolymer of acrylic and aromatic vinyl monomers, free radical initiators and alkyl mercaptan; amine salt
P–94–0015	05/12/94	04/06/94	(G) Copolymer of acrylic and aromatic vinyl monomers, free radical initiators and alkyl mercaptan; amine salt
P–94–0016	05/12/94	04/06/94	(G) Copolymer of acrylic and aromatic vinyl monomers, free radical initiators and alkyl mercaptan; amine salt
P–94–0017	05/12/94	04/06/94	(G) Copolymer of acrylic and aromatic vinyl monomers, free radical initiators and alkyl mercaptan; amine salt
P–93–0731	05/12/94	04/15/94	(G) Aliphatic ester
P–93–0732	05/12/94	04/15/94	(G) Aliphatic ester
P–93–0733	05/12/94	04/15/94	(G) Aliphatic ester
P–93–0734	05/12/94	04/15/94	(G) Aliphatic ester
P–93–0735	05/12/94	04/15/94	(G) Aliphatic ester
P–93–0627	05/12/94	04/15/94	(G) Aliphatic ester
P–93–0692	05/13/94	04/27/94	(G) Formaldehyde, polymer with phenol, modified with epoxy resin, carboxylated, amine salt
P–94–0320	05/16/94	05/04/94	(G) Polycarbonate, polyester and aminopolyether, copolymerized polyurethane
P–93–0176	05/16/94	04/12/94	(G) Hydrophilically modified polyurethane
Y–93–0132	05/17/94	04/18/94	(G) Polymer of: hexahydro-2*H*-azepin-2-one (A/K/A LACTAM 6); poly (oxy-1,4-butanediyl), alpha-hydro-omega-hydroxy (A/K/A PTMG); 1,6-hexanedioic acid
P–94–0654	05/17/94	05/03/94	(G) Alkali salt of a substituted xanthene
P–94–0046	05/17/94	04/13/94	(G) Styrene acrylonitrile polymer
P–93–1040	05/17/94	05/04/94	(G) Polyester urethane polymer
P–94–0214	05/17/94	04/29/94	(G) Blocked hexamethylene diisocyanate (hdi) biuret
P–94–0215	05/17/94	04/29/94	(G) Blocked hexamethylene diisocyanate trimer
P–94–0264	05/17/94	04/14/94	(G) Isocyanate reaction products with aromatic amines and alkyl amines
P–94–0440	05/17/94	05/12/94	(G) A complex reaction mixture consisting of the following: siloxanes and silicones, di-me, mono-hydroxy terminated; siloxanes and silicones, di-me, hydroxy-terminated; siloxanes and silicones, di-me
P–94–0439	05/17/94	04/12/94	(G) Alkyl-substituted propenoate-terminated alkyl and alkoxy substituted siloxanes

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P–94–0287	05/17/94	05/06/94	(S) 2,6-di-tert-butyl-alpha-dimethylamino-*P*-cresol hydrochloride
P–94–0338	05/17/94	04/14/94	(G) 1,3,5-triazine-2,4,6(1*H*,3*h*,5*h*)-trione,1,3,5-tris(oxyranylmethyl)-polymer with decanedioic acid and 2,2-dimethyl-1,3-propanediol
P–94–0503	05/17/94	04/27/94	(G) Brominated epoxy resin
P–93–1645	05/17/94	05/05/94	(S) Glyceryl behenate
Y–94–0077	05/19/94	04/15/94	(G) Styrenated acrylic copolymer
P–94–0318	05/19/94	04/22/94	(G) Ammonium salt of chain stopped water reducible alkyd resin
P–94–0582	05/20/94	05/07/94	(G) Substituted benzamide
P–94–0565	05/23/94	05/12/94	(G) Polyester isocyanate polymer
P–94–0573	05/23/94	04/29/94	(G) Triethylamine salt of a polyester, polyurethane polymer
Y–94–0081	05/23/94	05/10/94	(G) Polyurethane dispersion
P–94–0458	05/24/94	05/12/94	(G) Printing ink resin
P–93–0036	05/24/94	05/05/94	(S) 2-propenoic acid, docosyl ester
P–94–0271	05/24/94	04/26/94	(G) Diester amine
P–94–0684	05/24/94	05/17/94	(G) Amphoteric acrylic polymer
P–93–1096	05/24/94	05/12/94	(S) 2-butanone, condensation product with formaldehyde, dehydrated, hydrogenated, distillation residues
P–93–1660	05/26/94	03/31/94	(G) Azo naphthalenedisulfonic acid derivative
P–94–0412	05/27/94	05/02/94	(G) 5-bromo-4-chloro-3-indoyl-beta-d glucuronic acid, cyclohexylammonium salt
P–94–0511	05/27/94	05/09/94	(G) Unsaturated polyester resin
P–93–1131	05/31/94	04/29/94	(S) Copolymide (nylon copolymer), polycondensated from azelaic acid, adipic acid, isophthalic acid with hexamethylene diamine (pa69/66/61) iso 1874–1 of 1992
P–94–0136	05/31/94	05/12/94	(S) Benzenepropanoic acid, 3,5-bis (1,1-dimethylethyl)-4-hydroxy-, methyl ester, reaction product with sodium hydrogen sulfate
P–93–1473	05/31/94	05/09/94	(S) Thiosulfuric acid, calcium salt or calcium
P–94–0499	05/31/94	05/11/94	(G) Substituted azo metal complex dye
P–94–0359	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester (base polymer B)
P–94–0380	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, ammonium salt
P–94–0381	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, monoethanolamine salt
P–94–0382	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, diethanolamine salt
P–94–0383	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, triethanolamine salt
P–94–0384	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, morpholine salt
P–94–0385	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, diethylethanolamine salt
P–94–0386	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, 2-amino-2 methyl-propanol salt
P–94–0387	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, 2-dimethylamino-2 methyl-1 propanol salt
P–94–0388	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, dimethylamino-2 propanol salt
P–94–0389	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, urea salt
P–94–0390	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, diethylamine salt
P–94–0391	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, triethylamine salt
P–94–0392	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, *N*-propylamine salt
P–94–0393	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, di isopropanolamine salt

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P–94–0394	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, tri isopropanolamine salt
P–94–0395	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, trimethylamine salt
P–94–0396	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, ethylene diamine salt
P–94–0397	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, sodium salt
P–94–0398	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, potassium salt
P–94–0399	05/31/94	04/30/94	(G) Rosin, fumaric acid, castor oil adduct, phenyl alkyl polyol, trialkyl derivative ester, dimethylethanolamine salt
P–94–0228	05/31/94	04/29/94	(G) Alkyl polyether carboxylic acid
Y–94–0056	05/31/94	04/28/94	(G) Alkyd resin
Y–94–0058	05/31/94	04/27/94	(G) Alkyd resin
P–94–0571	06/01/94	05/17/94	(G) Mixed sodium/ammonium salt of a substituted sulfonic acid
P–94–0485	06/01/94	05/17/94	(G) Alcohol alkoxylate
Y–94–0051	06/01/94	05/16/94	(G) Alkyd resin
Y–94–0092	06/01/94	05/27/94	(G) A polymer of: siloxanes and silicones, di-me, me hydrogen, hydrogen terminated; poly(oxy-1,2-ethanediyl), alpha-methyl-*W*-(2-propenyloxy)-
P–93–0229	06/03/94	05/04/94	(G) Hydroxy functional acrylic polymer
P–93–0988	06/03/94	05/03/94	(G) Sodium salt of alkylheteromonocyclicthione
P–93–1618	06/03/94	05/13/94	(G) Methacrylate modified alicyclic urethane
P–94–0563	06/07/94	05/16/94	(G) An azo monochloro triazine reactive dye
P–94–0663	06/07/94	05/10/94	(G) Acrylic copolymer
P–93–1334	06/07/94	05/05/94	(G) Acrylate-methacrylate copolymer, salt
P–93–1335	06/07/94	05/12/94	(G) Acrylate-methacrylate copolymer, salt
P–93–1336	06/07/94	05/18/94	(G) Acrylate-methacrylate copolymer, salt
P–94–0912	06/07/94	05/28/94	(G) Acrylic acid copolymer
P–94–0918	06/07/94	05/27/94	(G) Waterborne polyurethane
P–94–0216	06/07/94	05/18/94	(G) Alkylsuccinimide salt
P–93–1254	06/07/94	05/20/94	(G) Azosulfone
P–94–0442	06/08/94	06/01/94	(G) Pentaerythritol tetraesters with straight-chain and branched fatty acids
P–94–0127	06/10/94	05/11/94	(G) Amine salt of alkyl alcohols/p205 reaction product
P–93–0697	06/10/94	05/22/94	(G) Substituted naphthalenecarboxamide
P–93–1337	06/13/94	06/01/94	(G) Acrylate-methacrylate copolymer, salt
P–93–1338	06/13/94	06/01/94	(G) Acrylate-methacrylate copolymer, salt
Y–93–0056	06/13/94	06/02/94	(G) Oil free isophthalic polyester
P–93–1340	06/13/94	05/24/94	(G) Fatty polycarboxylic acid salt of alkylamine
P–94–0668	06/13/94	05/26/94	(G) Modified rosin ester, sodium salt
P–93–1325	06/13/94	05/09/94	(G) Fatty acids, C_{18}-unsatd., dimers, polymers with azelaic acid, ethylenediamine, 1-(2-aminoethyl) piperazine, and polyoxypropylenediamine
Y–94–0101	06/13/94	05/31/94	(G) Water-reducible alkyd
P–94–0469	06/13/94	05/24/94	(G) Polysubstituted methacrylic copolymer latex
P–94–0580	06/13/94	05/20/94	(G) Substituted copper phthalocyanine
Y–94–0088	06/13/94	05/18/94	(G) Fatty acids, tall oil, maleated, esters with a mixture of $C_{10–15}$ alkyl and alkoxylated potassium salts
P–94–0679	06/14/94	05/26/94	(G) Styrene acrylic polymer
P–94–0627	06/14/94	06/06/94	(S) Methanesulfonic acid, iron(2+) salt
P–94–0270	06/14/94	05/12/94	(G) Modified polyolefin
P–94–0966	06/14/94	06/01/94	(G) Rosin, maleated, polymer with an alkylphenol, carboxylic acids, formaldehyde and a polyol, calcium, magnesium and zinc salts
P–94–0107	06/14/94	06/02/94	(G) Tertiary amine of salt
P–93–1368	06/17/94	05/24/94	(G) Hydroxyalkyl quaternary ammonium hydroxides

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P–94–0909	06/20/94	06/01/94	(G) Alkyd resin
P–94–0348	06/20/94	05/18/94	(G) Melamine - formaldehyde condensate polymer modified with amino sulfonic acids, sodium salt, aqueous solution
P–94–0632	06/21/94	06/09/94	(G) Cyclohexaneacetaldehyde, 4-(1-methylethyl)-
P–94–0635	06/21/94	05/26/94	(G) 3-(cis-3-hexenyloxy)-propanenitril
P–94–0634	06/21/94	05/24/94	(G) 2-Cyclohexene-1-one, 4-(2-butylidene)- 3,5,5-trimethyl (4 isomers ca. 50–60%)
P–93–1554	06/21/94	06/02/94	(G) Polymer based on acrylic acid & methacrylic acid
P–94–0610	06/21/94	06/13/94	(G) Amine salt
Y–94–0109	06/21/94	06/06/94	(G) Poly(alkylmethacrylate)
Y–94–0110	06/21/94	06/09/94	(G) Emulsion polymer; acrylic emulsion
Y–94–0111	06/21/94	06/09/94	(G) Emulsion polymer; acrylic emulsion
Y–94–0112	06/21/94	06/09/94	(G) Emulsion polymer; acrylic emulsion
P–94–0920	06/21/94	06/15/94	(S) Polyoxyethylene (170) pentaerythritol tetrastearate/palmitate
P–93–1644	06/22/94	05/11/94	(G) Condensation product of a urethane dimer and a substituted phenylacrylate ester
Y–94–0005	06/22/94	06/08/94	(G) Polyester resin
P–94–0682	06/23/94	05/31/94	(G) Hydroxyalkylquinolin dioxoindan dialkylcarboxamide
P–94–0982	06/24/94	06/03/94	(G) Methyl amine esters
P–94–0642	06/27/94	06/15/94	(S) Spiro [1,3-dioxolane-2,8′ (7′*H*) - [2*H*-2,4*A*]-methanonaphthalene], -hexahydro-1′,1,5′,5′tetramethyl-
Y–93–0206	06/27/94	06/09/94	(G) Polyester of an aromatic dicarboxylic acid and alicyclic diol
P–94–0896	06/27/94	06/19/94	(G) Substituted alkyl dianilide
P–93–1364	06/27/94	05/23/94	(G) Poly arylene ether sulfone
P–94–0498	06/27/94	06/01/94	(G) Acid functional polyester
P–94–0647	06/27/94	06/15/94	(G) Polyester polyol
P–94–0603	06/27/94	06/08/94	(G) Oligomeric fluorocarbon
P–93–0567	06/27/94	06/10/94	(G) Toluene diisocyanate polyether polyol polymer
P–94–0941	06/27/94	06/13/94	(G) Polyamideimide
P–94–0942	06/27/94	06/13/94	(G) Polyimide
P–94–0208	06/28/94	06/07/94	(S) Benzenepropanoic acid, 3-(1,1-dimethylethyl)-4-hydroxy-5-[(2-nitrophenyl)azo]-, methyl ester
P–93–1416	06/28/94	06/13/94	(G) Complex epoxy resin/amine adduct
P–93–1606	06/28/94	06/02/94	(S) Siloxanes and silicones, di-me, 3-hydroxypropyl me, me 3-(oxiranylmethoxy)propyl, ethers with polyethylene-polypropylene glycol mono-me ethers, reaction product with phenol-formaldehyde polymer
P–94–0689	06/28/94	06/02/94	(G) Modified polyester polyol
P–94–0639	06/28/94	06/21/94	(G) Salts of carboxylated stryene acrylic polymer
P–94–0969	06/29/94	06/14/94	(G) Rosin, maleated, polymer with carboxylic acids, formaldehyde and a polyol, calcium, magnesium and zinc salts
P–93–0959	06/29/94	06/03/94	(G) Hindered alkyl-substituted phenolic antioxidant
P–94–0034	07/01/94	06/13/94	(S) 2,4-imidazolidinedione, bromochloro-5,5-dimethyl
P–94–0115	07/01/94	06/15/94	(S) Re-refined vacuum distillate obtained by refining waste oils without hydrotreating, composed of C_{20}–C_{50} with viscosity ≤ or = 100 sus at 100 degrees F (19 CST at 40 degrees C).
Y–94–0089	07/01/94	06/02/94	(G) Acrylate/methacrylate copolymer
Y–94–0105	07/01/94	06/14/94	(G) Polyester resin
P–94–0608	07/01/94	06/22/94	(G) Polyester
P–93–1400	07/05/94	06/16/94	(G) Reaction product of maleated tall oil fatty acid and polyhydroxy polyalkyanes
P–94–0570	07/05/94	06/22/94	(G) An azo monochloro triazine reactive dye
P–93–1404	07/05/94	06/20/94	(G) Reaction products of maleated tall oil fatty acid polyhydroxy polyalkane ester and ammonium or potassium hydroxide
P–93–1405	07/05/94	06/22/94	(G) Reaction products of maleated tall oil fatty acid polyhydroxy polyalkane ester and ammonium or potassium hydroxide
P–93–1406	07/05/94	06/15/94	(G) Reaction products of maleated tall oil fatty acid polyhydroxy polyalkane ester and ammonium or potassium hydroxide
P–94–0633	07/06/94	06/20/94	(G) 2-butanethiol, 4-methoxy-2-methyl-

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Y–94–0068	07/06/94	06/01/94	(G) Acrylic acid/vinyl ester copolymer
P–93–1111	07/06/94	06/23/94	(G) Bis(monosubstituted benzimidazolone)
P–94–1020	07/06/94	06/22/94	(G) Acrylic emlusion
P–94–1021	07/06/94	06/23/94	(G) Acrylic emlusion
P–94–1022	07/06/94	06/24/94	(G) Acrylic emlusion
P–94–1023	07/06/94	06/22/94	(G) Acrylic emlusion
P–94–1024	07/06/94	06/22/94	(G) Acrylic emlusion
P–94–1025	07/06/94	06/22/94	(G) Acrylic emlusion
P–94–1026	07/06/94	06/22/94	(G) Acrylic emlusion
P–94–1027	07/06/94	06/22/94	(G) Acrylic emlusion
P–94–1028	07/06/94	06/23/94	(G) Acrylic emlusion
P–94–1029	07/06/94	06/23/94	(G) Acrylic emlusion
P–94–1030	07/06/94	06/23/94	(G) Acrylic emlusion
P–94–1031	07/06/94	06/23/94	(G) Acrylic emlusion
P–94–1032	07/06/94	06/24/94	(G) Acrylic emlusion
P–94–1033	07/06/94	06/24/94	(G) Acrylic emlusion
P–94–1034	07/06/94	06/24/94	(G) Acrylic emlusion
P–94–1035	07/06/94	06/24/94	(G) Acrylic emlusion
P–94–1036	07/06/94	06/24/94	(G) Acrylic emlusion
P–94–1037	07/06/94	06/24/94	(G) Acrylic emlusion
P–93–1579	07/06/94	06/09/94	(G) Fluorinated hydrocarbon
P–94–0123	07/06/94	06/07/94	(G) Hydrofunctional acrylic polymer
P–94–0694	07/06/94	06/21/94	(G) 9,9-disubstituted-2-substituted fluoren derivative
P–94–0693	07/06/94	06/21/94	(G) 9,9-disubstituted-2-substituted fluoren derivative
P–94–0692	07/06/94	06/21/94	(G) Polycarbonate resin
P–93–1115	07/06/94	06/16/94	(G) Betaines, dimethyl (polyfluoro-hydro-alkyl)
P–93–1116	07/06/94	06/16/94	(G) Betaines, dimethyl (polyfluoro-hydro-alkyl)
P–94–0553	07/06/94	06/17/94	(G) Thionocarbamate derivative
P–94–0554	07/06/94	06/17/94	(G) Thionocarbamate derivative
P–94–0581	07/08/94	06/16/94	(G) Epoxy amine adduct salt
P–94–0637	07/08/94	06/18/94	(G) Acrylic resin
P–94–0213	07/08/94	06/24/94	(G) Blocked isophorone diisocyanate trimer
P–94–0913	07/11/94	06/24/94	(G) Acrylic acid copolymer salt
Y–94–0097	07/11/94	06/10/94	(G) Polymethacrylic acid
Y–94–0098	07/11/94	06/14/94	(G) Polymethacrylic acid, sodium salt
P–94–1086	07/12/94	07/01/94	(G) Mono and di amine salt carboxylate
P–93–0507	07/12/94	06/23/94	(G) Modified propylene glycol ether
P–94–0471	07/12/94	06/08/94	(G) Polyalphaolefins
P–94–0472	07/12/94	06/08/94	(G) Polyalphaolefins
P–94–0138	07/13/94	07/06/94	(S) Ethanol, 2-[2-(2-propoxyethoxy)ethoxy]-
P–94–0964	07/13/94	06/23/94	(G) Rosin, maleated, polymer with an alkylphenol, carboxylic acids, formaldehyde and a polyol, zinc salt
P–94–0625	07/13/94	07/12/94	(G) Acrylic copolymer
P–94–1038	07/13/94	07/01/94	(G) Dimethicone copolyol amine
P–94–0504	07/14/94	06/16/94	(G) Polyurethane
P–94–0655	07/14/94	07/13/94	(G) Aqueous acylic resin dispersion
P–94–0130	07/18/94	06/17/94	(G) Copolyester
P–93–1240	07/18/94	06/19/94	(G) Maleic anhydride ester with butylglycol, polymer with alpha-olefin and acrylate provisional maleic anhydride monoglycolester polymer with fatty alkene and acrylate provisional alpha-olefin-acrylic acid-maleic acid ester terpolymer salt provisional
P–94–1237	07/18/94	07/07/94	(G) Polyimide

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P–93–1180	07/19/94	06/30/94	(G) Polyacrylate, sodium salt
P–93–1376	07/19/94	06/23/94	(S) Polymer of: carbonic acid, dimethylester, polymer with 1,6-hexanediol; benzene, 1,3-bis (1-isocyanato-1-methyl-ethyl)-; 2-propenoic acid, butylester; 2-propenoic acid, 2-methyl-,1,7,7,-trimethyl-bicyclo[2,2,1]hept-2-ylester, exo-; ethanol, 2,2′ iminobis; propanoic acid, 3-hydroxy-2-(hydroxymethyl) -2-methyl; 1,4-butanediol; 2-propenoic acid, 2-methyl-2,3-dihydroxy-propyl ester; ethanol,2-(dimethylamino)-
P–93–0116	07/19/94	07/11/94	(G) Substituted heteromonocyclic polymer
P–94–1142	07/19/94	07/05/94	(G) Magnesium hydroxide sulfate trihydrate
P–94–1410	07/19/94	07/16/94	(G) Aliphatic ester oligomer
Y–94–0084	07/19/94	06/23/94	(G) Polyurethane/acrylic grafted copolymer, dimethylaminoethanol salt
P–94–1072	07/19/94	06/27/94	(G) Styrenated hydroxy functional acrylic
P–94–0129	07/19/94	06/24/94	(G) Hydroxy functional styrene/acrylic poymer
P–93–1085	07/19/94	05/23/94	(G) Polyamine polyamide
P–93–0113	07/19/94	07/11/94	(G) Substituted alkanoic acid derivative
P–93–0114	07/19/94	07/11/94	(G) Substituted alkanoic acid derivative
P–93–0115	07/19/94	07/11/94	(G) Substituted alkanoic acid derivative
P–94–0681	07/20/94	07/15/94	(G) Terabutylphosphonium benzonitriazalate
P–94–0953	07/20/94	07/14/94	(G) Polyester isocyanate polymer
P–94–0638	07/21/94	07/05/94	(G) *P*-substituted acetoacetanilide
P–94–1090	07/22/94	06/29/94	(S) Docosanoic acid, monester with 1,2,3-propanetriol
P–94–1128	07/25/94	07/04/94	(G) Ethylene copolymer
P–94–1247	07/26/94	07/14/94	(G) Acrylic polymer
P–94–1045	07/26/94	06/27/94	(G) Acrylic polymer
P–94–1044	07/26/94	06/27/94	(G) Acrylic polymer
P–94–1003	07/26/94	07/25/94	(G) Reaction products formed between tannins and amines in the presence of hydrochloric acid
P–94–0960	07/26/94	07/13/94	(G) Methylene diphenylene diisocyante (mdi) prepolymer
P–93–1608	07/26/94	06/29/94	(G) Blocked diisocyanate polymer
P–93–0966	07/26/94	07/14/94	(G) Formaldehyde, polymer with substituted phenols
P–93–0955	07/26/94	07/14/94	(G) Formaldehyde, polymer with substituted phenols, glycidyl ether
P–93–0855	07/26/94	07/13/94	(G) Organotin catalyst
P–93–0427	07/26/94	07/16/93	(G) A polymer of: ethanethiol, 2,2′-[1,2-ethanediylbis (oxy)]bis-; and formic acid, ethyl ester
P–94–0333	07/26/94	05/19/94	(G) Saturated polyester resin
P–94–0096	07/26/94	05/19/94	(G) Saturated polyester resin
P–94–0095	07/26/94	05/19/94	(G) Acrylated polyester resin
P–94–0094	07/26/94	05/19/94	(G) Fatty acids modified epoxyresin
P–94–0093	07/26/94	05/19/94	(G) Saturated polyester resin, etherified with bisphenol a resin
P–94–0545	07/28/94	07/09/94	(G) Fluoroacrylate polymer derivative
P–93–1044	07/28/94	02/09/94	(G) Cationic polymer made from styrene, perfluoroethylacrylate, aminofunctional acrylate, alkylating agent, alkylacrylate and hydroxyalkyl acrylate
P–94–1152	07/28/94	06/28/94	(G) Modified epoxy resin modified aromatic epoxy resin
P–94–1071	07/28/94	07/08/94	(G) Hydroxy functional polyester
P–94–0691	07/29/94	07/18/94	(G) Epoxy amine adduct
P–93–0484	08/01/94	07/20/94	(G) Cyano ethyl sorbitol
P–93–0268	08/01/94	07/17/94	(G) Aromatic hydrocarbon resin
P–94–0193	08/01/94	07/10/94	(G) Modified maleated rosin, calcium salt
P–94–1200	08/01/94	06/29/94	(G) Poly (vinyl aryl/acrylate)
P–93–0617	08/01/94	07/12/94	(G) Aromatic nitro substituted naphthalencarboxamide
P–93–0618	08/01/94	07/13/94	(G) Aromatic nitro substituted naphthalenecarboxamide
P–93–1622	08/01/94	07/01/94	(G) Halogenated nitrile
P–94–0027	08/02/94	07/20/94	(G) Modified polyurethane resin, salt (formate)
P–94–0028	08/02/94	07/20/94	(G) Modified bisphenol-*A*-epoxide resin

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P–94–0513	08/02/94	07/15/94	(G) Phenolic derivative
P–93–1695	08/02/94	07/20/94	(G) Modified polyurethane resin
P–94–1425	08/02/94	07/21/94	(G) Polyurethane of isophorone diisocyanate diols
P–94–0981	08/04/94	07/19/94	(S) Fatty acids, lard
P–93–0701	08/04/94	07/13/94	(G) Substituted azo triazine dye
Y–94–0087	08/05/94	07/27/94	(G) Polyurethane alkyd
P–94–1141	08/05/94	07/15/94	(G) Styrene-acrylic polymer
P–93–1583	08/05/94	07/06/94	(G) Epoxy resin adduct
Y–94–0096	08/08/94	07/19/94	(G) Crosslinked product of substituted benzene
P–94–0024	08/08/94	07/15/94	(G) Ethanaminium, 2-hydroxy-*N, N*-bis(2-hydroxyethyl), *N*-ethyl-diester with $C_{12–18}$ Fatty acids, ethyl sulfate (salts).
P–94–0669	08/08/94	07/20/94	(S) The esterfication product of trimethyol propane diol, trimethyol propane, methyl propane diol, diethylene glycol, dimethylol propionic acid, adipic acid, phthalic anhydride, and dimer acid
P–93–0306	08/09/94	08/02/94	(G) 2,5-dimercapto-1,3,4-thiadiazole derivative
P–94–1124	08/09/94	08/01/94	(G) Mixed pentaerythritol tetraester reaction products with alkylate diarylamines
P–94–0441	08/09/94	08/09/94	(G) Benzothiazole-based dye
P–93–1224	08/09/94	07/20/94	(G) Hetero, aromatic dyestuff
P–94–1064	08/10/94	07/26/94	(G) Acrylic acid ester copolymer, polyoxyethylene modified
P–94–1469	08/10/94	08/03/94	(G) Epoxy amine reaction procuct
P–94–0959	08/10/94	06/29/94	(G) 1,7-propanediol, 2 (or 3)-1-propenyloxyl)-, polymer with alpha hydroxy-*W*-hydroxypoly (oxy-1,4-butanediyl) and 1,1′ methylenebis (4-isocyanatobenzene)
P–94–1129	08/11/94	07/20/94	(G) Alkylcyano substituted pyridazo benzoate
P–94–0294	08/11/94	07/13/94	(G) Polymer of polyalkylene glycol and isocyanate
P–93–0035	08/12/94	07/14/94	(G) Alkenone, trialkylcycloalkenyl, dimethyl acetal
P–94–1214	08/12/94	08/09/94	(G) Acrylic acid-acrylid acid ester copolymer, alkanolammonium salt
P–94–1215	08/12/94	08/09/94	(G) Acrylic acid ester copolymer, hydroxy functional
P–94–1427	08/12/94	08/04/94	(G) Polyether polysiloxane
P–94–0332	08/15/94	08/08/94	(S) Amines, $C_{12–14}$ - tert - alkyl, isooctyl phosphates
P–94–1125	08/16/94	08/03/94	(G) Water biorne polyurethane dispersions
P–93–0852	08/16/94	07/18/94	(S) 2-hydroxy-1-[[2-methoxy-4-benzamido-5-methyl phenyl]azo]-3-nahthanilide
P–94–0137	08/17/94	08/04/94	(G) Sulfonated copper phthalocyanine derivative, amine salt
P–93–0300	08/17/94	08/01/94	(G) Alkylaryl sulfonic acid, metal salt
P–94–0676	08/17/94	07/28/94	(G) Aminoaromatic halobenzamide
P–94–0588	08/18/94	08/13/94	(G) Substituted aromatic compound
Y–94–0071	08/18/94	07/19/94	(G) Epolxy ester resin
P–93–1480	08/18/94	08/12/94	(G) Substituted phenyl substituted benzenesulfonic acid, ester
P–94–0232	08/18/94	07/18/94	(G) Alkyl polyether carboxylic acid ester
P–94–0125	08/18/94	07/22/94	(G) Hydrocarbons,$C_{4–6}$, C_5 -rich polymer with aromatic hydrocarbons
P–94–0126	08/18/94	07/22/94	(G) Poly(substitued toluene)
P–94–1081	08/18/94	07/26/94	(G) Hydroxy terminated saturated polyester resin
P–94–1082	08/18/94	08/04/94	(G) Isocyanate terminated polyester polyurethane
P–94–1368	08/18/94	07/21/94	(G) Mixed chromium complexes of substituted hydroxyphenyl azo hydroxynaphthalenes, mixed sodium salts and amine salts
P–94–1063	08/19/94	08/17/94	(G) Siloxanes and silicones, di-me, polyether modified
P–94–0592	08/19/94	07/20/94	(G) Glycol - metal complex
P–94–1077	08/22/94	08/03/94	(G) A polymer of: 1,6-hexanediol; hexanedioic acid; 1,3-benzenedicarboxylic acid; 1,4-benzenedicarboxylic acid; dimethylolpropionic acid; isophorone diisocyanate; dimethylisopropanolamine
P–93–0299	08/23/94	07/14/94	(G) Alkylaryl sulfonic acid, ammonium salt
P–93–0862	08/23/94	08/11/94	(G) Polyolefin-modified polyphthalamide
P–93–1413	08/23/94	08/04/94	(G) Styrenated epoxy acrylate polymer
P–94–0992	08/23/94	07/31/94	(G) A polymer of: styrene; methylmethacrylate; 2-hydroxyethylmethacrylat; methacrylicacid

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P–94–1091	08/23/94	08/01/94	(G) Aromatic amino substituted naphthalenecarboxamide
P–94–1198	08/23/94	08/15/94	(G) Fluorinated polyalkylakoxysiloxane
P–93–1119	08/24/94	07/21/94	(G) Organotin lithium compound
P–94–0695	08/25/94	08/09/94	(G) Modified oxirane, methyloxirane polymer
P–94–0998	08/25/94	07/25/94	(S) Bis(cyclopentadienyl)magnesium
P–94–0999	08/25/94	07/25/94	(S) Bis(methylcyclopentadienyl)magnesium
P–94–1046	08/25/94	07/26/94	(G) Acrylic copolymer
P–94–1235	08/25/94	08/12/94	(G) Fatty imidazolium compound
P–94–1421	08/26/94	08/21/94	(G) Poly(isobutyl methacrylate-co-methyl fosea) -*G*-poly(dimethylsiloxane)
P–94–1500	08/29/94	08/29/94	(G) Aqueous modified polyvinyl acetate
P–93–0837	08/29/94	08/09/94	(G) Ester of phosphorous
P–94–0052	08/29/94	08/11/94	(G) Substituted aromatic methyl ether
P–94–0548	08/29/94	07/25/94	(G) Carboxylated acrylate polymer
P–94–0549	08/29/94	07/25/94	(G) Carboxylated acrylate polymer
P–94–1369	08/29/94	08/19/94	(G) A polymer of: adipic acid; pentaerythritol; rosin; 2-ethyl-(2-hydroxymethyl) 1,3-propanediol; 1,3-propanediol 2,2-dimethyl
P–94–1012	08/29/94	08/23/94	(G) Substituted amino-anthroquinone
P–94–1130	08/29/94	08/01/94	(G) 3-(alkoxyphenyl)-7-phenyl-1,5-dioxa-*S*-indacen-2,6-dione
P–94–1131	08/29/94	08/01/94	(G) Naphthylazo-triazinylamino-naphthalene disulfonic acid
P–94–0665	08/30/94	08/08/94	(G) Ethoxylated alkynol
P–94–0659	08/31/94	08/16/94	(G) Modified acrylic polymer
Y–94–0164	08/31/94	08/23/94	(G) Alkyl/aryl polyester resin
P–94–0058	08/31/94	08/23/94	(G) Trisubstituted naphthalene disulfonic acid
P–94–0528	08/31/94	08/04/94	(G) Calcium long chain alkyl phenate sulfide
P–94–1528	08/31/94	08/23/94	(G) Precipitated salt of monoazo pigment
P–94–1462	09/02/94	08/05/94	(G) Triazole derivative
P–94–1560	09/02/94	08/29/94	(G) Alkyl substituted spiro heterocycle
P–94–1524	09/02/94	08/18/94	(G) Isophorone diisocyanate, polyester type polyurethane
P–94–1525	09/02/94	08/18/94	(G) Acrylic modified chlorinated polypropylene emulsion
P–94–1134	09/06/94	08/17/94	(G) Modified acrylic polymer
P–93–0500	09/07/94	08/05/94	(S) Cyclic poly(oxy-1,4-butanediyl)
P–94–0112	09/07/94	08/18/94	(G) 2-propenamide, copolymer with cationic monomer
P–94–0927	09/07/94	08/10/94	(G) Fluorochemical acrylate polymer
P–94–1201	09/07/94	08/28/94	(S) Benzenaxetic acid, 4-bromo-
P–94–1209	09/07/94	08/24/94	(G) Modified epoxy resin modified aromatic epoxy resin
Y–94–0138	09/09/94	08/30/94	(G) Styrenated alkyd resin
P–94–0575	09/12/94	08/25/94	(G) Triethylamine salt of a polyester, polyurethane polymer
P–94–0645	09/12/94	09/01/94	(G) Poly(ester-urethane-urea)
P–94–1544	09/12/94	08/30/94	(G) Poly(ester-urethane-urea)
P–93–1258	09/12/94	09/07/94	(G) Ester, salt solution
P–93–0583	09/13/94	08/26/94	(G) Modified polydimethylsiloxane, aqueous emulsion
Y–94–0106	09/13/94	09/08/94	(G) Aliphatic polyurethaneurea
P–94–0587	09/14/94	08/10/94	(G) Polyester polyurethane
P–94–0585	09/14/94	08/10/94	(G) Benzene, 1,1′-methlene bis[4-isocyanato- prepolymer
Y–94–0121	09/16/94	07/20/94	(G) Polyester resin
P–94–0313	09/16/94	08/25/94	(G) Polymer of polyisocyanate and aliphatic alcohols
P–94–1169	09/16/94	08/23/94	(G) Alkylated melamine resin
P–94–1402	09/16/94	08/31/94	(G) Aliphatic polyisocyanate
P–94–1403	09/16/94	08/31/94	(G) Aliphatic polyurethane resin
P–94–1404	09/16/94	08/31/94	(G) Aliphatic polyurethane resin

Case No.	Received Date	Commencement/Import Date	Chemical
P–94–1518	09/16/94	08/18/94	(G) Hydroxy functional polyester polyol
P–94–1551	09/19/94	08/29/94	(G) Isophthalic acid polymer with difunctional aromatic carboxylic acid, benzoic acid, cyclicalcohol, cycloakyldiamine, alkyl polyol and alkanolamine
Y–94–0166	09/19/94	09/08/94	(G) Saturated polyester
P–94–1405	09/20/94	09/19/94	(S) A polymer of: .alpha.,.alpha.′-((1-methylethyliden)di-4, 1-phenylene)-bis(.omega.-hydroxy-poly(oxy(methyl-1,2-ethanediyl))); .alpha.,.alpha.′-((1-methylethyliden)di-4, 1-phenylene)-bis(.omega.-hydroxy-poly(oxy-1,2-ethanediyl)); 1,4-benzenedicarboxylic acid; 1,3-dihydro-1,3-dioxo-5-isobenzofuran-carboxylic acid (trimellitec anhydride); dihydro-3-(tetrapropenyl)-2,5-furandione; 2-propenoic acid (acrylic acid); ethenylbenzen (styrene); 2-propenoic acid, butyl ester; dibutylin oxide; dicumyl peroxide
P–94–0100	09/20/94	09/06/94	(G) Nonylphenol capped polyurethane prepolymer
P–94–1567	09/20/94	09/08/94	(G) Alkoxylated alkyl phenol
P–94–0053	09/21/94	08/11/94	(G) Substituted aromatic methyl ether salt
P–94–1488	09/21/94	09/07/94	(G) Pyrrolopyrrol
P–94–1568	09/21/94	09/13/94	(G) Substituted pyrrolopyrrole
Y–94–0062	09/21/94	09/10/94	(G) Polyester resin
P–93–0688	09/21/94	08/23/94	(G) Silicophosphonate, sodium salt
P–93–1320	09/21/94	09/08/94	(G) Poly(carboxylic acid), mixed sodium, monoethanolamine salt
P–94–0593	09/23/94	09/02/94	(G) Glycol-metal complex residue
Y–94–0080	09/26/94	09/12/94	(G) Carbomoncyclic carbopolycyclic polyester liquid crystalline copolyester
Y–94–0180	09/26/94	09/13/94	(G) Styrene/acrylic copolymer, sodium salt
P–94–0569	09/26/94	08/24/94	(G) Carbomer, calcium salt
P–94–1670	09/26/94	09/12/94	(G) Cyclosiloxanes, methylvinyl, polymer with polymethylhydrosiloxane
P–94–0678	09/26/94	09/14/94	(S) Copolyester of terephthalic acid, adipic acid, 1,4-butanediol, 1,60 hexanediol
P–94–1205	09/26/94	09/07/94	(S) Nitric acid, reaction products with cyclododecanol and cyclododecanone, by-products from, high-boiling fraction, esterified with methanol
P–94–0922	09/27/94	09/08/94	(G) Substituted resorcinol
P–94–1093	09/27/94	09/13/94	(G) Polysulfide aralkylchlorosilane
P–94–1411	09/27/94	07/29/94	(S) Light ends from distillation of polyethyl benzene residue, comprised primarily of alkylbenzenes, alkylindanes, alkyltetralins, and alkylnaphthalenes, with a boiling point range of roughly 180–245 degrees celsius
P–94–1388	09/27/94	09/15/94	(G) Vinyl acetate-vinyl amide copolymer
P–94–1474	09/27/94	08/29/94	(G) Polyamide alloy
P–94–1486	09/27/94	09/14/94	(G) Polyester polyurethane
P–94–1531	09/28/94	08/30/94	(G) Polyamide alloy
P–94–1550	09/28/94	09/23/94	(G) Naphthalenesulfonic acid, bis substituted alkyl diamino substituted triazinyl amino substituted phenyl azo substituted phenyl azo substituted phenyl azo
P–94–0989	09/29/94	09/23/94	(G) Naphthalenedisulfonic acid, bis-3-(2-acetylamino)-4-((3-substituted-5-propylamino)amino triazine)phenyl azo
P–94–1078	09/29/94	08/27/94	(G) Vinyl acetate copolymer
P–94–1480	09/29/94	09/23/94	(G) Benzenesulfonic acid, bis substituted phenyl azo substituted phenyl amino azo substituted triazine substiteted propanediamino
P–94–1414	09/30/94	08/31/94	(G) Fatty acid modified polyester
P–94–1648	09/30/94	08/31/94	(G) Neutralized fluorocarbon modified polyacrylate

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Dated: May 4, 1995.

Frank V. Caesar,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

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