5–25–95
Vol. 60 No. 101
Pages 27657–27866

federal register

Thursday
May 25, 1995

Briefings on How To Use the Federal Register
For information on briefings in Washington, DC and Boston, MA see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the **Federal Register** as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper, 24x microfiche and as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated by 6 a.m. each day the **Federal Register** is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. It is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. The annual subscription fee for a single workstation is $375. Six-month subscriptions are available for $200 and one month of access can be purchased for $35. Discounts are available for multiple-workstation subscriptions. To subscribe, Internet users should telnet to swais.access.gpo.gov and login as newuser (all lower case); no password is required. Dial-in users should use communications software and modem to call (202) 512–1661 and login as swais (all lower case); no password is required; at the second login prompt, login as newuser (all lower case); no password is required. Follow the instructions on the screen to register for a subscription for the **Federal Register** Online via *GPO Access.* For assistance, contact the *GPO Access* User Support Team by sending Internet e-mail to help@eids05.eids.gpo.gov, or a fax to (202) 512–1262, or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $494, or $544 for a combined **Federal Register**, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $433. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 60 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**

Online:

Telnet swais.access.gpo.gov, login as newuser <enter>, no password <enter>; or use a modem to call (202) 512–1661, login as swais, no password <enter>, at the second login as newuser <enter>, no password <enter>.

Assistance with online subscriptions	**202–512–1530**

Single copies/back copies:

Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

For other telephone numbers, see the Reader Aids section at the end of this issue.

THE FEDERAL REGISTER

WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:

1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WASHINGTON, DC

WHEN: June 28 at 9:00 am

WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street NW., Washington, DC (3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

BOSTON, MA

WHEN: June 20 at 9:00 am

WHERE: Room 419, Barnes Federal Building 495 Summer Street, Boston, MA

RESERVATIONS: Call the Federal Information Center 1–800–347–1997

Printed on recycled paper containing 100% post consumer waste

Contents

Federal Register

Vol. 60, No. 101

Thursday, May 25, 1995

Administrative Conference of the United States
NOTICES
Meetings:
Administration Committee et al., 27713
Assembly of Administrative Conference, 27713–27714

Agricultural Marketing Service
RULES
Potatoes (Irish) grown in—
Washington, 27682–27684

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Food Safety and Inspection Service
See Forest Service
See Rural Utilities Service
NOTICES
Agency information collection activities under OMB review, 27714

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, foreign:
Logs, lumber, and other unmanufactured wood articles; importation, 27665–27682
PROPOSED RULES
Animal welfare:
Marine Mammal Negotiated Rulemaking Advisory Committee—
Establishment [**Editorial Note:** This document, appearing at pages 27049-27051 in the **Federal Register** of May 22, 1995, was incorrectly listed under Agriculture Department in that issue's Table of Contents.]

Antitrust Division
NOTICES
National cooperative research notifications:
Advanced Lead-Acid Battery Consortium, 27787
CuraGen Corp et al., 27787
Joint Development Venture called ''versit'', 27787
Open Software Foundation, Inc., 27787–27788
SI Diamond Technology, Inc., 27788

Army Department
NOTICES
Meetings:
Science Board, 27725

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

Centers for Disease Control and Prevention
NOTICES
Grants and cooperative agreements; availability, etc.:
Community-based asthma intervention demonstration programs, 27731–27733
Hemophilia; prevention of complications, 27733–27735

Coast Guard
RULES
Anchorage regulations:
Maryland, 27695–27696
Ports and waterways safety:
Wolf River Chute, TN; safety zone, 27696–27697

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Commodity Futures Trading Commission
NOTICES
Contract market proposals:
Chicago Mercantile Exchange, Inc.—
Live hogs, 27724–27725

Defense Department
See Army Department

Drug Enforcement Administration
NOTICES
Applications, hearings, determinations, etc.:
Calbiochem-Novabiochem Corp., 27788
Cambridge Isotope Lab, 27788–27789
Hoffmann-LaRoche, Inc., 27789
Mallinckrodt Chemical, Inc.; correction, 27789
North Pacific Trading Co., 27789
Nycomed Inc., 27789
Research Biochemicals, L.P., 27789–27790
Roche Diagnostic Systems, Inc., 27790

Education Department
NOTICES
Grants and cooperative agreements; availability, etc.:
Dwight D. Eisenhower professional development Federal activities program; correction, 27725
Job Training Partnership Act—
School-to-work opportunities; local partnerships, 27812–27814
Parental assistance program, 27836–27854
Urban and rural local reform initiative, 27816–27834
Meetings:
National Assessment Governing Board, 27725–27726

Employment and Training Administration
NOTICES
Adjustment assistance:
American Standard Apparel et al., 27791–27792
Adjustment assistance and NAFTA transitional adjustment assistance:
General Electric et al., 27792–27794
Grants and cooperative agreements; availability, etc.:
Job Training Partnership Act—
School-to-work opportunities; local partnerships, 27812–27813
Organization, functions, and authority delegations:
Lockheed Fort Worth Co., 27794

Energy Department
See Federal Energy Regulatory Commission

Environmental Protection Agency
RULES
Superfund program:
National oil and hazardous substances contingency plan—
National priorities list update, 27696
Toxic substances:
Asbestos model accreditation plan, 27697–27698
NOTICES
Meetings:
Water quality based effluent limits below quantitation in absence of promulgated minimum levels; compliance determinations, 27729–27730

Executive Office of the President
See Presidential Documents
See Trade Representative, Office of United States

Farm Credit Administration
RULES
Farm credit system:
Disclosure to shareholders—
Association annual meeting information statement and director positions nominating process, 27684

Federal Aviation Administration
RULES
Airworthiness directives:
Aerospatiale et al., 27684–27688
Class C and Class E airspace, 27689–27690
Class E airspace, 27688–27689
PROPOSED RULES
Air traffic operating and flight rules, etc.:
Grand Canyon National Park; extension of special flight rules in vicinity (SFAR No. 50-2)
Correction, 27707
Airworthiness directives:
Beech, 27705–27707
Fokker, 27704–27705
NOTICES
Airport noise compatibility program:
Bishop International Airport, MI, 27802–27803
Louisville International Airport, KY, 27803–27804
Environmental statements; availability, etc.:
Minneapolis-St. Paul region, MN; long-term air transportation needs, 27804
Waste disposal sites in vicinity of airports, potential hazards; report to Congress; comment request, 27805–27808

Federal Communications Commission
RULES
Commercial radio operator license applicants; temporary operating authority, 27699–27700

Federal Emergency Management Agency
NOTICES
Disaster and emergency areas:
Mississippi, 27730

Federal Energy Regulatory Commission
NOTICES
Hydroelectric applications, 27726–27727
Oil pipelines:
Producer price index for finished goods; annual change, 27727
Applications, hearings, determinations, etc.:
Illinois Power Co. et al., 27727–27728
KN Interstate Gas Transmission Co., 27728
Trunkline Gas Co., 27728–

Federal Highway Administration
RULES
Motor carrier safety standards:
Intermodal transportation, 27700–27703

Federal Maritime Commission
RULES
Organization, functions, and authority delegations:
Hearing Counsel Bureau et al., 27698–27699

Federal Reserve System
NOTICES
Applications, hearings, determinations, etc.:
Dean, Larry Reginold, et al., 27730
Wachovia Corp.; correction, 27730–27731

Federal Trade Commission
RULES
Appliances, consumer; energy costs and consumption information in labeling and advertising:
Comparability ranges—
Clothes washers; correction, 27690–27691

Fish and Wildlife Service
NOTICES
Endangered and threatened species permit applications, 27778–27779

Food and Drug Administration
NOTICES
Meetings:
Advisory committees, panels, etc., 27735–27736

Food Safety and Inspection Service
NOTICES
Experimental protocols for in-plant trials of new technologies and procedures; preparation and submission guidelines, 27714–27715

Foreign-Trade Zones Board
NOTICES
Applications, hearings, determinations, etc.:
Texas—
Mobil Corp.; oil refinery complex, 27719–27720

Forest Service
NOTICES
Environmental statements; availability, etc.:
Eldorado National Forest, CA, 27715–27717
Native inland fish habitat management, 27717
Meetings:
Willamette Provincial Interagency Executive Committee, Advisory Committee, 27717–27718

Health and Human Services Department
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Care Financing Administration
See Health Resources and Services Administration
See National Institutes of Health
See Public Health Service

Health Care Financing Administration
NOTICES
Meetings:
Practicing Physicians Advisory Council, 27736

Health Resources and Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Community and migrant health centers, 27736–27767
Homeless health care and homeless children health care services programs, 27767–27773

Immigration and Naturalization Service
NOTICES
Temporary protected status program designations:
Rwanda, 27790–27791

Interior Department
See Fish and Wildlife Service
See Land Management Bureau
See Minerals Management Service
See Surface Mining Reclamation and Enforcement Office

International Trade Administration
NOTICES
Antidumping duty orders and findings:
Determinations not to revoke, 27720–27722
Applications, hearings, determinations, etc.:
Scripps Research Institute et al., 27722–27723

International Trade Commission
NOTICES
Import investigations:
Andean Trade Preference Act; effect on U.S. economy and on Andean drug crop eradication; annual report, 27779
Caribbean Basin Economic Recovery Act; impact on U.S. industries and consumers; annual report, 27779–27780

Interstate Commerce Commission
NOTICES
Railroad operation, acquisition, construction, etc.:
Grainbelt Corp., 27780–27781
Houston Lighting & Power Co., 27781–27782
Keokuk Junction Railway, 27782–27783
Seagraves, Whiteface & Lubbock Railroad Co., 27783–27784
Southwestern Public Service Co. et al., 27784–27785
Western Fuels Service Corp., 27785–27786

Justice Department
See Antitrust Division
See Drug Enforcement Administration
See Immigration and Naturalization Service
See Prisons Bureau
NOTICES
Pollution control; consent judgments:
Barsotti's Inc., 27786
James River Paper Co., 27786–27787

Labor Department
See Employment and Training Administration
See Occupational Safety and Health Administration
See Pension and Welfare Benefits Administration
RULES
Federal contracting agencies obligations; permanent replacement of lawfully striking employees, 27856–27862
NOTICES
Meetings:
Glass Ceiling Commission, 27791

Land Management Bureau
NOTICES
Closure of public lands:
California, 27775
Colorado, 27775
Motor vehicle use restrictions:
Oregon, 27775–27776
Oil and gas leases:
Wyoming, 27776
Realty actions; sales, leases, etc.:
Utah, 27777–27778
Recreation management restrictions, etc.:
San Miguel County, CO; camping moratorium, 27778
Survey plat filings:
Idaho, 27776–27777

Minerals Management Service
NOTICES
Outer Continental Shelf operations:
Central and Western Gulf of Mexico—
Leasing policies; comment request and workshop, 27779

National Aeronautics and Space Administration
PROPOSED RULES
Acquisition regulations:
NASA and installation ombudsmen included in solicitations and contracts; identification, 27710–27711

National Foundation on the Arts and the Humanities
NOTICES
Meetings:
Expansion Arts Advisory Panel, 27795–27796
Museum Advisory Panel, 27796
Visual Arts Advisory Panel, 27796

National Highway Traffic Safety Administration
PROPOSED RULES
Motor vehicle safety standards:
Air brake systems—
Automatic pneumatic locking device; air braked trailers using adjustable axles; petition denied, 27711–27712
NOTICES
Meetings:
Research and development programs, 27808–27809

National Institutes of Health
NOTICES
Meetings:
National Heart, Lung, and Blood Institute, 27773

National Oceanic and Atmospheric Administration
NOTICES
Meetings:
Monterey Bay National Marine Sanctuary Advisory Council, 27723
Permits:
Marine mammals, 27723

National Science Foundation
NOTICES
Meetings:
Electrical and Communications Systems Special Emphasis Panel, 27796
Geosciences Special Emphasis Panel, 27796–27797
Information Robotics and Intelligent Systems Special Emphasis Panel, 27797

Networking and Communications Research and Infrastructure Special Emphasis Panel, 27797
Physics Special Emphasis Panel, 27797
Research, Evaluation and Dissemination Special Emphasis Panel, 27797
Social, Behavioral and Economic Research Special Emphasis Panel, 27797–27798

Nuclear Regulatory Commission
NOTICES
Applications, hearings, determinations, etc.:
Commonwealth Edison Co., 27798–27800
Georgia Power Co. et al., 27800

Occupational Safety and Health Administration
PROPOSED RULES
Safety and health standards, etc.:
Respiratory protection, 27707–27708

Office of United States Trade Representative
See Trade Representative, Office of United States

Pension and Welfare Benefits Administration
NOTICES
Meetings:
Employee Welfare and Pension Benefit Plans Advisory Council, 27794–27795

Presidential Documents
PROCLAMATIONS
Generalized System of Preferences; amendments (Proc. 6804), 27657–27661
Special observances:
World Trade Week (Proc. 6805), 27864–27866
ADMINISTRATIVE ORDERS
Foreign Relations Authorization Act, Fiscal Years 1994 and 1995; delegation of certain authorities to the Secretary of Defense (Memorandum of May 19, 1995), 27663

Prisons Bureau
RULES
Inmate control, custody, care, etc.:
Drug abuse treatment programs and early release consideration, 27692–27695

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
NOTICES
Grants and cooperative agreements; availability, etc.:
Cancer prevention in minority populations, 27773–27774
Meetings:
National Toxicology Program; Scientific Counselors Board, 27774–27775

Research and Special Programs Administration
NOTICES
Pipeline safety; waiver petitions:
Columbia Gulf Transmission Co., 27809–27810

Rural Utilities Service
NOTICES
Environmental statements; availability, etc.:
Seminole Electric Cooperative, Inc., 27718–27719
South Mississippi Electric Power Association, 27719

Securities and Exchange Commission
RULES
Electronic Data Gathering, Analysis, and Retrieval System (EDGAR):
Filer Manual, updated edition; adoption, 27691–27692
NOTICES
Self-regulatory organizations; proposed rule changes:
National Securities Clearing Corp., 27800–27801

Small Business Administration
NOTICES
Disaster loan areas:
Louisiana, 27801–27802
Mississippi, 27802

Surface Mining Reclamation and Enforcement Office
PROPOSED RULES
Permanent program and abandoned mine land reclamation plan submissions:
Missouri, 27708–27710

Trade Representative, Office of United States
NOTICES
Meetings:
Trade Policy and Negotiations Advisory Committee, 27800

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Highway Administration
See National Highway Traffic Safety Administration
See Research and Special Programs Administration

Separate Parts In This Issue

Part II
Department of Education and Department of Labor, Employment and Training Administration, 27812–27814

Part III
Department of Education, 27816–27834

Part IV
Department of Education, 27836–27854

Part V
Department of Labor, 27856–27862

Part VI
The President, 27864–27866

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

6763 (Modified by Proc. 6804) 27657
6767 (Modified by Proc. 6804) 27657
6804.....27657
6805.....27865

Administrative Orders:

Memorandums:
May 19, 1995.....27663

7 CFR

300.....27665
319.....27665
946.....27682

12 CFR

620.....27684

14 CFR

39 (2 documents) 27684, 27686
71 (2 documents) 27688, 27689

Proposed Rules:

39 (2 documents) 27704, 27705
91.....27707
135.....27707

16 CFR

305.....27690

17 CFR

232.....27691

28 CFR

550.....27692

29 CFR

Ch. II.....27856
270.....27856

Proposed Rules:

1910.....27707
1915.....27707
1926.....27707

30 CFR

Proposed Rules:

925.....27708

33 CFR

110.....27695
165.....27696

40 CFR

300.....27697
763.....27697

46 CFR

501.....27698

47 CFR

13.....27699

48 CFR

Proposed Rules:

1803.....27710
1815.....27710
1852.....27710

49 CFR

390.....27700

Proposed Rule:

571.....27711

Federal Register
Vol. 60, No. 101
Thursday, May 25, 1995

Presidential Documents

Title 3—

The President

Proclamation 6804 of May 22, 1995

To Modify Duty-Free Treatment Under the Generalized System of Preferences and for Other Purposes

By the President of the United States of America

A Proclamation

1. Pursuant to section 504(c) of the Trade Act of 1974, as amended (''Trade Act'') (19 U.S.C. 2464(c)), beneficiary developing countries, except those designated as least-developed beneficiary developing countries pursuant to section 504(c)(6) of the Trade Act, are subject to limitations on the preferential treatment afforded under the Generalized System of Preferences (GSP). I have determined, pursuant to sections 504(a)(1), (c)(1), and (c)(2) of the Trade Act (19 U.S.C. 2464(a)(1), (c)(1), and (c)(2)), that certain beneficiary developing countries should no longer receive preferential tariff treatment under the GSP with respect to certain eligible articles.

2. To reflect clearly the names of certain beneficiary developing countries under the GSP, I have decided that it is necessary and appropriate to modify general note 4 of the Harmonized Tariff Schedule of the United States (HTS).

3. In Proclamation No. 6767 of February 3, 1995, conforming changes with respect to certain articles under the GSP were omitted. I have decided that it is necessary and appropriate to modify the HTS to make such conforming changes.

4. Proclamation No. 6763 of December 23, 1994, implemented the Uruguay Round Agreements, including Schedule XX, with respect to the United States and incorporated in the HTS tariff modifications necessary and appropriate to carry out the Uruguay Round Agreements. Certain technical errors, including inadvertent omissions, were made in that proclamation. I have determined that it is necessary to reflect accurately the intended tariff treatment provided for in the Uruguay Round Agreements to modify certain provisions of the HTS as set forth in Annex III to this proclamation.

5. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States, including but not limited to sections 504 and 604 of the Trade Act, do proclaim that:

(1)(a) To make certain conforming changes, the Rates of Duty 1-Special subcolumn for each of the HTS subheadings enumerated in Annex I(A) to this proclamation is modified: (i) by deleting the symbol ''A*'' in parentheses, and (ii) by inserting the symbol ''A'' in lieu thereof.

(b) To provide that one or more countries should no longer be treated as a beneficiary developing country with respect to an eligible article for purposes of the GSP, the Rates of Duty 1-Special subcolumn for each of the HTS provisions enumerated in Annex I(B) to this proclamation is modified: (i) by deleting the symbol ''A'' in parentheses, and (ii) by inserting the symbol ''A*'' in lieu thereof.

(2) To reflect clearly the names of certain beneficiaries and to provide that one or more countries are no longer to be treated as beneficiary developing countries with respect to an eligible article for purposes of the GSP, general note 4 to the HTS is modified as provided in Annex II to this proclamation.

(3) The HTS is modified as provided in Annex III to this proclamation.

(4) Any provisions of previous proclamations and Executive orders inconsistent with the provisions of this proclamation are hereby superseded to the extent of such inconsistency.

(5)(a) The modifications made by Annexes I and II to this proclamation shall be effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1995.

(b) The modifications made by Annex III to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates specified in such annex.

IN WITNESS WHEREOF, I have hereunto set my hand thistwenty-second day of May, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.

William J. Clinton

Billing Code 3195–01–P

Annex I

Modification in the HTS of an Article's Preferential Tariff Treatment under the GSP

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1995.

(A). For the following HTS subheadings, in the Rates of Duty 1-Special subcolumn, delete the symbol "A*" and insert an "A" in lieu thereof:

3909.10.00	8419.90.10
4011.91.50	8517.30.15
8419.19.00	

(B). For the following HTS provisions, in the Rates of Duty 1-Special subcolumn, delete the symbol "A" and insert an "A*" in lieu thereof:

0304.20.50	0813.40.10	2208.90.10	6501.00.60	8483.50.40
0703.10.20	0813.40.80	2208.90.70	7002.10.20	8517.82.40
0708.10.20	1106.30.20	2309.90.70	7106.92.00	8519.21.00
0708.10.40	1519.11.00	2401.10.21	7109.00.00	8519.31.00
0709.10.00	1519.12.00	2401.10.29	7113.20.21	8519.99.00
0709.20.10	1601.00.40	2401.20.45	7114.19.00	8521.10.90
0710.22.15	1604.14.50	2401.20.55	7115.90.20	8527.90.90
0710.29.05	1604.16.30	2516.90.00	7319.20.00	8528.10.04
0710.29.30	1604.30.20	3920.93.00	7407.29.15	8528.10.11
0710.80.50	1605.10.05	4006.10.00	7603.10.00	8528.10.13
0710.80.65	1702.90.35	4104.39.20	7604.10.50	8528.10.34
0710.80.93	1703.90.30	4202.22.35	7614.90.20	8802.50.90
0711.30.00	1902.11.40	4205.00.60	7614.90.50	9006.53.00
0711.40.00	2005.80.00	4412.19.30	7615.10.10	9009.12.00
0714.10.00	2007.99.40	4412.19.40	8107.90.00	9018.11.60
0714.20.00	2007.99.48	4412.99.40	8112.11.60	9102.29.04
0714.90.10	2008.19.30	4421.90.10	8112.91.50	9303.90.80
0802.50.20	2008.50.20	4823.90.20	8213.00.60	9401.90.15
0802.50.40	2008.99.28	5209.51.30	8401.10.00	9506.61.00
0804.50.80	2008.99.35	5307.20.00	8402.20.00	9606.29.20
0811.20.20	2106.90.52	5607.30.20	8414.90.30	9614.20.60
0811.20.40	2202.90.36	5609.00.20	8419.90.20	9614.20.80
0811.90.50	2202.90.37	5702.99.20	8450.90.40	
0811.90.55	2207.10.30	5703.90.00	8469.10.80	

Annex II

Modifications to General Note 4 of the HTS

Effective with respect to articles both: (i) imported on or after January 1, 1976, and (ii) entered, or withdrawn from warehouse for consumption, on or after July 1, 1995.

(A). General note 4(a) is modified by:

(1). deleting "Each of the former republics of the Socialist Federal Republic of Yugoslavia other than Serbia and Montenegro" from the list of independent countries; and

(2). inserting the following countries in alphabetical order in the list of independent countries--

Bosnia and Hercegovina
Croatia
Macedonia, Former Yugoslav Republic of
Slovenia

Annex II (continued)

(B). General note 4(d) is modified by:

(1). adding in numerical sequence, the following HTS subheadings and countries set out opposite them:

0304.20.50	Argentina
0703.10.20	Chile
0708.10.20	Guatemala
0708.10.40	Guatemala
0709.10.00	Chile
0709.20.10	Peru
0710.22.15	Guatemala
0710.29.05	Turkey
0710.29.30	Dominican Republic
0710.80.50	Dominican Republic
0710.80.65	Guatemala
0710.80.93	Guatemala
0711.30.00	Turkey
0711.40.00	Sri Lanka
0714.10.00	Costa Rica
0714.20.00	Dominican Republic
0714.90.10	Costa Rica
0802.50.20	Turkey
0802.50.40	Turkey
0804.50.80	Thailand
0811.20.20	Chile
0811.20.40	Chile
0811.90.50	Costa Rica
0811.90.55	Guatemala
0813.40.10	Thailand
0813.40.80	Thailand
1106.30.20	Ecuador
1519.11.00	Malaysia
1519.12.00	Malaysia
1601.00.40	Brazil
1604.14.50	Thailand
1604.16.30	Morocco
1604.30.20	Russia
1605.10.05	Thailand
1702.90.35	Belize
1703.90.30	Lebanon
1902.11.40	Thailand
2005.80.00	Thailand
2007.99.40	Thailand
2007.99.48	Argentina
2008.19.30	Turkey
2008.50.20	Argentina
2008.99.28	Turkey
2008.99.35	Thailand
2106.90.52	Philippines
2202.90.36	Colombia
2202.90.37	Dominican Republic
2207.10.30	Ecuador
2208.90.10	Trinidad and Tobago
2208.90.70	Russia
2309.90.70	Hungary
2401.10.21	Dominican Republic
2401.10.29	Honduras
2401.20.45	Indonesia
2401.20.55	Indonesia
2516.90.00	South Africa
3920.93.00	India
4006.10.00	Brazil
4104.39.20	Thailand
4202.22.35	Philippines
4205.00.60	Argentina
4412.19.30	Russia
4412.19.40	Indonesia
4412.99.40	Indonesia
4421.90.10	Honduras
4823.90.20	Philippines
5209.51.30	India
5307.20.00	India
5607.30.20	Philippines
5609.00.20	Philippines
5702.99.20	India
5703.90.00	India
6501.00.60	Czech Republic
7002.10.20	Malaysia
7106.92.00	Chile
7109.00.00	Chile
7113.20.21	Oman
7114.19.00	Chile
7115.90.20	Argentina
7319.20.00	Malaysia
7407.29.15	Chile
7603.10.00	Bahrain
7604.10.50	Russia
7614.90.20	Venezuela
7614.90.50	Venezuela
7615.10.10	Thailand
8107.90.00	Bulgaria
8112.11.60	Kazakhstan
8112.91.50	Chile
8213.00.60	Brazil
8401.10.00	Russia
8402.20.00	Colombia
8414.90.30	Slovenia
8419.90.20	Brazil
8450.90.40	Brazil
8469.10.00	Indonesia
8483.50.40	Malaysia
8517.82.40	Thailand
8519.21.00	Malaysia
8519.31.00	Malaysia
8519.99.00	Malaysia
8521.10.90	Malaysia
8527.90.90	Philippines
8528.10.04	Hungary
8528.10.11	Malaysia
8528.10.13	Malaysia
8528.10.34	Malaysia
8802.50.90	Russia
9006.53.00	Malaysia
9009.12.00	Thailand
9018.11.60	Argentina
9102.29.04	Philippines
9303.90.80	Russia
9401.90.15	Czech Republic
9506.61.00	Philippines
9606.29.20	Thailand
9614.20.60	Turkey
9614.20.80	Turkey

Annex II (continued)

(B). (con.):

(2). adding, in alphabetical order, the country set out opposite the following HTS subheadings:

1701.99.05	Colombia	2917.14.10	Brazil
1701.99.10	Colombia	2917.37.00	Romania
2804.29.00	Ukraine	2933.29.45	Slovenia
2805.40.00	Russia	2933.40.08	Hungary
2825.30.00	South Africa	2933.71.00	Russia
2825.70.00	Chile	2938.10.00	Brazil
2840.11.00	Turkey	3806.30.00	Argentina
2843.21.00	Chile	3823.90.40	Malaysia
2903.14.00	Brazil	4106.19.30	Pakistan
2903.23.00	Brazil	4106.20.60	Pakistan
2905.11.20	Trinidad and Tobago	4107.90.60	South Africa
2907.15.10	Russia	7202.21.10	Macedonia, Former Yugoslav Republic of
2910.20.00	Brazil		
2915.34.00	Venezuela	7403.12.00	Peru
2915.35.00	Venezuela	7605.11.00	Russia

Annex III

Modifications to the HTS

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 1995.

(1). General note 4(d) is modified by deleting "2921.43.18 India" and "2924.29.46 India" and by inserting "2921.43.19 India" and "2924.29.47 India" in numerical sequence.

(2). General note 4(d) is modified by deleting "2930.40.00 India", "2933.51.10 India", "2934.30.08 India", "2934.30.15 India" and "9504.20.60 Brazil" from such note.

(3). General note 4(d) is modified by inserting "2935.00.32 India" in numerical sequence in such note.

(4). The Rates of Duty 1-Special subcolumn for subheadings 0202.30.02 and 0202.30.10 is modified by inserting, in alphabetical order, the symbol "A" in the parentheses following the Free rate of duty in such subcolumn.

(5). The superior text immediately preceding subheading 9904.04.59 is deleted and the following "Provided for in subheadings 0404.10.15, 1517.90.60, 1704.90.58, 1806.20.82, 1806.20.83, 1806.32.70, 1806.32.80, 1806.90.08, 1806.90.10, 1901.20.15, 1901.20.50, 2106.90.66 or 2106.90.87" is inserted in lieu thereof.

Section B. For the following subheading, the Rates of Duty 1-General subcolumn is modified on January 1 of each year by deleting the existing general rate of duty and inserting in lieu thereof the rate of duty indicated in the table below for such year.

HTS Subheading	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004
3823.90.46	16.8%	15.7%	14.6%	13.4%	12.2%	11.1%	10%	8.8%	7.6%	6.5%

[FR Doc. 95–13019
Filed 5–23–95; 3:00 pm]
Billing code 3190–01–C

Presidential Documents

Memorandum of May 19, 1995

Delegation of Responsibilities Under Section 509 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236)

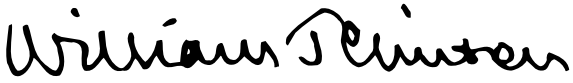
Memorandum for the Secretary of Defense

By the authority vested in me by the Constitution and laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby delegate to the Secretary of Defense the functions conferred upon the President by section 509 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), to transfer, with the concurrence of the Secretary of State, to the Republic of Korea, in return for concessions to be negotiated by the Secretary of Defense, any or all of the items described in paragraph (2) of section 509 of that Act, subject to the conditions, requirements and limitations set forth in section 509 of said Act.

Any reference in this delegation of authority to any Act shall be deemed to be a reference to such Act as amended from time to time.

The authority delegated to the Secretary of Defense may be redelegated within the Department of Defense.

You are authorized and directed to publish this memorandum in the **Federal Register**.



THE WHITE HOUSE,
Washington, May 19, 1995.

[FR Doc. 95–13041
Filed 5–23–95; 4:00 pm]
Billing code 5000–04–M

Rules and Regulations

Federal Register
Vol. 60, No. 101
Thursday, May 25, 1995

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

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

Animal and Plant Health Inspection Service

7 CFR Parts 300 and 319

[Docket No. 91–074–6]

RIN 0579–AA47

Importation of Logs, Lumber, and Other Unmanufactured Wood Articles

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: We are establishing comprehensive regulations concerning imported unmanufactured wood articles. The new regulations will affect persons importing logs, lumber, bark chips, wood chips, certain wood packing materials, and other unmanufactured wood articles. We are also amending several existing regulations to remove provisions concerning the importation of certain wood articles, and to state that such articles will instead be covered under the new regulations. We are also incorporating by reference Agriculture Handbook 188, the ''Dry Kiln Operator's Manual,'' which contains treatments authorized by this final rule. We are taking these actions because there is increased interest in importing large volumes of unmanufactured wood articles into the United States, and prohibitions and restrictions are necessary to eliminate any significant plant pest risk associated with importing these articles.

DATES: Final rule effective August 23, 1995. The Director of the Office of the Federal Register approved the incorporation by reference in accordance with 5 U.S.C. 552(a) and 1 CFR part 51 on August 23, 1995.

FOR FURTHER INFORMATION CONTACT: Mr. Richard L. Orr, Senior Entomologist, APHIS, Policy and Program Development, Planning and Risk Analysis Systems, 4700 River Road Unit 117, Riverdale, MD 20737–1238, 301–734–8939.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) is establishing comprehensive regulations to eliminate any significant plant pest risks presented by the importation [1] of logs, lumber, and other unmanufactured wood articles.

A changing national and world economy has recently increased the incentives to import wood that may present a significant increase in the risk of plant pest introduction into the United States. An example of this change is the interest of sawmills and other wood processors in utilizing foreign sources of wood to offset expected harvest reductions in the United States, or to provide raw materials for their facilities at prices competitive with or better than domestic prices.

Trees produced in many foreign locations are attacked by a wide variety of exotic plant pests and pathogens that do not occur in this country. Logs and other unmanufactured wood articles imported into the United States could pose a significant hazard of introducing plant pests and pathogens detrimental to agriculture and to natural, cultivated, and urban forest resources. Plant pests and pathogens introduced into the United States in the past, such as the gypsy moth and the agents of Dutch elm disease and chestnut blight, have caused billions of dollars of damage to United States forest and plant resources.

Until recently, the quantity and variety of unmanufactured wood imported were very limited, and there was little need to develop regulations specifically to address such imports. With few exceptions (see the discussion below of interim regulations allowing importation of certain logs from Chile and New Zealand), APHIS has been dealing with such imports only by detaining shipments at ports of first arrival for inspection, and ordering further action if warranted pursuant to the Federal Plant Pest Act and regulations issued under that Act (7 CFR part 330). In addition, APHIS has prohibited the entry into the United States of logs from the former Soviet Far East and Siberia because a detailed plant pest risk assessment found that dangerous plant pests could occur in such logs and may be introduced with them.

However, when large volumes of wood imports are involved, inspection at the port of first arrival without other conditions relating to the wood imports is not practical or adequate for preventing the introduction of plant pests associated with imported wood. Interest in importing logs and other unmanufactured wood articles from various countries is increasing rapidly toward a point where inspection and control activities solely at the port of first arrival will not be feasible. There is currently an intense commercial interest in developing a long-term industry in the Pacific Northwest for importing and processing logs from foreign countries. There is also potential for increased log and other unmanufactured wood article imports into other areas of the United States.

Interim Rules Affecting Certain Logs From Chile and New Zealand

An interim rule published in the **Federal Register** on February 16, 1993, and effective January 19, 1993 (58 FR 8524–8533, Docket No. 91–074–4), established importation requirements for Monterey pine and Douglas-fir logs from New Zealand. Plant pest risks associated with importing these articles, and import requirements that would reduce these risks to insignificant levels, were identified early in the course of developing comprehensive wood import regulations. Therefore, to reduce these plant pest risks as soon as possible, we established regulatory requirements in 7 CFR 319.40–1 through 319.40–8 for certain logs from New Zealand.

A second interim rule published in the **Federal Register** on November 9, 1993 (58 FR 59348–59353, Docket No. 91–074–5), and effective November 2, 1993, established importation requirements for Monterey pine logs from Chile. This interim rule applied the same requirements to Monterey pine logs from Chile that the first interim rule applied to Monterey pine and Douglas-fir logs from New Zealand.

[1] Throughout this document, the words ''import'' and ''importation'' are used to mean moving or bringing articles *into the territorial limits of the United States.*

This final rule replaces the regulations established by the interim rules with comprehensive regulations affecting importation of unmanufactured wood articles from all places, including Chile and New Zealand. The provisions contained in this rule for Monterey pine logs from Chile, and for Monterey pine and Douglas-fir logs from New Zealand are essentially the same as the requirements imposed by the interim rule, except that the interim rule used slightly different definitions due to its limited scope.

Proposed Rule

On January 20, 1994, we published a document in the **Federal Register** (59 FR 3002–3029, Docket No. 91–074–3) proposing to replace the interim regulations, ''Subpart—Logs from Chile and New Zealand,'' with a new ''Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles'' containing prohibitions and restrictions concerning imported unmanufactured wood articles.

The proposed rule, and this final rule, are based on an approach that gives importers three complementary options for importing regulated articles. These are:

(1) If the regulations contain specific requirements for importing a specific article from a specific country or area, you may import the article by complying with those requirements. Examples of this option include the importation of Monterey pine logs and raw lumber from Chile and New Zealand in accordance with the requirements of § 319.40–5, ''Importation and entry requirements for specified articles.'' We intend to add more articles, countries or areas from which articles may be imported, and importation requirements to this section as new requests to import various articles are evaluated and approved.

(2) If the regulations do not contain specific requirements for importing the article you wish to import, or if you believe the article may be safely imported under less stringent conditions than the regulations require, you may submit an application for a permit to import the article, and describe in the application information about the article's origin, processing, treatment, and handling. We will evaluate the permit request, conducting plant pest risk assessments as necessary, and if we determine that the article may be safely imported under conditions not already in the regulations, we will institute rulemaking to add the appropriate articles and conditions to § 319.40–5, ''Importation and entry requirements for specified articles.''

(3) If the regulations do not contain specific requirements for importing the article you wish to import, you may wish to import the article before there is time to complete plant pest risk assessments and add the article and the necessary specific importation requirements to the regulations. In this case, you may import the article by complying with one of the universal importation options in § 319.40–6. These universal options employ heat treatment and other conditions for importing logs and lumber not otherwise enterable. These universal options are relatively stringent, because they must eliminate the spectrum of potential plant pests and address risks that have not been characterized. The universal options are designed to give importers a way to import articles that would otherwise be prohibited until detailed plant pest risk assessments are completed. Whenever feasible, importers may choose to employ universal options while plant pest risk assessments and rulemaking are underway to establish less stringent requirements for the articles they wish to import. Importers of some articles may find that complying with a universal option is the most feasible and cost-effective way to import their articles.

Comments on the Proposed Rule

We solicited comments concerning our proposal for a 90-day comment period ending April 20, 1994. We received 56 comments by that date. Eleven were from companies and industrial associations involved in the harvesting and importation of logs and other wood products, or the manufacturing of wood products that could be derived from such imports, or the sale of products or processes used in such manufacturing. Eleven comments were from environmental organizations. Six comments were from universities. Four comments were from State agencies involved in forestry or agriculture. Four comments were from agencies of the Canadian government, and one from the Delegation of the Commission of the European Communities. National associations representing Federal and State employees involved in forestry, American growers of nursery stock, and interested members of the public also submitted comments.

We carefully evaluated these comments. While most supported implementing regulations addressing the importation of wood, many raised questions about how to do so in an optimally effective manner. These comments are discussed below in detail.

In response to the comments, APHIS is making eight changes to the proposed requirements. These changes are:

1. *Change the standard for heat treatment and heat treatment with moisture reduction from 56 °C for 30 minutes to 71.1 °C for 75 minutes.* This change is in response to several commenters who recommended that APHIS use 71.1 °C for 75 minutes as reported in the Forest Service's Scientific Panel Review of January 10, 1992—Proposed Test Shipment Protocol for Importing Siberian Larch Logs. Upon reviewing this research and our data from the proposal supporting a lesser temperature-time combination, we believe we were in error in believing that the proposed heat treatment would effectively eliminate all plant pests of concern. Specifically, a heat treatment of 56 °C for 30 minutes could allow various harmful fungi to survive. Research reports show that various fungi in wood can survive 1 to several hours of heat treatment at temperatures ranging from 56 °C to 70 °C, but are destroyed by a treatment of 71.1 °C for 75 minutes. The heat treatment required by the regulations must be able to effectively destroy all potentially dangerous fungi. Therefore, we are changing the requirements for heat treatment and heat treatment with moisture reduction in § 319.40–7 (c) and (d) to specify 71.1 °C for 75 minutes. We will allow heat treatment at lower temperatures only in specific kiln drying processes where the fungicidal action of the heat is extended over a long period of time and is complemented by moisture reduction (see below).

2. *Allow kiln drying conducted in accordance with acceptable industry practices to qualify as heat treatment with moisture reduction, in lieu of a specific temperature-time combination.* As proposed, heat treatment with moisture reduction had to raise the temperature at the center of the treated article to 56 °C for 30 minutes. If we changed this provision consistent with the above change in the temperature and time of heat treatments (i.e., 71.1 °C for 75 minutes), then most articles kiln dried according to industry practices would not qualify as heat treated with moisture reduction, even though they meet the dryness standard of the regulations (a moisture content of 20 percent or less, as specified in § 319.40–7(d)).

In fact, research shows that while some fungi survive temperatures between 56 °C and 70 °C for relatively short periods, all harmful fungi are destroyed by kiln drying that is conducted according to standard

industry practice, which often dries wood at lower temperatures over a period of 1 to many days, reducing the moisture content eventually to 20 percent or less.

In summary, heat treatment with moisture reduction is an effective treatment if it is employed in either of two ways. It may reduce the moisture content of the article quickly, by employing a temperature of 71.1 °C for 75 minutes or more; or, it may reduce the moisture content more slowly by employing standard industrial dry kiln practices using a lower temperature.

Several commenters suggested that to allow industry to use commonly employed kiln drying techniques to the extent they are effective, we should modify the requirement for heat treatment with moisture reduction. They cited a publication of the Forest Service which the wood industry relies on to specify acceptable kiln drying practices. This publication is the Dry Kiln Operator's Manual, Agriculture Handbook 188.

We agree with these comments, and are changing the requirement for heat treatment with moisture reduction in § 319.40–7(d) to provide that heat treatment with moisture reduction may employ:

1. Kiln drying conducted in accordance with the schedules prescribed for the regulated article in the Dry Kiln Operator's Manual, Agriculture Handbook 188, which is incorporated by reference at § 300.1 of this chapter; or,

2. Dry heat, exposure to microwave energy, or any other method that raises the temperature of the center of each treated regulated article to at least 71.1 °C, maintains the regulated articles at that center temperature for at least 75 minutes, and reduces the moisture content of the regulated article to 20 percent or less as measured by an electrical conductivity meter.

We are also incorporating by reference, in 7 CFR 300.1, the Dry Kiln Operator's Manual.

3. *Allow noncontainerized wood chips to be imported under certain conditions.* Many industry commenters cited a substantial economic burden if they had to import wood chips only in sealed containers, rather than on deck or in open containers. Several suggested allowing some wood chips to be imported on barges or other vessels, covered by tarpaulins, if the wood chips come from a relatively low-risk source (live healthy trees from a managed tropical plantation) and are alone on a vessel (no other regulated articles) that is moved directly to the United States.

We agree with this suggestion. Wood chips derived from live healthy trees from a managed tropical plantation are not likely to present plant pest risks that would not be controlled by the limits imposed by the regulations on the use of the chips. This is because there are few forest pests present in tropical climates that can survive winters in temperate climates. The few tropical plant pests that can survive temperate winters would likely be excluded from managed tropical plantations by the plant pest control practices employed at such plantations. If such chips are imported alone on a vessel and covered by a tarpaulin, there is little risk that the chips will be infested during transit by plant pests from higher-risk wood products. On the other hand, wood chips from unmanaged trees and trees in temperate areas are more likely to present serious plant pest risks. These chips should be subject to the full restrictions proposed for wood chips in the proposed rule, i.e., they should be imported in sealed containers, and subject to fumigation or heat treatment, to prevent the introduction of plant pests they may harbor.

Therefore, we are changing § 319.40–6(c)(2), the universal importation requirement for wood chips and bark chips, by adding the following sentence: ''If the wood chips or bark chips are derived from live, healthy, plantation-grown trees in tropical areas, they may be shipped on deck if no other regulated articles are present on the vessel, and the wood chips or bark chips are completely covered by a tarpaulin during the entire journey directly to the United States.''

4. *Allow pallets to be imported in accordance with the requirements for solid wood packing materials, even if the pallets are imported as cargo.* Several commenters noted that pallets should be allowed to be imported as cargo under no greater restrictions than if they are imported in actual use as packing. They pointed out that in normal shipping practice, large amounts of pallets are used to ship articles to a port, and then may be shipped as cargo from ports with a pallet surplus to ports with a pallet shortage. Commenters felt that pallets that have been in use, and have met the regulatory requirements for importation in use, do not present significant risks and should not have to meet additional requirements if they are subsequently moved as cargo.

We agree. We are changing § 319.40–3(b) to allow pallets that are imported as cargo to be imported under the same requirements that apply to pallets that are in use as packing materials at the time of importation. Briefly, these requirements are that if the pallets are free from bark and are used for articles that are not regulated articles, they must be accompanied by an importer document stating that they are totally free from bark, and apparently free from live plant pests. If the pallets are free from bark and are used for regulated articles, they must be accompanied by an importer document stating that they are totally free from bark, apparently free from live plant pests, and have been heat treated, fumigated, or treated with preservatives in accordance with § 319.40–7, or meet all the importation and entry conditions required for the regulated article the solid wood packing material is used to move. If the pallets are not free from bark, they must be accompanied by an importer document stating that the pallets have been heat treated, fumigated, or treated with preservatives in accordance with § 319.40–7. In all cases, the pallets are also subject to the inspection and other port of arrival requirements of § 319.40–9.

5. *Exclude European Russia from the group of Asian countries to which more severe prohibitions and restrictions apply.* Several commenters noted that the apparent intent to exclude European Russia from these more severe requirements was not carried out by the precise language, allowing many importations to occur from all places ''except countries in Asia that are wholly or in part east of 60° East Longitude and north of the Tropic of Cancer.'' Russia does extend east of 60° East Longitude. It was not our intent to include European Russia in this area, as can be seen from the context of the language in the preamble of the proposed rule. Therefore, we are changing this geographic description each time it appears to read ''except places in Asia that are east of 60° East Longitude and north of the Tropic of Cancer.''

6. *Continue to allow the ongoing importation of railroad ties from countries outside Asia, for subsequent pressure treatment and use in the United States, which APHIS has allowed to occur for some time.* Commenters noted that these articles are normally treated within 30 days, and have been considered low risk. We agree that the regulations should continue to allow the importation of these railroad ties. We are adding the following new paragraph (f) to § 319.40–5, the section concerning importation requirements for specified articles: ''Cross-ties (railroad ties) from all countries except places in Asia that are east of 60° East Longitude and north of the Tropic of Cancer may be imported if completely

free of bark and accompanied by an importer document stating that the cross-ties will be pressure treated within 30 days following the date of importation.''

7. *Amend the definition of ''Log'' so that it includes cants sawn from logs.* One commenter pointed out that by his reading of the regulations, it seemed likely that cants (partly trimmed logs) were subject to the same requirements as logs, but the regulations did not make this point absolutely clear. We did in fact intend that the regulations treat logs and cants the same. To make this clear, we are revising the proposed definition of ''Log,'' which read ''The bole of a tree; trimmed timber that has not been further sawn,'' to read ''The bole of a tree; trimmed timber that has not been sawn further than to form cants.''

8. *Amend the requirements for completing an application for an import permit to require that the applicant specify not only any chemical treatments that will be employed prior to or after importation, but also the dosage of the chemicals that is employed.* One commenter pointed out that the permit application procedure in proposed § 319.40–4(a) required the applicant to provide, among other information, the names of any chemicals employed in treatments prior to or after importation (proposed § 319.40–4(a) (4) and (5)). He suggested that the application should also include the dosage used for such treatments, so that APHIS and the public can judge whether the treatments are effectively applied. We agree, and are adding a requirement for dosage information to the affected sections.

With the exception of the changes just discussed, and minor editorial changes, we are adopting the provisions of the proposed rule as a final rule. Additional comments are discussed below.

Goals and Mission of APHIS as They Relate to the Proposed Rule

Comment: APHIS should not consider the needs of international trade but should focus exclusively on pest exclusion as worded in the Federal Plant Pest Act of 1957.

Response: It is important to recognize that APHIS has a number of responsibilities and legal mandates beyond the Federal Plant Pest Act. These include international trade agreements such as the General Agreement on Tariffs and Trade and the North American Free Trade Agreement, statutes such as the Regulatory Flexibility Act and the Paperwork Reduction Act, Executive Orders, and additional legal and policy guides. One of APHIS's basic responsibilities is plant pest exclusion, but this has to be conducted in balance with other national needs and goals.

The majority of comments which specifically addressed the issue of balancing the needs of international commerce with prevention of pest introduction clearly favored such a balancing. However, some commenters believed that APHIS should reduce or terminate raw wood exports, so that wood could be used to meet domestic needs, removing the need for the importation of raw wood. APHIS does not have statutory authority to stop or reduce the export of raw logs by U.S. private land owners and companies so that the wood can be used for domestic needs.

Opposition to the Importation of Unmanufactured Wood

Comment: APHIS should restrict imports to manufactured and/or finished wood products only.

Response: APHIS believes that this approach is too extreme. With proper mitigation and monitoring, the importation of some raw wood material from certain locations presents an insignificant plant pest risk.

Limitations of the Pest Risk Assessment Process

Comment: Some comments were directed toward the risk assessment process. A few were concerned that the process did not fully address the unknowns, did not address enough pests, or did not incorporate the full scope of experts needed.

Response: The risk assessments conducted by the Forest Service were the most resource extensive risk assessments ever utilized by APHIS to determine the plant pest risk associated with an imported commodity. Great care was taken to choose which assessments needed to be completed before the rule was written. The first assessment focused on raw timber from Siberia, which was identified as extremely high risk. From this assessment, some universal requirements for the rule were derived. Two additional risk assessments were conducted on those timber commodities which were identified as lower risk (specific species of plantation grown trees from New Zealand and Chile). The specific requirements for these commodities were developed from these assessments.

APHIS recognizes both the need for future assessments and the need to improve the risk assessment process. The risk assessment process used for the various assessments was derived from the National Research Council's section on ecological risk assessment as published in its 1993 ''Issues in Risk Assessment'' and represents the state of the art as it now stands for conducting ecological risk assessments.

APHIS recognizes that the process is not perfect and that evolution will continue to be necessary. The risk assessment process is being, and will continue to be, modified and improved to make sure that it is the best that the science of ecological risk assessment can provide.

One of the most difficult issues is how to assess the risk associated with unknown organisms, or with known organisms that do not have well-described characteristics or survival and spread capabilities. The regulations are designed to ensure that there is an insignificant risk that importing regulated articles will result in the entry and establishment of either known or unknown dangerous plant pests.

Need for More Assessments of Additional Log Species

Comment: APHIS needs to complete additional assessments for various timber products considered for importation.

Response: APHIS agrees, and with the cooperation of the Forest Service, will continue to conduct risk assessments and amend regulations based on them, as appropriate.

Packing Material

Comment: The regulations proposed for solid wood packing materials are too restrictive.

Response: We also received comments stating that the regulations proposed for solid wood packing materials are necessary and appropriate. We believe that the requirements in this final rulemaking document for the importation of solid wood packing materials are necessary to prevent the introduction of plant pests into the United States.

Temperate Hardwoods, Tropical Hardwoods, and Chips

Comment: Temperate and tropical hardwoods should be subject to entry requirements that are as strict as those for temperate softwoods.

Response: The volume of imported temperate and tropical hardwoods has remained at a low sustained level. These small shipments of high priced logs and lumber can be monitored and controlled much more easily than the proposed large shipments of softwood logs.

Comment: The proposed regulations for wood chip importations are too restrictive and it would not be feasible for importers to meet the requirements. The 30-day time limit for processing

wood chips after importation is too short, and the proposed requirement for containerized transportation of wood chips is unnecessary and costly.

Response: APHIS believes that the 30-day limit for processing the chips is reasonable. The extension to 60 days requested by several commenters would present additional concerns with monitoring and increased plant pest risk. One commenter was under the incorrect assumption that the chips still had to be processed within the 30-day period if they had been subjected to an approved fumigation. This is not the case. The 30-day limitation is directed toward raw, untreated chips.

The changes we are making to the proposed requirement for containerized transportation of wood chips are discussed above.

Methyl Bromide

Comment: In view of the negative effects of methyl bromide (MB) on the ozone layer, APHIS should not rely upon use of MB. Also, the regulations do not include plans for how APHIS will deal with articles requiring MB fumigation after MB is removed from regulatory use around the year 2001.

Response: APHIS is concerned about the effects of MB on the ozone layer and will abide by the Environmental Protection Agency's phase-out schedule. However, present reliance by commerce on MB is such that immediately terminating all regulatory use of MB is not realistic.

The regulations were written with the phase out of MB in mind. All MB requirements presented in the regulations have alternative treatments. It is APHIS's hope that industry will develop and implement alternative mitigation schedules (e.g. irradiation, heat, borate, etc.) to replace its reliance on methyl bromide for the importation of regulated articles.

Bark Removal on Temperate Softwood Logs

Comment: Temperate softwood logs should be required to have 100 percent of the bark removed before importation, since even small patches of bark can harbor insect pests.

Response: APHIS recognizes that 100 percent debarking of logs is not realistic. It is important to remember that APHIS requires either a heat treatment or fumigation to complement the debarking of temperate softwood logs. This combination of debarking with other mitigation requirements is sufficient to destroy plant pests of concern in the bark or directly under the bark.

Other Comments and Responses

Comment: APHIS should add other treatments, such as irradiation and borates, to the universal importation requirements.

Response: APHIS recognizes the potential value of irradiation, borates, and other treatments for use as universal or specific treatments. Ongoing research into the use of irradiation and borates on timber products looks promising. However, the data is not yet complete to the extent necessary for APHIS to propose specific treatments. Irradiation treatments as well as other alternatives will be added to the regulations as they are developed and proven both effective and operationally feasible.

Comment: For logs imported from Chile and New Zealand, APHIS should change the regulations to facilitate on-deck fumigation and transport of logs, and extend the time period for processing such imported logs after they are imported (currently 60 days).

Response: The restrictions associated with the movement of logs from Chile and New Zealand prompted a number of responses from industry. Extending the time allowed to process the logs once they enter the United States and allowing the fumigation and movement of logs on the deck of ships were the two most stated requests.

APHIS believes that allowing additional time beyond 60 days for processing the logs would make monitoring difficult and increase the plant pest risk. Therefore, APHIS will maintain the 60-day requirement.

APHIS has prohibited the movement of logs on the open deck of ships because of the possibility of infestation of the logs while at the port of origin and/or other foreign ports visited while the ship is in transit. APHIS believes that until the issue of infestation during shipment to the United States is satisfactorily answered, the movement of logs on the open deck of ships must continue to be prohibited.

Comment: The regulations should specify strong penalties that will be imposed on persons who do not comply with the regulations. The regulations should also make importers financially responsible for damages and control costs resulting from pests introduced through their shipments.

Response: For an importer, the primary practical consequence for non-compliance is future ineligibility to import additional shipments.

USDA has no authority to require importers to post bonds or otherwise stipulate their financial responsibility for costs that may result from introduced plant pests. However, individual shipments will be refused entry unless the shipments comply with regulatory requirements.

APHIS can also respond to violations by canceling compliance agreements. Because domestic processing facilities must hold a current compliance agreement to import and process many types of regulated articles in the regulations, APHIS can stop violators from importing articles by canceling or refusing to sign a compliance agreement.

In addition, statutory authority allows us to impose civil and criminal penalties on violators. Individuals also have recourse through the courts; persons who believe they suffered harm due to an importer who did not comply with regulatory requirements may file a civil suit against that importer.

Comment: APHIS must allocate additional resources and personnel, especially inspectors at ports and sawmills processing imported wood, if the regulations are to be successfully enforced and monitored.

Response: We agree that adequate resources and personnel, especially inspectors, must be devoted to prevent the introduction of plant pests into the United States. Adjustments in the level of personnel and resources devoted to APHIS programs are a normal part of management in the agency. Duties and staffing levels will be adjusted, at ports and elsewhere, to take the needs of the new wood import program into account.

While APHIS will assign some personnel to major ports to work specifically with wood imports, and will assign some personnel to work specifically with monitoring compliance both overseas and in domestic processing facilities, we believe much of the resources needed for this program are already in place, in the form of existing APHIS port personnel and cooperating personnel from State plant protection agencies.

Funding levels and agency personnel may vary from year to year. Import authorizations will not be provided if the level of resources decreases below the level needed to ensure that all imported regulated articles are subject to the level of inspection and monitoring necessary to prevent the introduction of plant pests into the United States.

Regarding APHIS resources needed to ensure compliance with the regulations, commenters should be aware that user fees we collect for some program operations will help to ensure that the needed resources are available.

Comment: The regulations would allow importers to self-certify, in the ''importer document,'' information

about the type, quantity, and origin of imported articles and any treatments that have been applied to them. This self-certification is not an adequate substitute for a certificate issued by a plant protection organization recording the required information. You cannot rely on importers to honestly and completely record the necessary information in an informal importer document. In particular, exports from the former Soviet Union are subject to rampant corruption, forgery of documents, and smuggling.

Response: Questions about enforcement of regulations and how to deter violators who may present inaccurate information and documents opens up a complex nest of issues much larger than any single regulation. The general position of APHIS on these issues is as follows:

1. *Violations are most likely when the profit for the violator is high and the risk is low.* APHIS plans its enforcement activities accordingly. We tend to scrutinize carefully large shipments of regulated articles, especially those of particularly valuable species. We employ various means to independently verify the accuracy of documents associated with these shipments—whether the documents are issued by an importer or by a government agency. We keep importers aware of the risks they face if they file inaccurate documents or fail to meet regulatory requirements. These risks include civil penalties, criminal fines and jail sentences, and loss of business due to APHIS rejection of permit applications and compliance agreement applications. Generally, wood commodities are not so lucrative that an importer would risk these penalties, especially long-term loss of business, for the sake of fraudulently importing any one shipment. We intend to vigorously publicize our enforcement activities related to this final rule during the initial implementation period, to make potential violators aware of the risks they face.

2. *Self-certification has worked in other programs.* Many APHIS and other Federal agencies have programs that rely in part on regulated individuals providing accurate certifications to the agency. Experience has shown that these programs can work when the interests of both the regulated party and the agency are served by accurate self-certification. Examples of APHIS programs that have successfully employed self-certification include the domestic Gypsy Moth quarantine under 7 CFR 301.45 through 301.45–12 (in which businesses operating under compliance agreements may issue certificates), and the importation program for greenhouse-grown potted plants from Canada under 7 CFR 319.37–4(c) (in which greenhouse growers apply labels which certify that their plants meet certain growing requirements). Such programs work, in part, because our inspectors learn to evaluate the accuracy of self-certifications through visual examination of the materials and through independent sources of information. The programs also work because they are generally employed where the regulated parties have a financial reason to desire a continuing relationship of trust with the regulating agency, so they can continue to do business. This is the case with importer documents employed in this final rule.

3. *The accuracy of self-certifications is often empirically tested at the port of first arrival.* Much of the information in importer documents can be independently checked, sometimes by direct inspection and testing. Inspectors can discover a great deal about the accuracy of documents concerning a shipment by looking for plant pests and evidence of treatments in the articles. Moisture content can be directly measured at ports to determine whether kiln drying has occurred. Fraudulent importer documents will often conflict with waybills, valid importer documents from earlier shipments, and other records. We intend to use all of these opportunities to enhance enforcement and create a culture in which importers see that issuing inaccurate documents is not worth the risk.

4. *Individual ''high-crime'' areas of international trade must be addressed in a larger forum than just the wood regulations.* We agree that doing business in the former Soviet Union presents severe problems for honest businesspersons and the customs services of many countries. There is widespread smuggling, forgery of documents, and coercion of officials related to exports from this area. While we are not aware of significant criminal activities affecting unmanufactured wood exports from the former Soviet Union, this may be because such exports to the United States have not been allowed to occur in significant quantities until now.

For these reasons, we will take particular care in enforcing regulatory requirements with regard to the importation of regulated articles from the former Soviet Union. As discussed above, there are numerous methods available to APHIS to confirm that the importation of regulated articles meets the regulatory requirements. We intend to employ them vigorously.

There is an ongoing, international effort to reduce the level of smuggling, fraud, and other criminal activity associated with exports from the former Soviet Union. The State Department and the Federal Bureau of Investigation are working with their counterparts in other countries and in the former Soviet republics to try to stabilize the situation, and APHIS will monitor the results of these efforts to determine what level of enforcement activity needs to be directed toward shipments of regulated articles from the former Soviet Union.

Comment: The regulations should minimize the costs associated with importing wood by imposing requirements that are both effective in pest control and cost efficient. To keep costs under control, the regulations should not include additional controls beyond those needed to control pest risk.

Response: We agree, and believe we have designed the regulations to effectively exclude plant pests at minimal cost. Wherever we had two or more alternative, equally effective control methods, we wrote the regulations to allow importers to choose whichever method was less costly and disruptive to commerce in their particular cases. Whenever control methods with significant costs were necessary, such as heat treatment, we avoided using detailed ''design standards'' that can add to costs by requiring treatment facilities to be built and operated in particular ways. Instead, we have employed ''performance standards'' that allow maximum freedom for innovation and cost savings to regulated parties.

Comment: In developing the proposed rule, APHIS failed to adequately communicate with the affected parties and the public. Only 10 representatives of environmental public interest organizations were on the distribution list for National Environmental Policy Act (NEPA) materials associated with the rule, and Indian Tribes with extensive forest holdings were not contacted.

Response: We disagree. APHIS had numerous contacts with potentially affected groups prior to rulemaking. We actively sought information from academic, environmental, and industry organizations and encouraged them to involve their constituents in contributing to APHIS development of a proposed rule. We sent representatives to forestry conferences to explain APHIS perspectives early in the process. We developed a mailing list of persons and organizations interested in potential rulemaking for wood imports, which grew to over 500 members by the time

the proposal was drafted. Persons on this list were informed of each significant step that preceded the proposal, for example, public meetings, plant pest risk analyses, and interim APHIS requirements at ports. We published an advance notice of proposed rulemaking prior to the proposed rule. We also established an electronic bulletin board, accessible by direct dial and through the Internet, to distribute copies of the proposed rule and associated documents and to accept public comments on the proposal. These activities resulted in far greater early public involvement than is usual for a Federal informal rulemaking proceeding.

Also, publication of the proposed rule in the **Federal Register** meets the minimum procedural standard for adequate public notice. We believe our outreach activities far exceeded this minimum standard. Certainly, any individual or group that was interested in the wood imports issue and was involved with the media and forums where wood and forestry issues are normally discussed had ample notice of, and opportunity to participate in, APHIS decisionmaking prior to the issuance of the proposed rule.

Comment: To ensure consistent nationwide requirements for importing wood, and to facilitate interstate and international commerce, the APHIS regulations should preempt all State and local requirements for wood imports. Officials in various States appear to have very different understandings of what authority they have over imports and how they are to interact with APHIS personnel.

Response: Executive Order 12612, ''Federalism,'' instructs Federal agencies not to take actions that exceed the powers enumerated for the Federal government in the Constitution, and not to unnecessarily preempt State law or preclude States from developing policies and taking actions at their discretion. We do not believe the proposed changes to the regulations raise Federalism implications in terms of the Executive Order. The regulations address how a Federal agency will conduct operations of a Federal program, and do not preclude States from developing policies or exercising their authority to involve their employees in any plant protection programs developed by a State. States are free to pass laws or implement regulations for State plant protection programs. However, State programs may not add requirements for importing regulated articles that are inconsistent or in conflict with the requirements established by the Federal regulations. States may not cite their participation in the enforcement of the Federal regulations as the basis for also enforcing additional requirements that are not contained in the Federal regulations.

In the ''Executive Order 12778'' section of the proposed rule, we stated ''If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted * * *.'' We believe State and local laws and regulations would be inconsistent with our rule if they prohibit imports allowed by our regulations, or if they impose conditions on importation that are in addition to the conditions set forth in this final rule. States may impose requirements in accordance with State law that are not inconsistent with our regulations.

Executive Order 12866 and Regulatory Flexibility Act

We are issuing this final rule in conformance with Executive Order 12866. This rule has been determined to be significant and has been reviewed by the Office of Management and Budget under Executive Order 12866.

We have prepared an economic analysis concerning this final rule. This analysis indicates that this rule will not have significant annual effects on the economy. Copies of the economic analysis may be obtained by sending a written request to APHIS, Policy and Program Development, Regulatory Analysis and Development, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Copies of the economic analysis are also available for inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect the analysis are requested to call ahead on (202) 690–2817 to facilitate entry at the reading room.

The United States has become the world's leading importer of unmanufactured wood. In 1990, the United States imported the equivalent of 34.4 million cubic meters (CBM) of logs, lumber, and other unmanufactured wood valued at about $5.1 billion. Total imports nearly tripled between 1950 and 1990, with most of this increase occurring after 1970. Historically, Canada has supplied the United States with virtually all of its unmanufactured wood imports.

Domestic production of logs, lumber, and other unmanufactured wood has increased steadily since 1950. In roundwood equivalents, production in 1990 was 1.6 times greater than in 1950. Most timber production occurs in southern and western States. In 1990, Oregon and Washington accounted for about 16 percent of the total U.S. tree harvest.

Domestic logging companies are facing increasing challenges from conservation groups. Conservationists are opposed to many tree harvesting practices, especially clear cutting. In addition, concern over habitats for wildlife has raised questions about replacement of old growth/diversified forests with monoculture. Conservation issues are likely to limit future tree harvests in several northwestern States.

Nationally, commercial forest lands are projected to decrease by about 4 percent over the next 50 years. Production is likely to decline in the Pacific Northwest and increase in the South and Rocky Mountain States.[2] A slightly limited domestic harvest combined with higher consumer demand would likely result in an increased demand for imported wood and wood products. Alternative supplies of logs and other wood products have been located in the former Soviet Union, New Zealand, Chile, Brazil, and other countries. Wood imports from alternative sources have the potential to introduce and disseminate exotic plant pests and diseases throughout the United States.

This final rule regulates the importation of logs and other unmanufactured wood products from all areas. There are exemptions from some requirements for imports from Canada and Mexican border states because most insects and other wood pests in these areas are also indigenous to the United States, or will become so through natural migration. Therefore, wood imports from Canada and Mexican border states do not pose a significant risk of exotic plant pest introduction.

The regulations will reduce to an insignificant level the risk of entry and dissemination of plant pests associated with unmanufactured wood imports. Some regulated wood products are prohibited importation based on plant pest risk assessments that reveal more than an insignificant risk of the introduction of plant pests. Unrestricted trade in unmanufactured wood would likely result in losses to domestic agriculture from plant pest damage. Without governmental regulation, private entities might engage in trading activities that would result in the introduction of plant pests into the United States.

[2] Over the next 50 years, new technologies may allow wood products companies to remove larger amounts of wood products from each tree.

The following items are subject to the regulations: logs; wood chips; lumber; whole trees; portions of trees not consisting solely of leaves, flowers, fruits, buds, or seeds; bark; cork; laths; hog fuel; sawdust; painted raw wood products; excelsior; wood mulch; wood shavings; pickets; stakes; shingles; solid wood packing materials; humus; compost; and litter. Manufactured wood products are not regulated by the rule. The regulations require that certain specified imported unmanufactured wood products be treated prior to arrival in the United States.

In 1990 the United States imported about 255,800 CBM of unmanufactured wood that would require treatment under the final regulations. These unmanufactured wood imports accounted for less than one percent of total 1990 domestic supplies. Imported shipments of kiln dried lumber are not required to be treated.

About 4.1 million newly manufactured units of wood dunnage were imported as cargo from regulated areas in 1990. Dunnage imported as cargo can be manufactured from rough untreated lumber that has not been stripped of all tree bark.[3] Imports comprised about 27 percent of the newly manufactured dunnage products available in the United States during 1990.

Imports of regulated articles that will now require treatment totaled about $27.4 million in 1990. Total domestic supplies of these articles exceeded $80 billion during the same year. Therefore, the value of imports that will require treatment under the final regulations represented less than one percent of total domestic supplies in 1990.

Our economic analysis estimates that this action would increase economic welfare for domestic producers of logs, lumber, and other regulated wood products by about $35.2 million. However, U.S. consumers of these products will incur a welfare loss of about $171.9 million.

About 98.8 percent of total estimated losses are attributable to treatment costs for dunnage (including scrap lumber) used to pack various commodities that are imported into the United States. APHIS anticipates that this loss will be mitigated as shipping companies switch to bark free dunnage materials to avoid Q–40 related treatment costs. Shippers will take precautions to ensure that dunnage is bark free before commodities are loaded at the foreign port of origin. The Agency maintains that bark free dunnage material is readily available throughout the world and can be substituted at little or no cost. Therefore, APHIS estimates that the required use of bark free dunnage will result in a negligible cost increase to shippers in the long run.

Complying with the rule's requirements may cost U.S. society up to $136.7 million; this represents the cost of plant pest exclusion. This cost estimate does not include the opportunity cost associated with importation of timber products like Siberian larch that might be imported in the absence of this rule. Data are not available to make this estimate. Additionally, this cost figure does not take into account either the benefits that would be accrued by excluding pests, or the probability that businesses would be able to reduce cost by switching to less costly options such as bark free dunnage.

If the United States does not expend resources to exclude plant pests through regulation or other means, such pests could become established and cause significant damage to domestic agriculture. For example, in the past few years plant pests including the Asian gypsy moth and pine shoot beetle have recently been introduced into the U.S., and several million dollars have been spent on efforts to control and prevent further spread to noninfested areas of the country. A recent USDA Forest Service pest risk assessment concerning potential Siberian timber imports evaluated the potential costs to U.S. society of several nonindigenous plant pests. The risk assessment estimated that introduction of a single pest, larch canker, could cause direct timber losses of $129.0 million annually. The same study estimated that a worst-case scenario involving heavy establishment of exotic defoliators in the United States could cost $58 billion (about $4.1 billion annually). This is a damage estimate of resources that would be lost to established defoliators.

The benefits that would accrue from pest exclusion may be less because control efforts would be put in place to regulate the spread of exotic pests. Total benefits should be calculated as the avoided cost of such control efforts and avoided damages to agricultural and forest resources. However, past experiences with introduced exotic defoliators indicate that control measures would not likely prevent further spread and thus make eradication extremely unlikely.

The initial estimated losses will be offset over time as businesses adapt to new international wood marketing channels. If resource constraints remain constant after this rule is implemented, consumers will purchase a slightly higher volume of domestic wood products at prices that are slightly higher than those that currently prevail in the U.S. market. However, domestic consumers will continue to supplement their wood and wood product purchases with imports whenever the imported price is lower than the domestic price.

Each year about 6 to 7.5 million non-bulk shipments of various commodities are imported into the United States. APHIS estimates that between 3.6 and 4.5 million (60 percent) of annual imported non-bulk shipments arrive in the United States packed in dunnage made of rough untreated wood with bark. The regulations will prohibit untreated dunnage with bark from entering the United States.

APHIS does not expect the economic impact on U.S. producers of regulated articles to be uniform across the country. Producers in southern and Rocky Mountain States will likely gain more than producers in the Pacific Northwest. Conservation issues and resource constraints will likely limit the amount of welfare gain acquired by loggers and sawmills in Oregon and Washington.

Pursuant to Title II of the Unfunded Mandates Reform Act of 1995 (''the Act''), which the President signed into law on March 22, 1995, USDA has assessed the effects of this rulemaking action on State, local, and tribal governments, and the private sector. This action does not compel the expenditure of $100 million or more by any State, local or tribal governments, or by anyone in the private sector, and therefore a statement under section 202 of the Act is not required.

The Regulatory Flexibility Act requires that APHIS specifically consider the economic impact of regulations on small entities. Small Business Administration (SBA) data indicates that about 25,998 domestic entities could be impacted by the restrictions on regulated articles. About 25,769 (99 percent) of these entities are classified as small according to SBA criteria. These consist of approximately 14,662 small logging companies or sawmills that produce domestic wood articles, and approximately 15,642 entities that could import foreign wood for processing or resale. (These two figures total more than 25,769 because some firms process or resell both domestic and imported wood.) These small entities should experience most of the anticipated $35.2 million increase in domestic welfare. This increase will be a small average economic benefit for

[3] For the purpose of this economic analysis, dunnage imported as cargo includes dunnage produced for first time use, and does not include dunnage manufactured from used or scrap lumber.

affected small entities, as it represents less than one percent of combined average annual sales for impacted small entities. A few small entities will undoubtedly accrue a disproportionate share of the domestic welfare increase due to their individual positions in their markets and variations in business strategies for dealing with new opportunities. The overall impact on small businesses is expected to be minor.

Under these circumstances, the Acting Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12778

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

National Environmental Policy Act

In accordance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), APHIS has prepared an environmental impact statement (EIS) addressing the importation of logs, lumber, and other unmanufactured wood in accordance with this rule. On August 12, 1994, a notice was published in the **Federal Register** (59 FR 41441) informing the public of the availability of the final EIS.

The final EIS considered and evaluated the six following alternatives:

Alternative 1—No Action (No Regulations)
Alternative 2—Final Regulations (Preferred Alternative)
Alternative 3—Prohibit Untreated Wood Except Packing Material
Alternative 4—Prohibit Untreated Wood
Alternative 5—Prohibit Unmanufactured Wood Except Packing Material
Alternative 6—Prohibit Unmanufactured Wood

The final EIS addressed the potential impacts to the human environment, including possible risks to human health, impacts to forest resources, impacts to biodiversity, impacts from the use of methyl bromide, and impacts to global climate change, cultural resources, and endangered and threatened species. A detailed analysis of potential impacts from the use of methyl bromide was prepared because of the classification of methyl bromide as an ozone depletor.

The analysis of the environmental impacts to all aspects of the human environment revealed that impacts attributable to the six alternatives are virtually identical, but are entirely dependent upon the degree to which plant pests are able to be excluded. Each alternative demonstrated a different likelihood of success.

Alternative 6 is the most protective, that is, the most likely to minimize the risk of plant pest introduction. However, it is also the most restrictive with regard to importation of unmanufactured wood articles. Alternative 1, the No Action Alternative, is believed to be the least protective, and more likely than the other alternatives to result in inadvertent plant pest introductions.

Alternative 4 is similar to Alternative 6 in that it is protective but may unnecessarily interfere with trade. The protective capacity of Alternatives 3 and 5 is diminished by the exclusion of packing materials from treatment requirements.

Alternative 2, the Preferred Alternative, offers a balanced approach to the importation of logs, lumber, and other unmanufactured wood articles that requires plant pest treatments in all cases in which APHIS has identified a risk of plant pest introductions. This alternative was selected by the agency and is reflected by this final rule.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this rule have been submitted for approval to the Office of Management and Budget.

List of Subjects

7 CFR Part 300

Incorporation by reference, Plant diseases and pests, Quarantine.

7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Incorporation by reference, Nursery stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, 7 CFR parts 300 and 319 are amended to read as follows:

PART 300—INCORPORATION BY REFERENCE

1. Part 300 is revised to read as follows:

Authority: 7 U.S.C. 150ee, 154, 161, 162, and 167; 7 CFR 2.17, 2.51, and 371.2(c).

§ 300.1 Materials incorporated by reference; availability.

(a) *Plant Protection and Quarantine Treatment Manual.* The Plant Protection and Quarantine Treatment Manual, which was reprinted on November 30, 1992, and includes all revisions through March 1995, has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(1) The treatments specified in the Plant Protection and Quarantine Treatment Manual and its revisions are required to authorize the movement of certain articles regulated by domestic quarantines (7 CFR parts 301 and 318) and foreign quarantines (7 CFR part 319).

(2) *Availability.* Copies of the Plant Protection and Quarantine Treatment Manual:

(i) Are available for inspection at the Office of the Federal Register Library, 800 North Capitol Street NW, Suite 700, Washington, DC; or,

(ii) May be obtained by writing or calling the Animal and Plant Health Inspection Service, Documents Management Branch, Printing Distribution and Mail Section, 4700 River Road Unit 1, Riverdale, MD 20737–1229, (301) 734–5524; or

(iii) May be obtained from field offices of the Animal and Plant Health Inspection Service, Plant Protection and Quarantine. Addresses of these offices may be found in local telephone directories.

(b) *Dry Kiln Operator's Manual.* The Dry Kiln Operator's Manual, which was published in August 1991 as Agriculture Handbook No. 188 by the United States Department of Agriculture, Forest Service, has been approved for incorporation by reference in 7 CFR chapter III by the Director of the Office of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

(1) The kiln drying schedules specified in the Dry Kiln Operator's Manual provide a method by which certain articles regulated by ''Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles'' (7 CFR 319.40–1 through 319.40–11) may be imported into the United States.

(2) *Availability.* Copies of the Dry Kiln Operator's Manual are available for inspection at the Office of the Federal Register Library, 800 North Capitol Street NW, Suite 700, Washington, DC, or are for sale as ISBN 0–16–035819–1 by the U.S. Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, DC 20402–9328.

PART 319—FOREIGN QUARANTINE NOTICES

2. The authority citation for part 319 is revised to read as follows:

Authority: 7 U.S.C. 150dd, 150ee, 150ff, 151–167, 450, 2803, and 2809; 21 U.S.C. 136 and 136a; 7 CFR 2.17, 2.51, and 371.2(c).

Subpart—Citrus Canker and Other Citrus Diseases

3. In § 319.19, paragraphs (a), (b), (c), and (d) are revised to read as follows:

§ 319.19 Notice of quarantine.

(a) In order to prevent the introduction into the United States of the citrus canker disease (*Xanthomonas citri* (Hasse) Dowson) and other citrus diseases, the importation into the United States of plants or any plant part, except fruit and seeds, of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae of the botanical family Rutaceae is prohibited, except as provided in paragraphs (b), (c), and (d) of this section.

(b) Plants or plant parts of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae of the botanical family Rutaceae may be imported into the United States for experimental or scientific purposes in accordance with conditions prescribed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture.

(c) Plants or plant parts of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae of the botanical family Rutaceae may be imported into Guam in accordance with § 319.37–6.

(d) Plants or plant parts of all genera, species, and varieties of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae of the botanical family Rutaceae that are regulated articles under §§ 319.40–1 through 319.40–11 may be imported into the United States in accordance with §§ 319.40–1 through 319.40–11 and without restriction by this subpart.

* * * * *

Subpart—Bamboo

4. The title ''Subpart—Bamboo'' is revised to read ''Subpart—Bamboo Capable of Propagation''.

5. In § 319.34, paragraphs (a) and (c) are removed; paragraphs (b) and (d) are redesignated as paragraphs (a) and (b); and newly designated paragraph (a) is revised to read as follows:

§ 319.34 Notice of quarantine.

(a) In order to prevent the introduction into the United States of dangerous plant diseases, including bamboo smut (*Ustilago shiraiana*), the importation into the United States of any variety of bamboo seed, bamboo plants, or bamboo cuttings capable of propagation,[1] including all genera and species of Bambuseae, is prohibited unless imported:

(1) For experimental or scientific purposes by the United States Department of Agriculture;

(2) For export, or for transportation and exportation in bond, in accordance with §§ 352.2 through 352.15 of this chapter; or,

(3) Into Guam in accordance with § 319.37–4(b).

* * * * *

Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products [1 2]

6. In § 319.37–1, the definition of ''Prohibited article'' is revised to read as follows:

§ 319.37–1 Definitions

* * * * *

Prohibited article. Any nursery stock, plant, root, bulb, seed, or other plant product designated in § 319.37–2 (a) or (b), except wood articles regulated under §§ 319.40–1 through 319.40–11, ''Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles.''

* * * * *

7. ''Subpart—Logs from Chile and New Zealand'' of this part is revised to read as follows:

Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles

Sec.

319.40–1 Definitions.
319.40–2 General prohibitions and restrictions; relation to other regulations.
319.40–3 General permits; articles that may be imported without a specific permit; articles that may be imported without either a specific permit or an importer document.
319.40–4 Application for a permit to import regulated articles; issuance and withdrawal of permits.
319.40–5 Importation and entry requirements for specified articles.
319.40–6 Universal importation options.
319.40–7 Treatments and safeguards.
319.40–8 Processing at facilities operating under compliance agreements.
319.40–9 Inspection and other requirements at port of first arrival.
319.40–10 Costs and charges.
319.40–11 Plant pest risk assessment standards.

Subpart—Logs, Lumber, and Other Unmanufactured Wood Articles

§ 319.40–1 Definitions.

Administrator. The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any employee of the United States Department of Agriculture delegated to act in his or her stead.

APHIS. The Animal and Plant Health Inspection Service, United States Department of Agriculture.

Bark chips. Bark fragments broken or shredded from log or branch surfaces.

Certificate. A certificate of inspection relating to a regulated article, which is issued by an official authorized by the national government of the country in which the regulated article was produced or grown, which contains a description of the regulated article, which certifies that the regulated article has been inspected, is believed to be free of plant pests, and is believed to be eligible for importation pursuant to the laws and regulations of the United States, and which may contain any specific additional declarations required under this subpart.

Compliance agreement. A written agreement between APHIS and a person engaged in processing, handling, or moving regulated articles, in which the person agrees to comply with requirements contained in the agreement.

Departmental permit. A document issued by the Administrator authorizing the importation of a regulated article for experimental, scientific, or educational purposes.

Free from rot. No more than two percent by weight of the regulated articles in a lot show visual evidence of fructification of fungi or growth of other microorganisms that cause decay and the breakdown of cell walls in the regulated articles.

General permit. A written authorization contained in § 319.40–3

---

[1] Regulations concerning the importation into the United States of bamboo not capable of propagation are set forth in §§ 319.40–1 through 319.40–11.

[1] The Plant Protection and Quarantine Program also enforces regulations promulgated under the Endangered Species Act of 1973 (P.L. 93–205, as amended) which contains additional prohibitions and restrictions on importation into the United States of articles subject to this subpart (See 50 CFR parts 17 and 23).

[2] One or more common names of articles are given in parentheses after most scientific names (when common names are known) for the purpose of helping to identify the articles represented by such scientific names; however, unless otherwise specified, a reference to a scientific name includes all articles within the category represented by the scientific name regardless of whether the common name or names are as comprehensive in scope as the scientific name.

for any person to import the articles named by the general permit, in accordance with the requirements specified by the general permit, without being issued a specific permit.

Humus, compost, and litter. Partially or wholly decayed plant matter.

Import (imported, importation). To bring or move into the territorial limits of the United States.

Importer document. A written declaration signed by the importer of regulated articles, which must accompany the regulated articles at the time of importation, in which the importer accurately declares information about the regulated articles required to be disclosed by § 319.40–2(b).

Inspector. Any individual authorized by the Administrator to enforce this subpart.

Log. The bole of a tree; trimmed timber that has not been sawn further than to form cants.

Loose wood packing material. Excelsior (wood wool), sawdust, and wood shavings, produced as a result of sawing or shaving wood into small, slender, and curved pieces.

Lot. All the regulated articles on a single means of conveyance that are derived from the same species of tree and were subjected to the same treatments prior to importation, and that are consigned to the same person.

Lumber. Logs that have been sawn into boards, planks, or structural members such as beams.

Permit. A specific permit to import a regulated article issued in accordance with § 319.40–4, or a general permit promulgated in § 319.40–3.

Plant pest. Any living stage of any insects, mites, nematodes, slugs, snails, protozoa, or other invertebrate animals, bacteria, fungi, other parasitic plants or reproductive parts of parasitic plants, noxious weeds, viruses, or any organism similar to or allied with any of the foregoing, or any infectious substances, which can injure or cause disease or damage in any plants, parts of plants, or any products of plants.

Port of first arrival. The area (such as a seaport, airport, or land border station) where a person or a means of conveyance first arrives in the United States, and where inspection of regulated articles is carried out by inspectors.

Primary processing. Any of the following processes: cleaning (removal of soil, limbs, and foliage), debarking, rough sawing (bucking or squaring), rough shaping, spraying with fungicide or insecticide sprays, and fumigation.

Regulated article. The following articles, if they are unprocessed or have received only primary processing: logs; lumber; any whole tree; any cut tree or any portion of a tree, not solely consisting of leaves, flowers, fruits, buds, or seeds; bark; cork; laths; hog fuel; sawdust; painted raw wood products; excelsior (wood wool); wood chips; wood mulch; wood shavings; pickets; stakes; shingles; solid wood packing materials; humus; compost; and litter.

Sealed container; sealable container. A completely enclosed container designed for the storage or transportation of cargo, and constructed of metal or fiberglass, or other rigid material, providing an enclosure which prevents the entrance or exit of plant pests and is accessed through doors that can be closed and secured with a lock or seal. Sealed (sealable) containers are distinct and separable from the means of conveyance carrying them.

Solid wood packing material. Wood packing materials other than loose wood packing materials, used or for use with cargo to prevent damage, including, but not limited to, dunnage, crating, pallets, packing blocks, drums, cases, and skids.

Specific permit. A written document issued by APHIS to the applicant in accordance with § 319.40–4 that authorizes importation of articles in accordance with this subpart and specifies or refers to the regulations applicable to the particular importation.

Treatment Manual. The Plant Protection and Quarantine Treatment Manual, which is incorporated by reference at § 300.1 of this chapter in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

Tropical hardwoods. Hardwood timber species which grow only in tropical climates.

United States. All of the States of the United States, the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, the Virgin Islands of the United States, and all other territories and possessions of the United States.

Wood chips. Wood fragments broken or shredded from any wood.

Wood mulch. Bark chips, wood chips, wood shavings, or sawdust intended for use as a protective or decorative ground cover.

§ 319.40–2 General prohibitions and restrictions; relation to other regulations.

(a) *Permit required.* Except for regulated articles exempted from this requirement by paragraph (c) of this section or § 319.40–3, no regulated article may be imported unless a specific permit has been issued for importation of the regulated article in accordance with § 319.40–4, and unless the regulated article meets all other applicable requirements of this subpart and any requirements specified by APHIS in the specific permit.

(b) *Importer document; documentation of type, quantity, and origin of regulated articles.* Except for regulated articles exempted from this requirement by paragraph (c) of this section or § 319.40–3, no regulated article may be imported unless it is accompanied by an importer document stating the following information. A certificate that contains this information may be used in lieu of an importer document at the option of the importer:

(1) The genus and species of the tree from which the regulated article was derived;

(2) The country, and locality if known, where the tree from which the regulated article was derived was harvested;

(3) The quantity of the regulated article to be imported;

(4) The use for which the regulated article is imported; and

(5) Any treatments or handling of the regulated article required by this subpart that were performed prior to arrival at the port of first arrival.

(c) *Regulation of articles imported for propagation or human consumption.* The requirements of this subpart do not apply to regulated articles that are allowed importation in accordance with § 319.19, ''Subpart—Citrus Canker and Other Citrus Diseases''; § 319.34, ''Subpart—Bamboo Capable of Propagation''; or §§ 319.37 through 319.37–14, ''Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products''; or to regulated articles imported for human consumption that are allowed importation in accordance with §§ 319.56 through 319.56–8, ''Subpart—Fruits and Vegetables.''

(d) *Regulated articles imported for experimental, scientific or educational purposes.* Any regulated article may be imported without further restriction under this subpart if:

(1) Imported by the United States Department of Agriculture for experimental, scientific, or educational purposes;

(2) Imported pursuant to a Departmental permit issued by APHIS for the regulated article prior to its importation and kept on file at the port of first arrival; and

(3) Imported under conditions specified on the Departmental permit and found by the Administrator to be adequate to prevent the introduction into the United States of plant pests.

(e) *Designation of additional regulated articles.* An inspector may designate any article as a regulated article by giving written notice of the

designation to the owner or person in possession or control of the article. APHIS will implement rulemaking to add articles designated as regulated articles to the definition of regulated article in § 319.40–1 if importation of the article appears to present a recurring significant risk of introducing plant pests. Inspectors may designate an article as a regulated article after determining that:

(1) The article was imported in the same container or hold as a regulated article;

(2) Other articles of the same type imported from the same country have been found to carry plant pests; or

(3) The article appears to be contaminated with regulated articles or soil.

§ 319.40–3 General permits; articles that may be imported without a specific permit; articles that may be imported without either a specific permit or an importer document.

(a) *Canada and Mexico.* APHIS hereby issues a general permit to import articles authorized by this paragraph. Regulated articles from Canada and from states in Mexico adjacent to the United States border, other than regulated articles of the subfamilies Aurantioideae, Rutoideae, and Toddalioideae of the botanical family Rutaceae, may be imported without restriction under this subpart, except that they must be accompanied by an importer document stating that the regulated articles are derived from trees harvested in, and have never been moved outside, Canada or states in Mexico adjacent to the United States border, and except that they are subject to the inspection and other requirements in § 319.40–9.

(b) *Solid wood packing materials*—(1) *Free of bark; used with non-regulated articles.* APHIS hereby issues a general permit to import regulated articles authorized by this paragraph. Solid wood packing materials that are completely free of bark and are in actual use at the time of importation as packing materials for articles which are not regulated articles may be imported without restriction under this subpart, except that:

(i) The solid wood packing materials are subject to the inspection and other requirements in § 319.40–9; and

(ii) The solid wood packing materials must be accompanied at the time of importation by an importer document, stating that the solid wood packing materials are totally free from bark, and apparently free from live plant pests.

(2) *Free of bark; used with regulated articles.* APHIS hereby issues a general permit to import regulated articles authorized by this paragraph. Solid wood packing materials that are completely free of bark and are in actual use at the time of importation as packing materials for regulated articles may be imported without restriction under this subpart, except that:

(i) The solid wood packing materials are subject to the inspection and other requirements in § 319.40–9;

(ii) The solid wood packing materials must be accompanied at the time of importation by an importer document, stating that the solid wood packing materials are totally free from bark, and apparently free from live plant pests; and

(iii) The solid wood packing materials must be accompanied at the time of importation by an importer document, stating that the solid wood packing materials have been heat treated, fumigated, or treated with preservatives in accordance with § 319.40–7, or meet all the importation and entry conditions required for the regulated article the solid wood packing material is used to move.

(3) *Not free of bark; used with regulated or nonregulated articles.* APHIS hereby issues a general permit to import regulated articles authorized by this paragraph. Solid wood packing materials that are not completely free of bark and are in actual use as packing at the time of importation may be imported without restriction under this subpart, except that:

(i) The solid wood packing materials are subject to the inspection and other requirements in § 319.40–9;

(ii) The solid wood packing materials must be accompanied at the time of importation by an importer document, stating that the solid wood packing materials have been heat treated, fumigated, or treated with preservatives in accordance with § 319.40–7.

(4) *Pallets moved as cargo.* APHIS hereby issues a general permit to import regulated articles authorized by this paragraph. Pallets that are completely free of bark and that are not in actual use as packing at the time of importation (i.e., pallets moved as cargo) may be imported without restriction under this subpart, except that:

(i) The pallets are subject to the inspection and other requirements in § 319.40–9; and

(ii) The pallets are accompanied by an importer document stating that the pallets were previously eligible for importation in accordance with paragraph (b) of this section and have not had wood added to them since that use. Solid wood packing materials other than pallets that are imported as cargo must be imported in accordance with the requirements of this subpart for raw lumber.

(c) *Loose wood packing materials.* APHIS hereby issues a general permit to import regulated articles authorized by this paragraph. Loose wood packing materials (whether in use as packing or imported as cargo) that are dry may be imported subject to the inspection and other requirements in § 319.40–9 and without further restriction under this subpart.

(d) *Bamboo timber.* APHIS hereby issues a general permit to import regulated articles authorized by this paragraph. Bamboo timber which is free of leaves and seeds and has been sawn or split lengthwise and dried may be imported subject to the inspection and other requirements in § 319.40–9 and without further restriction under this subpart.

(e) *Regulated articles the permit process has determined to present no plant pest risk.* Regulated articles for which a specific permit has been issued in accordance with § 319.40–4(b)(2)(i) may be imported without other restriction under this subpart, except that they are subject to the inspection and other requirements in § 319.40–9.

§ 319.40–4 Application for a permit to import regulated articles; issuance and withdrawal of permits.

(a) *Application procedure.* A written application for a permit[1] must be submitted to the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, Port Operations Permit Unit, 4700 River Road Unit 136, Riverdale, MD 20737–1236. The completed application must include the following information:

(1) The specific type of regulated article to be imported, including the genus and species name of the tree from which the regulated article was derived;

(2) Country, and locality if known, where the tree from which the regulated article was derived was harvested;

(3) The quantity of the regulated article to be imported;

(4) A description of any processing, treatment or handling of the regulated article to be performed prior to importation, including the location where any processing or treatment was or will be performed and the names and dosage of any chemicals employed in treatments;

[1] Application forms for permits are available without charge from the Administrator, c/o the Permit Unit, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 4700 River Road, Riverdale, MD 20737, or local offices of Plant Protection and Quarantine, which are listed in telephone directories.

(5) A description of any processing, treatment, or handling of the regulated article intended to be performed following importation, including the location where any processing or treatment will be performed and the names and dosage of any chemicals employed in treatments;

(6) Whether the regulated article will or will not be imported in a sealed container or in a hold;

(7) The means of conveyance to be used to import the regulated article;

(8) The intended port of first arrival in the United States of the regulated article, and any subsequent ports in the United States at which regulated articles may be unloaded;

(9) The destination and general intended use of the regulated article;

(10) The name and address of the applicant and, if the applicant's address is not within the United States, the name and address of an agent in the United States whom the applicant names for acceptance of service of process; and

(11) A statement certifying the applicant as the importer of record.

(b) *Review of application and issuance of permit.* After receipt and review of the application, APHIS shall determine whether it appears that the regulated article at the time of importation will meet either the specific importation requirements in § 319.40–5 or the universal importation requirements in § 319.40–6.

(1) If it appears that the regulated article proposed for importation will meet the requirements of either § 319.40–5 or § 319.40–6, a permit stating the applicable conditions for importation under this subpart shall be issued for the importation of the regulated article identified in the application.

(2) If it appears that the regulated article proposed for importation will not meet the requirements of either § 319.40–5 or § 319.40–6 because these sections do not address the particular regulated article identified in the application, APHIS shall review the application by applying the plant pest risk assessment standards specified in § 319.40–11.

(i) If this review reveals that importation of the regulated article under a permit and subject to the inspection and other requirements in § 319.40–9, but without any further conditions, will not result in the introduction of plant pests into the United States, a permit for importation of the regulated article shall be issued. The permit may only be issued in unique and unforeseen circumstances when the importation of the regulated article is not expected to recur.

(ii) If this review reveals that the regulated article may be imported under conditions that would reduce the plant pest risk to an insignificant level, APHIS may implement rulemaking to add the additional conditions to this subpart, and after the regulations are effective, may issue a permit for importation of the regulated article.

(3) No permit will be issued to an applicant who has had a permit withdrawn under paragraph (d) of this section during the 12 months prior to receipt of the permit application by APHIS, unless the withdrawn permit has been reinstated upon appeal.

(c) *Permit does not guarantee eligibility for import.* Even if a permit has been issued for the importation of a regulated article, the regulated article may be imported only if all applicable requirements of this subpart are met and only if an inspector at the port of first arrival determines that no emergency measures pursuant to the Federal Plant Pest Act or other measures pursuant to the Plant Quarantine Act are necessary with respect to the regulated article.[2]

(d) *Denial and withdrawal of permits.* Any permit which has been issued may be withdrawn by an inspector or the Administrator if he or she determines that the person to whom the permit was issued has violated any requirement of this subpart. If the withdrawal is oral, the decision to withdraw the permit and the reasons for the withdrawal of the permit shall be confirmed in writing as promptly as circumstances permit. Any person whose permit has been denied or withdrawn may appeal the decision in writing to the Administrator within 10 days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the permit was wrongfully denied or withdrawn. The Administrator shall grant or deny the appeal, in writing, stating the reasons for granting or denying the appeal as promptly as circumstances permit. If there is a conflict as to any material fact and the person from whom the permit is withdrawn requests a hearing, a hearing shall be held to resolve the conflict. Rules of practice concerning the hearing shall be adopted by the Administrator.

[2] Section 105(a) of the Federal Plant Pest Act (7 U.S.C. 150dd(a)) provides, among other things, that the Secretary of Agriculture may, whenever he deems it necessary as an emergency measure in order to prevent the dissemination of any plant pest new to or not theretofore known to be widely prevalent or distributed within and throughout the United States, seize, quarantine, treat, apply other remedial measures to, destroy, or dispose of, in such manner as he deems appropriate, subject to section 105(d) of the Federal Plant Pest Act (7 U.S.C. 150dd(d)), any product or article, including any article subject to this subpart, which is moving into or through the United States, and which he has reason to believe is infested with any such plant pest at the time of the movement, or which has moved into the United States, and which he has reason to believe was infested with any such plant pest at the time of the movement. Section 10 of the Plant Quarantine Act (7 U.S.C. 164a) and section 107 of the Federal Plant Pest Act (7 U.S.C. 150ff) also authorize measures against regulated articles which are not in compliance with this subpart.

§ 319.40–5 Importation and entry requirements for specified articles.

(a) *Bamboo timber.* Bamboo timber consisting of whole culms or canes may be imported into Guam or the Northern Mariana Islands subject to inspection and other requirements of § 319.40–9. Bamboo timber consisting of whole culms or canes that are completely dry as evidenced by lack of moisture in node tissue may be imported into any part of the United States subject to inspection and other requirements of § 319.40–9.

(b) *Monterey pine logs and lumber from Chile and New Zealand; Douglas-fir logs and lumber from New Zealand—(1) Logs.* (i) *Requirements prior to importation.* Monterey or Radiata pine (*Pinus radiata*) logs from Chile or New Zealand and Douglas-fir (*Pseudotsuga menziesii*) logs from New Zealand that are accompanied by a certificate stating that the logs meet the requirements of paragraph (b)(1)(i) (A) through (D) of this section, and that are consigned to a facility in the United States that operates in accordance with § 319.40–8, may be imported in accordance with paragraphs (b)(1)(i)(A) through (b)(1)(iii) of this section.

(A) The logs must be from live healthy trees which are apparently free of plant pests, plant pest damage, and decay organisms.

(B) The logs must be debarked in accordance with § 319.40–7(b) prior to fumigation.

(C) The logs and any solid wood packing materials to be used with the logs during shipment to the United States must be fumigated in accordance with § 319.40–7(f)(1), within 45 days following the date the trees are felled and prior to arrival of the logs in the United States, in the holds or in sealable containers. Fumigation must be conducted in the same sealable container or hold in which the logs and solid wood packing materials are exported to the United States.

(D) During shipment to the United States, no other regulated article is permitted on the means of conveyance with the logs, unless the logs and the other regulated articles are in separate

holds or separate sealed containers, or, if the logs and other regulated articles are mixed in a hold or sealed container, the other regulated articles either have been heat treated with moisture reduction in accordance with § 319.40–7(d), or have been fumigated in the hold or sealable container in accordance with paragraph (b)(1)(i)(C) of this section.

(ii) *Requirements upon arrival in the United States.* The following requirements apply upon arrival of the logs in the United States.

(A) The logs must be kept segregated from other regulated articles from the time of discharge from the means of conveyance until the logs are completely processed at a facility in the United States that operates under a compliance agreement in accordance with § 319.40–8.

(B) The logs must be moved from the port of first arrival to the facility that operates under a compliance agreement in accordance with § 319.40–8 by as direct a route as reasonably possible.

(iii) *Requirements at the processing facility.* The logs must be consigned to a facility operating under a compliance agreement in accordance with § 319.40–8 that includes the following requirements:

(A) Logs or any products generated from logs, including lumber, must be heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d).

(B) The logs, including sawdust, wood chips, or other products generated from the logs in the United States, must be processed in accordance with paragraph (b)(1)(iii) of this section within 60 days from the time the logs are released from the port of first arrival.

(C) Sawdust, wood chips, and waste generated by sawing or processing the logs must be disposed of by burning, heat treatment in accordance with § 319.40–7(c), heat treatment with moisture reduction in accordance with § 319.40–7(d), or other processing that will destroy any plant pests associated with the sawdust, wood chips, and waste. Composting and use of the sawdust, wood chips, and waste as mulch are prohibited unless composting and use as mulch are preceded by fumigation in accordance with § 319.40–7(f)(3), heat treatment in accordance with § 319.40–7(c), or heat treatment with moisture reduction in accordance with § 319.40–7(d). Wood chips, sawdust, and waste may be moved in enclosed trucks for processing at another facility operating under a compliance agreement in accordance with § 319.40–8.

(2) *Raw lumber.* Raw lumber, including solid wood packing materials imported as cargo, from Chile or New Zealand derived from Monterey or Radiata pine (*Pinus radiata*) logs and raw lumber from New Zealand derived from Douglas-fir (*Pseudotsuga menziesii*) logs may be imported in accordance with paragraphs (b)(2) (i) and (ii) of this section.

(i) During shipment to the United States, no other regulated article (other than solid wood packing materials) is permitted on the means of conveyance with the raw lumber, unless the raw lumber and the other regulated articles are in separate holds or separate sealed containers; *Except for* mixed shipments of logs and raw lumber fumigated in accordance with § 319.40–7(f)(2) and moved in accordance with paragraph (b)(1)(i)(D) of this section. Raw lumber on the vessel's deck must be in a sealed container.

(ii) The raw lumber must be consigned to a facility operating under a compliance agreement in accordance with § 319.40–8 that requires the raw lumber to be heat treated in accordance with § 319.40–7(c) or heat treated with moisture reduction in accordance with § 319.40–7(d) before any cutting, planing, or sawing of the raw lumber, and within 30 days from the time the lumber is released from the port of first arrival.

(c) *Tropical hardwoods.*—(1) *Debarked.* Tropical hardwood logs and lumber that have been debarked in accordance with § 319.40–7(b) may be imported subject to the inspection and other requirements of § 319.40–9.

(2) *Not debarked.* Tropical hardwood logs that have not been debarked may be imported if fumigated in accordance with § 319.40–7(f)(1) prior to arrival in the United States.

(3) *Not debarked; small lots.* Tropical hardwood logs that have not been debarked may be imported into the United States, other than into Hawaii, Puerto Rico, or the Virgin Islands of the United States, if imported in a lot of 15 or fewer logs and subject to the inspection and other requirements of § 319.40–9.

(d) *Temperate hardwoods.* Temperate hardwood logs and lumber (with or without bark) from all places except places in Asia that are east of 60° East Longitude and north of the Tropic of Cancer may be imported if fumigated in accordance with § 319.40–7(f) prior to arrival in the United States and subject to the inspection and other requirements of § 319.40–9.

(e) *Regulated articles associated with exclusively tropical climate pests.* Regulated articles that have been identified by a plant pest risk assessment as associated solely with plant pests that can successfully become established only in tropical or subtropical climates may be imported if:

(1) The regulated article is imported only to a destination in the continental United States; and,

(2) the regulated article is not imported into any tropical or subtropical areas of the United States specified in the permit.

(f) Cross-ties (railroad ties) from all places except places in Asia that are east of 60° East Longitude and north of the Tropic of Cancer may be imported if completely free of bark and accompanied by an importer document stating that the cross-ties will be pressure treated within 30 days following the date of importation.

§ 319.40–6 Universal importation options.

(a) *Logs.* Logs may be imported if prior to importation the logs have been debarked in accordance with § 319.40–7(b) and heat treated in accordance with § 319.40–7(c). During the entire interval between treatment and export, the logs must be stored and handled in a manner which excludes any access to the logs by plant pests.

(b) *Lumber.*—(1) *Heat treated or heat treated with moisture reduction.* Lumber that prior to importation has been heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d), may be imported in accordance with paragraphs (b)(1) (i) and (ii) of this section.

(i) During shipment to the United States, no other regulated article (other than solid wood packing materials) is permitted on the means of conveyance with the lumber, unless the lumber and the other regulated articles are in separate holds or separate sealed containers, or, if the lumber and other regulated articles are mixed in a hold or sealed container, all the regulated articles have been heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d). Lumber on the vessel's deck must be in a sealed container, unless it has been heat treated with moisture reduction in accordance with § 319.40–7(d).

(ii) If lumber has been heat treated in accordance with § 319.40–7(c), that fact must be stated on the importer document, or by a permanent marking on each piece of lumber in the form of the letters ''HT'' or the words ''Heat Treated.'' If lumber has been heat treated with moisture reduction in accordance with § 319.40–7(d), that fact must be stated on the importer

document, or by a permanent marking, on each piece of lumber or on the cover of bundles of lumber, in the form of the letters ''KD'' or the words ''Kiln Dried.''

(2) *Raw lumber.* Raw lumber, including solid wood packing materials imported as cargo, from all places except places in Asia that are wholly east of 60° East Longitude and north of the Tropic of Cancer may be imported in accordance with paragraphs (b)(2) (i) and (ii) of this section.

(i) During shipment to the United States, no other regulated article (other than solid wood packing materials) is permitted on the means of conveyance with the raw lumber, unless the raw lumber and the other regulated articles are in separate holds or separate sealed containers. Raw lumber on the vessel's deck must be in a sealed container.

(ii) The raw lumber must be consigned to a facility operating under a compliance agreement in accordance with § 319.40–8 that requires the raw lumber to be heat treated in accordance with § 319.40–7(c) or heat treated with moisture reduction in accordance with § 319.40–7(d), within 30 days from the time the lumber is released from the port of first arrival. Heat treatment must be completed before any cutting, planing, or sawing of the raw lumber.

(c) *Wood chips and bark chips.* Wood chips and bark chips from any place except countries in Asia that are wholly east of 60° East Longitude and wholly or in part north of the Tropic of Cancer may be imported in accordance with this paragraph.

(1) The wood chips or bark chips must be accompanied by an importer document stating that the wood chips or bark chips were either:

(i) Derived from live, healthy, tropical species of plantation-grown trees grown in tropical areas; or

(ii) Fumigated with methyl bromide in accordance with § 319.40–7(f)(3), heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d).

(2) During shipment to the United States, no other regulated articles (other than solid wood packing materials) are permitted in the holds or sealed containers carrying the wood chips or bark chips. Wood chips or bark chips on the vessel's deck must be in a sealed container; *Except that;* If the wood chips or bark chips are derived from live, healthy, plantation-grown trees in tropical areas, they may be shipped on deck if no other regulated articles are present on the vessel, and the wood chips or bark chips are completely covered by a tarpaulin during the entire journey directly to the United States.

(3) The wood chips or bark chips must be free from rot at the time of importation, unless accompanied by an importer document stating that the entire lot was fumigated with methyl bromide in accordance with § 319.40–7(f)(3), heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d).

(4) Wood chips or bark chips imported in accordance with this paragraph must be consigned to a facility operating under a compliance agreement in accordance with § 319.40–8. The wood chips or bark chips must be burned, heat treated in accordance with § 319.40–7(c), heat treated with moisture reduction in accordance with § 319.40–7(d), or otherwise processed in a manner that will destroy any plant pests associated with the wood chips or bark chips, within 30 days of arrival at the facility. If the wood chips or bark chips are to be used for mulching or composting, they must first be fumigated in accordance with § 319.40–7(f)(3), heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d).

(d) *Wood mulch, humus, compost, and litter.* Wood mulch, humus, compost, and litter may be imported if accompanied by an importer document stating that the wood mulch, humus, compost, or litter was fumigated in accordance with § 319.40–7(f)(3), heat treated in accordance with § 319.40–7(c), or heat treated with moisture reduction in accordance with § 319.40–7(d).

(e) *Cork and bark.* Cork and cork bark, cinnamon bark, and other bark to be used for food, manufacture of medicine, or chemical extraction may be imported if free from rot at the time of importation and subject to the inspection and other requirements of § 319.40–9.

§ 319.40–7 Treatments and safeguards.

(a) *Certification of treatments or safeguards.* If APHIS determines that a document required for the importation of regulated articles is inaccurate, the regulated articles which are the subject of the certificate or other document shall be refused entry into the United States. In addition, APHIS may determine not to accept any further certificates for the importation of regulated articles in accordance with this subpart from a country in which an inaccurate certificate is issued, and APHIS may determine not to allow the importation of any or all regulated articles from any such country, until corrective action acceptable to APHIS establishes that certificates issued in that country will be accurate.

(b) *Debarking.* Except for raw lumber, no more than 2 percent of the surface of all regulated articles in a lot may retain bark, with no single regulated article retaining bark on more than 5 percent of its surface. For raw lumber, debarking must remove 100 percent of the bark.

(c) *Heat treatment.* Heat treatment must be performed only at a facility where APHIS or an inspector authorized by the Administrator and the national government of the country in which the facility is located has inspected the facility and determined that its operation complies with the standards of this paragraph. Heat treatment procedures may employ steam, hot water, kilns, exposure to microwave energy, or any other method (e.g., the hot water and steam techniques used in veneer production) that raises the temperature of the center of each treated regulated article to at least 71.1 °C and maintains the regulated article at that center temperature for at least 75 minutes. For regulated articles heat treated prior to arrival in the United States, during the entire interval between treatment and export the regulated article must be stored, handled, or safeguarded in a manner which excludes any infestation of the regulated article by plant pests.

(d) *Heat treatment with moisture reduction.* (1) Heat treatment with moisture reduction may employ:

(i) Kiln drying conducted in accordance with the schedules prescribed for the regulated article in the Dry Kiln Operator's Manual, Agriculture Handbook 188, which is incorporated by reference at § 300.1 of this chapter; or,

(ii) Dry heat, exposure to microwave energy, or any other method that raises the temperature of the center of each treated regulated article to at least 71.1 °C, maintains the regulated articles at that center temperature for at least 75 minutes, and reduces the moisture content of the regulated article to 20 percent or less as measured by an electrical conductivity meter.

(2) For regulated articles heat treated with moisture reduction prior to arrival in the United States, during the entire interval between treatment and export the regulated article must be stored, handled, or safeguarded in a manner which excludes any infestation of the regulated article by plant pests.

(e) *Surface pesticide treatments.* All United States Environmental Protection Agency registered surface pesticide treatments are authorized for regulated articles imported in accordance with this subpart. Surface pesticide

treatments must be conducted in accordance with label directions approved by the United States Environmental Protection Agency. When used on heat treated logs, a surface pesticide treatment must be first applied within 48 hours following heat treatment. The surface pesticide treatment must be repeated at least every 30 days during storage of the regulated article, with the final treatment occurring no more than 30 days prior to departure of the means of conveyance that carries the regulated articles to the United States.

(f) *Methyl bromide fumigation.* The following minimum standards for methyl bromide fumigation treatment are authorized for the regulated articles listed in paragraphs (f)(1) through (f)(3) of this section. Any method of fumigation that meets or exceeds the specified temperature/time/concentration products is acceptable.

(1) *Logs.* (i) *T–312 schedule.* The entire log and the ambient air must be at a temperature of 5 °C or above throughout fumigation. The fumigation must be conducted using schedule T–312 contained in the Treatment Manual. In lieu of the schedule T–312 methyl bromide concentration, fumigation may be conducted with an initial methyl bromide concentration of at least 240 g/m^3 with exposure and concentration levels adequate to provide a concentration-time product of at least 17,280 gram-hours calculated on the initial methyl bromide concentration.

(ii) *T–404 schedule.* The entire log and the ambient air must be at a temperature of 5 °C or above throughout fumigation. The fumigation must be conducted using schedule T–404 contained in the Treatment Manual. In lieu of the schedule T–404 methyl bromide concentration, fumigation may be conducted with an initial methyl bromide concentration of at least 120 g/m^3 with exposure and concentration levels adequate to provide a concentration-time product of at least 1920 gram-hours calculated on the initial methyl bromide concentration.

(2) *Lumber.* The lumber and the ambient air must be at a temperature of 5 °C or above throughout fumigation. The fumigation must be conducted using schedule T–404 contained in the Treatment Manual. In lieu of the schedule T–404 methyl bromide concentration, fumigation may be conducted with an initial methyl bromide concentration of at least 120 g/m^3 with exposure and concentration levels adequate to provide a concentration-time product of at least 1920 gram-hours calculated on the initial methyl bromide concentration.

(3) *Regulated articles other than logs or lumber.* (i) If the ambient air and the regulated articles other than logs or lumber are at a temperature of 21 °C or above throughout fumigation, the fumigation must be conducted using schedule T–404 contained in the Treatment Manual. In lieu of the schedule T–404 methyl bromide concentration, fumigation may be conducted with an initial methyl bromide concentration of at least 48 g/m^3 with exposure and concentration levels adequate to provide a concentration-time product of at least 760 gram-hours calculated on the initial methyl bromide concentration.

(ii) If the ambient air and the regulated articles other than logs or lumber are at a temperature of 4.5–20.5 °C throughout fumigation, the fumigation must be conducted using schedule T–404 contained in the Treatment Manual. In lieu of the schedule T–404 methyl bromide concentration, fumigation may be conducted with an initial methyl bromide concentration of at least 120 g/m^3 with exposure and concentration levels adequate to provide a concentration-time product of at least 1920 gram-hours calculated on the initial methyl bromide concentration.

(g) *Preservatives.* All preservative treatments that use a preservative product that is registered by the United States Environmental Protection Agency are authorized for treatment of regulated articles imported in accordance with this subpart. Preservative treatments must be performed in accordance with label directions approved by the United States Environmental Protection Agency.

§ 319.40–8 Processing at facilities operating under compliance agreements.

(a) Any person who operates a facility in which imported regulated articles are processed may enter into a compliance agreement to facilitate the importation of regulated articles under this subpart. The compliance agreement shall specify the requirements necessary to prevent spread of plant pests from the facility, requirements to ensure the processing method effectively destroys plant pests, and the requirements for the application of chemical materials in accordance with the Treatment Manual. The compliance agreement shall also state that inspectors must be allowed access to the facility to monitor compliance with the requirements of the compliance agreement and of this subpart. Compliance agreement forms may be obtained from the Administrator or an inspector.

(b) Any compliance agreement may be canceled by the inspector who is supervising its enforcement, orally or in writing, whenever the inspector finds that the person who entered into the compliance agreement has failed to comply with the conditions of the compliance agreement. If the cancellation is oral, the decision to cancel the compliance agreement and the reasons for cancellation of the compliance agreement shall be confirmed in writing, as promptly as circumstances permit. Any person whose compliance agreement has been canceled may appeal the decision in writing to the Administrator within 10 days after receiving written notification of the cancellation. The appeal shall state all of the facts and reasons upon which the person relies to show that the compliance agreement was wrongfully canceled. The Administrator shall grant or deny the appeal, in writing, stating the reasons for granting or denying the appeal, as promptly as circumstances permit. If there is a conflict as to any material fact and the person whose compliance agreement has been canceled requests a hearing, a hearing shall be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator.

§ 319.40–9 Inspection and other requirements at port of first arrival.

(a) *Procedures for all regulated articles.* (1) All imported regulated articles shall be inspected at the port of first arrival. If the inspector finds signs of plant pests on or in the regulated article, or finds that the regulated article may have been associated with other articles infested with plant pests, the regulated article shall be cleaned or treated as required by an inspector, and the regulated article and any products of the regulated article shall also be subject to reinspection, cleaning, and treatment at the option of an inspector at any time and place before all applicable requirements of this subpart have been accomplished.

(2) Regulated articles shall be assembled for inspection at the port of first arrival, or at any other place prescribed by an inspector, at a place and time and in a manner designated by an inspector.

(3) If an inspector finds that an imported regulated article is so infested with a plant pest that, in the judgment of the inspector, the regulated article cannot be cleaned or treated, or contains soil or other prohibited contaminants, the entire lot may be refused entry into the United States.

(4) No person shall move any imported regulated article from the port

of first arrival unless and until an inspector notifies the person, in writing or through an electronic database, that the regulated article:

(i) Is in compliance with all applicable regulations and has been inspected and found to be apparently free of plant pests; [3] or,

(ii) Has been inspected and the inspector requires reinspection, cleaning, or treatment of the regulated article at a place other than the port of first arrival.

(b) *Notice of arrival; visual examination of regulated articles at port of first arrival.* (1) At least 7 days prior to the expected date of arrival in the United States of a shipment of regulated articles imported in accordance with this subpart, the permittee or his or her agent must notify the APHIS Officer in Charge at the port of arrival of the date of expected arrival. The address and telephone number of the APHIS Officer in Charge will be specified in any specific permit issued by APHIS [4]. This notice may be in writing or by telephone. The notice must include the number of any specific permit issued for the regulated articles; the name, if any, of the means of conveyance carrying the regulated articles; the type and quantity of the regulated articles; the expected date of arrival; the country of origin of the regulated articles; the name and the number, if any, of the dock or area where the regulated articles are to be unloaded; and the name of the importer or broker at the port of arrival.

(2) Imported regulated articles which have been debarked in accordance with § 319.40–7(b) and can be safely and practically inspected will be visually examined for plant pests by an inspector at the port of first arrival. If plant pests are found on or in the regulated articles or if the regulated article cannot be safely and practically inspected, the regulated articles must be treated in accordance with the Treatment Manual.

(c) *Marking and identity of regulated articles.* Any regulated article, at the time of importation shall bear on the outer container (if in a container), on the regulated article (if not in a container), or on a document accompanying the regulated article the following information:

(1) General nature and quantity of the regulated articles;

(2) Country and locality, if known, where the tree from which the regulated article was derived was harvested;

(3) Name and address of the person importing the regulated article;

(4) Name and address of consignee of the regulated article;

(5) Identifying shipper's mark and number; and

(6) Number of the permit (if one was issued) authorizing the importation of the regulated article into the United States.

(d) *Sampling for plant pests at port of first arrival.* Any imported regulated article may be sampled for plant pests at the port of first arrival. If an inspector finds it necessary to order treatment of a regulated article at the port of first arrival, any sampling will be done prior to treatment.

§ 319.40–10 Costs and charges.

The services of an inspector during regularly assigned hours of duty and at the usual places of duty shall be furnished without cost to the importer.[5] The inspector may require the importer to furnish any labor, chemicals, packing materials, or other supplies required in handling regulated articles under this subpart. APHIS will not be responsible for any costs or charges, other than those identified in this section.

§ 319.40–11 Plant pest risk assessment standards.

When evaluating a request to import a regulated article not allowed importation under this subpart, or a request to import a regulated article under conditions other than those prescribed by this subpart, APHIS will conduct the following analysis to determine the plant pest risks associated with each requested importation in order to determine whether or not to issue a permit under this subpart or to propose regulations establishing conditions for the importation into the United States of the regulated article.

(a) *Collecting commodity information.* (1) APHIS will evaluate the application for information describing the regulated article and the origin, processing, treatment, and handling of the regulated article; and

(2) APHIS will evaluate history of past plant pest interceptions or introductions (including data from foreign countries) associated with the regulated article.

(b) *Cataloging quarantine pests.* For the regulated article specified in an application, APHIS will determine what plant pests or potential plant pests are associated with the type of tree from which the regulated article was derived, in the country and locality from which the regulated article is to be exported. A plant pest that meets one of the following criteria is a quarantine pest and will be further evaluated in accordance with paragraph (c) of this section:

(1) Non-indigenous plant pest not present in the United States;

(2) Non-indigenous plant pest, present in the United States and capable of further dissemination in the United States;

(3) Non-indigenous plant pest that is present in the United States and has reached probable limits of its ecological range, but differs genetically from the plant pest in the United States in a way that demonstrates a potential for greater damage potential in the United States;

(4) Native species of the United States that has reached probable limits of its ecological range, but differs genetically from the plant pest in the United States in a way that demonstrates a potential for greater damage potential in the United States; or

(5) Non-indigenous or native plant pest that may be able to vector another plant pest that meets one of the criteria in paragraphs (b)(1) through (4) of this section.

(c) *Determining which quarantine pests to assess.* (1) APHIS will divide quarantine pests identified in paragraph (b) of this section into groups depending upon where the plant pest is most likely to be found. The plant pests would be grouped as follows:

(i) Plant pests found on the bark;

(ii) Plant pests found under the bark; and

(iii) Plant pests found in the wood.

(2) APHIS will subdivide each of the groups in paragraph (c)(1) of this section into associated taxa.

(3) APHIS will rank the plant pests in each group in paragraph (c)(2) of this section according to plant pest risk, based on the available biological information and demonstrated plant pest importance.

(4) APHIS will identify any plant pests ranked in paragraph (c)(3) of this section for which plant pest risk assessments have previously been performed in accordance with this section. APHIS will conduct individual plant pest risk assessments for the remaining plant pests, starting with the highest ranked plant pest(s) in each group.

(5) The number of plant pests in each group to be evaluated through individual plant pest risk assessment will be based on biological similarities

[3] Certain regulated articles may also be subject to §§ 319.56 through 319.56–8, ''Subpart—Fruits and Vegetables,'' or to Noxious Weed Act regulations under part 360 of this chapter, or to Endangered Species Act regulations under parts 355 and 356 of this chapter and 50 CFR parts 17 and 23.

[4] A list of APHIS Officers in Charge may be obtained from the Administrator, c/o Port Operations, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, 4700 River Road, Riverdale, MD 20737.

[5] Provisions relating to costs for other services of an inspector are contained in part 354 of this chapter.

of members of the group as they relate to measures taken in connection with the importation of the regulated article to mitigate the plant pest risk associated with the regulated article. For example, if the plant pest risk assessment for the highest ranked plant pest indicates a need for a mitigation measure that would result in the same reduction of risk for other plant pests ranked in the group, the other members need not be subjected to individual plant pest risk assessment.

(d) *Conducting individual plant pest risk assessments.* APHIS will evaluate each of the plant pests identified in paragraph (c)(4) of this section by:

(1) Estimation of the probability of the plant pest being on, with, or in the regulated article at the time of importation;

(2) Estimation of the probability of the plant pest surviving in transit on the regulated article and entering the United States undetected;

(3) Estimation of the probability of the plant pest colonizing once it has entered into the United States;

(4) Estimation of the probability of the plant pest spreading beyond any colonized area; and

(5) Estimation of the damage to plants that could be expected upon introduction and dissemination within the United States of the plant pest.

(e) *Estimating unmitigated overall plant pest risk.* APHIS will develop an estimation of the overall plant pest risk associated with importing the regulated article based on compilation of individual plant pest risk assessments performed in accordance with paragraph (d) of this section.

(f) *Evaluating available requirements to determine whether they would allow safe importation of the regulated article.* The requirements of this subpart, and any other requirements relevant to the regulated article and plant pests involved, will be compared with the individual plant pest risk assessments in order to determine whether particular conditions on the importation of the regulated article would reduce the plant pest risk to an insignificant level. If APHIS determines that the imposition of particular conditions on the importation of the regulated article could reduce the plant pest risk to an insignificant level, and determines that sufficient APHIS resources are available to implement or ensure implementation of the conditions, APHIS will implement rulemaking to allow importation of the requested regulated article under the conditions identified by the plant pest risk assessment process.

Subpart—Packing Materials

§ 319.69 [Amended]

8. The introductory text to § 319.69 is removed.

9. In § 319.69, paragraph (a), the phrase ''On and after July 1, 1933, the'' is removed and the word ''The'' is added in its place.

10. In § 319.69, paragraph (b), the phrase ''On and after June 8, 1953, the'' is removed and the word ''The'' is added in its place.

11. In § 319.69, paragraph (b)(3) is removed, and paragraphs (b)(4) and (b)(5) are redesignated as paragraphs (b)(3) and (b)(4), respectively.

§ 319.69a [Amended]

12. In § 319.69a, paragraph (a) is amended by removing the reference ''(b)(1), (3), and (4)'' and adding the reference ''(b)(1) and (3)'' in its place.

Done in Washington, DC, this 19th day of May 1995.

Terry L. Medley,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95–12789 Filed 5–24–95; 8:45 am]

BILLING CODE 3410–34–P

Agricultural Marketing Service

7 CFR Part 946

[FV95–946–2FR]

Irish Potatoes Grown in Washington; Establishment of Interest Charge on Overdue Assessment Payments and Clarification of Operating Reserve Authority

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule establishes an interest charge on overdue assessments under the marketing order and clarifies authority for an operating reserve not to exceed approximately two fiscal periods' expenses. This action will contribute to the efficient operation of the order by ensuring that adequate funds are available to cover authorized expenses incurred under the order. This rule was recommended by the State of Washington Potato Committee (Committee), the agency responsible for the local administration of the order.

EFFECTIVE DATE: May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Dennis L. West, Northwest Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, Oregon 97204–2807; telephone: (503) 326–2724; or James B. Wendland, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, room 2523–S, Washington, D.C. 20090–6456; telephone: (202) 720–2170.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 113 and Marketing Order No. 946 (7 CFR part 946), both as amended, regulating the handling of Irish potatoes grown in Washington, hereinafter referred to as the ''order.'' The order is authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (Department) is issuing this final rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12778, Civil Justice Reform. This action is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this action.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary of Agriculture (Secretary) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction in equity to review the Secretary's ruling on the petition, provided a bill in equity is filed not later than 20 days after the date of the entry of the ruling.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially

small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 50 handlers of Washington potatoes subject to regulation under the order and approximately 450 producers of Washington potatoes in the regulated production area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those whose annual receipts are less than $500,000. The majority of potato handlers and producers regulated under the order may be classified as small entities.

This rule (1) establishes an interest charge of one (1) percent per month to be applied to any assessment balance remaining unpaid after 30 days, and (2) clarifies that funds in the operating reserve may not exceed approximately two fiscal periods' expenses.

These changes were unanimously recommended by the Committee. The changes will contribute to the efficient operation of the program by ensuring that adequate funds are available to cover the Committee's authorized expenses.

Section 946.41 of the order specifies that if handlers do not pay their assessments within the time prescribed by the Committee, the assessments may be increased by a late payment charge or an interest charge, or both, at rates prescribed by the Committee with the approval of the Secretary.

The Committee depends upon handler assessment payments for operating funds. Handlers are invoiced by the Committee on a monthly basis. However, some handlers are continually late with their assessment payments, and a few wait until the end of the season to remit to the Committee what is owed. When assessments are not paid in a timely manner, the handlers paying assessments on time are placed in an unfair situation compared with the delinquent handlers, who have use of that unpaid assessment money for other purposes, including earning interest in a financial institution.

As part of its collection efforts, the Committee has requested handlers to promptly submit delinquent assessment payments. However, such requests have not substantially decreased the frequency of delinquent payments. To facilitate the collection of assessments needed for the maintenance and functioning of the Committee, it recommended the establishment of an interest charge of one (1) percent per month to be applied to any assessment balance remaining unpaid after 30 days, and that this one (1) percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated unpaid interest. The Committee believes that these charges are high enough to encourage timely assessment payments. The charges are within the interest range customarily charged by banks on commercial accounts.

This change will encourage handlers to pay their assessments when due, thereby eliminating inequities. The Committee believes that this will be an effective means to ensure timely payments. This action is expected to reduce the need for Department involvement with compliance efforts and thereby reduce the costs for the government to administer the order.

Effective June 5, 1972, § 946.42 of the order was revised to authorize the Committee to maintain an operating reserve not to exceed approximately two fiscal periods' operational expenses, or such lower limits as the Committee, with the approval of the Secretary, may establish (37 FR 10915; June 1, 1972). Funds in the reserve are available for use by the Committee for expenses authorized pursuant to § 946.40. Since June of 1972, the Committee has conducted its financial operations with a reserve approximating two fiscal periods' expenses and has not recommended a lower limit.

However, the proviso in paragraph (a) of § 946.142 of Subpart—Rules and Regulations (7 CFR § 946.100–946.142; 32 FR 16199; November 28, 1967) limiting the operating reserve to approximately one fiscal year's expenses has never been updated to bring it into conformity with amended paragraph (a) of § 946.42 of the order. This rule makes that conforming change by changing the words ''one fiscal year's expenses'' at the end of the proviso to ''two fiscal periods' expenses''.

A proposed rule on these actions was published in the **Federal Register** on April 18, 1995, (60 FR 19382). It provided a 15-day comment period which ended May 3, 1995. No comments were received.

Based on available information, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

After consideration of all relevant matters presented, the information and recommendations submitted by the Committee and other information, it is found that finalizing the proposed rule, without change, as published in the **Federal Register** (60 FR 19382, April 18, 1995), will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined that good cause exists for not postponing the effective date of this action until 30 days after publication in the **Federal Register** because: (1) This action clarifies authority for an operating financial reserve approximating two fiscal periods' expenses rather than one; (2) this action should be in effect as soon as possible so handlers can make plans for the upcoming shipping season and to encourage any handlers owing delinquent assessments to promptly pay; (3) this action was unanimously recommended by the Committee at an open public meeting and all interested persons had an opportunity to provide input; and (4) this action provided a 15-day period for submission of written comments and none were received.

List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 946 is amended as follows:

PART 946—IRISH POTATOES GROWN IN WASHINGTON

1. The authority citation for 7 CFR part 946 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. A new § 946.141 is added to read as follows:

§ 946.141 Late payment and interest charge.

The Committee shall impose an interest charge on any handler who fails to pay his or her assessment within thirty (30) days of the billing date shown on the handler's assessment statement received from the Committee. The interest charge shall, after 30 days, be one percent of the unpaid assessment balance. In the event the handler fails to pay the delinquent assessment, the one percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated unpaid interest. Any amount paid by a handler as an assessment, including any charges imposed pursuant to this paragraph, shall be credited when the payment is received in the Committee office.

3. In § 946.142, paragraph (a) is revised to read as follows:

§ 946.142 Operating reserve.

(a) The Committee, with the approval of the Secretary, may carry over excess funds into subsequent fiscal periods as an operating reserve: *Provided*, That

funds in the operating reserve may not exceed approximately two fiscal periods' expenses.

* * * * *

Dated: May 19, 1995.

Sharon Bomer Lauritsen,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 95–12803 Filed 5–24–95; 8:45 am]

BILLING CODE 3410–02–P

FARM CREDIT ADMINISTRATION

12 CFR Part 620

RIN 3052–AB37

Disclosure to Shareholders; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA) published a final regulation under part 620 on April 24, 1995 (60 FR 20011). The final regulation amends its disclosure requirements for association annual meeting information statements including required disclosures for director candidates nominated from the floor. The amendments provide associations more flexibility in accepting floor nominations for director positions, clarify disclosure requirements when annual meetings are held in more than one session and shareholders vote by mail, and make other technical changes. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is May 24, 1995.

EFFECTIVE DATE: The regulation amending 12 CFR part 620 published on April 24, 1995 (60 FR 20011) is effective May 24, 1995.

FOR FURTHER INFORMATION CONTACT:

Laurie A. Rea, Policy Analyst, Regulation Development, Office of Examination, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4498, TDD (703) 883–4444,

or

James M. Morris, Senior Attorney, Regulatory Operations Division, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TDD (703) 883–4444.

(12 U.S.C. 2252(a) (9) and (10))

Dated: May 19, 1995.

Floyd Fithian,

Secretary, Farm Credit Administration Board.

[FR Doc. 95–12761 Filed 5–24–95; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–SW–09–AD; Amendment 39–9239; AD 95–11–05]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale and Eurocopter France Model AS–355 E, F, F1, F2, and N Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Societe Nationale Industrielle Aerospatiale and Eurocopter France (Eurocopter France) Model AS–355 E, F, F1, F2, and N helicopters. This action requires a check to ensure that the main gearbox (MGB) oil pressure warning light illuminates during each shutdown of the helicopter engine until the MGB oil pressure switch (switch) is removed and replaced. This amendment is prompted by a malfunction of the MGB switch. This condition, if not corrected, could result in failure to detect a loss of oil pressure, loss of the MGB, loss of power to the main rotor system, and subsequent loss of control of the helicopter.

DATES: Effective June 9, 1995.

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

Comments for inclusion in the Rules Docket must be received on or before July 24, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–SW–09–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., 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. Richard Monschke, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5116, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: The Direction Generale De L'Aviation Civile, which is the airworthiness authority for France, has notified the FAA that an unsafe condition may exist on Eurocopter France Model AS–355 E, F, F1, F2, and N helicopters. The Direction Generale De L'Aviation Civile advises that a possible malfunction of the MGB switch, part number (P/N) 704A37–721–082 (S1130–021–082), modification number 350A07–7141, was reported by the manufacturer.

Eurocopter France has issued Eurocopter Service Bulletin AS 355 No. 01.39, Revision 1, dated April 21, 1994, which specifies a check each time the rotor is stopped to ensure that the MGB oil pressure warning light illuminates, and removal of the MGB switch, P/N 704A37–721–082 (S1130–021–082), modification number 350A07–7141, and replacement with an airworthy MGB switch. The Direction Generale De L'Aviation Civile classified this service bulletin as mandatory and issued AD 94–088–050(B) in order to assure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Direction Generale De L'Aviation Civile has kept the FAA informed of the situation described above. The FAA has examined the findings of the Direction Generale De L'Aviation Civile, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model AS–355 E, F, F1, F2, and N helicopters of the same type design registered in the United States, this AD is being issued to prevent an undetected loss of oil pressure, loss of the MGB, loss of power to the main rotor system, and subsequent loss of control of the

helicopter. This AD requires a check during each shutdown of the helicopter engine to ensure that the MGB oil pressure warning light illuminates, and removal of the MGB switch, P/N 704A37–721–082 (S1130–021–082), modification number 350A07–7141, and replacement with MGB switch, P/N 704A37–721–089 (S1130–021–089), modification number 350A07–7152, or Jaeger MGB switch, P/N 704A37–721–014 (068651.54/350A32–3134–00), within 30 days after the effective date of this AD. The owner/operator check does not require the use of tools, precision measuring equipment, training, pilot logbook endorsements, or the use of technical data not contained in the AD. Additionally, this owner/operator check is considered part of the normal engine shutdown checks. This check may be performed by an owner/operator holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with sections 43.11 and 91.417(a)(2)(v) of the Federal Aviation Regulations. An undetected loss of oil pressure could result in a forced autorotative landing due to loss of power to the main rotor system. Due to the short compliance time and the criticality of the MGB switch to detect a loss of oil pressure, this AD is being issued immediately. The actions are required to be accomplished in accordance with the service bulletin described previously.

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–SW–09–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–11–05 Societe Nationale Industrielle Aerospatiale and Eurocopter France (Eurocopter France): Amendment 39–9239. Docket No. 95–SW–09–AD.

Applicability: Model AS–355 E, F, F1, F2, and N helicopters, with main gearbox (MGB) oil pressure switch (switch), part number (P/N) 704A37–721–082 (S1130–021–082), modification number 350A07–7141, installed, 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 an undetected loss of oil pressure, loss of the MGB, loss of power to the main rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) Until the MGB switch installation required by paragraph (c) of this AD is accomplished, during each shutdown of the helicopter engine, check to ensure that the MGB pressure warning light illuminates. If it does not illuminate, before further flight, replace the MGB switch in accordance with paragraph (c) of this AD.

(b) The operational check required by paragraph (a) of this AD may be performed by an owner/operator holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR sections 43.11 and 91.417(a)(2)(v).

(c) Within 30 days after the effective date of this AD, remove the MGB switch, P/N 704A37–721–082 (S1130–021–082), modification number 350A07–7141, and replace with MGB switch, P/N 704A37–721–089 (S1130–021–089), modification number 350A07–7152, or Jaeger MGB switch, P/N 704A37–721–014 (068651.54/350A32–3134–00) in accordance with paragraph CC(1) of

Eurocopter Service Bulletin AS 355, No. 01.39, Revision 1, dated April 21, 1994.

Note 2: The MGB switch P/N is engraved on the MGB switch casing.

(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, Rotorcraft Standards Staff, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(e) The check, removal, and replacement shall be done in accordance with Eurocopter Service Bulletin AS 355 No. 01.39, Revision 1, dated April 21, 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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on June 9, 1995.

Issued in Fort Worth, Texas, on May 17, 1995.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95–12607 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–13–P]

---

14 CFR Part 39

[Docket No. 95–SW–10–AD; Amendment 39–9240; AD 95–11–06]

Airworthiness Directives; Societe Nationale Industrielle Aerospatiale and Eurocopter France Model AS–350B, BA, D, B1, and B2 Helicopters

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to Societe Nationale Industrielle Aerospatiale and Eurocopter France (Eurocopter France) Model AS–350B, BA, D, B1, and B2 helicopters. This action requires a check to ensure that the main gearbox (MGB) oil pressure warning light illuminates during each shutdown of the helicopter engine until the MGB oil pressure switch (switch) is removed and replaced. This amendment is prompted by a malfunction of the MGB switch. This condition, if not corrected, could result in failure to detect a loss of MGB oil pressure, loss of the MGB, loss of power to the main rotor system, and subsequent loss of control of the helicopter.

DATES: Effective June 9, 1995.

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

Comments for inclusion in the Rules Docket must be received on or before July 24, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Office of the Assistant Chief Counsel, Attention: Rules Docket No. 95–SW–10–AD, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

The service information referenced in this AD may be obtained from American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005. This information may be examined at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., 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. Richard Monschke, Aerospace Engineer, FAA, Rotorcraft Directorate, Rotorcraft Standards Staff, 2601 Meacham Blvd., Fort Worth, Texas 76137, telephone (817) 222–5116, fax (817) 222–5961.

SUPPLEMENTARY INFORMATION: The Direction Generale De L'Aviation Civile, which is the airworthiness authority for France, has notified the FAA that an unsafe condition may exist on Eurocopter France Model AS–350B, BA, D, B1, and B2 helicopters. The Direction Generale De L'Aviation Civile advises that a possible malfunction of the MGB switch, part number (P/N) 704A37–721–082 (S1130–021–082), modification number 350A07–7141, was reported by the manufacturer.

Eurocopter France has issued Eurocopter Service Bulletin AS 350 No. 01.43, Revision 1, dated April 21, 1994, which specifies a check each time the rotor is stopped to ensure that the MGB oil pressure warning light illuminates, and removal of the MGB switch, P/N 704A37–721–082 (S1130–021–082), modification number 350A07–7141, and replacement with an airworthy MGB switch. The Direction Generale De L'Aviation Civile classified this service bulletin as mandatory and issued AD 94–087–068(B) in order to assure the continued airworthiness of these helicopters in France.

These helicopter models are manufactured in France and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the Direction Generale De L'Aviation Civile has kept the FAA informed of the situation described above. The FAA has examined the findings of the Direction Generale De L'Aviation Civile, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other Eurocopter France Model AS–350B, BA, D, B1, and B2 helicopters of the same type design registered in the United States, this AD is being issued to prevent an undetected loss of MGB oil pressure, loss of the MGB, loss of power to the main rotor system, and subsequent loss of control of the helicopter. This AD requires a check during each shutdown of the helicopter engine to ensure that the MGB oil pressure warning light illuminates and, removal of the MGB switch, P/N 704A37–721–082 (S1130–021–082), modification number 350A07–7141, and replacement with MGB switch, P/N 704A37–721–089 (S1130–021–089), modification number 350A07–7152, or Jaeger MGB switch, P/N 704A37–721–014 (068651.54/350A32–3134–00), within 30 days after the effective date of this AD. The owner/operator check does not require the use of tools, precision measuring equipment, training, pilot logbook endorsements, or the use of technical data not contained in the AD. Additionally, this owner/operator check is considered part of the normal engine shutdown checks. This check may be performed by an owner/operator holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with sections 43.11 and 91.417(a)(2)(v) of the Federal Aviation Regulations. An undetected loss of oil pressure could result in a forced autorotative landing due to loss of power to the main rotor system. Due to the short compliance time and the criticality of the failure of the MGB switch to detect a loss of oil pressure, this AD is being issued immediately. The actions are required to be

accomplished in accordance with the service bulletin described previously.

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

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 95–SW–10–AD.'' The postcard will be date stamped and returned to the commenter.

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

95–11–06 Societe Nationale Industrielle Aerospatiale and Eurocopter France: Amendment 39–9240. Docket No. 95–SW–10–AD.

Applicability: Model AS–350B, BA, D, B1, and B2 helicopters, with main gearbox (MGB) oil pressure switch (switch) part number (P/N) 704A37–721–082 (S1130–021–082), modification number 350A07–7141, installed, 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 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 of 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 an undetected loss of MGB oil pressure, loss of the MGB, loss of power to the main rotor system, and subsequent loss of control of the helicopter, accomplish the following:

(a) Until the MGB switch installation required by paragraph (c) of this AD is accomplished, during each shutdown of the helicopter engine, check to ensure that the MGB oil pressure warning light illuminates. If it does not illuminate, before further flight, replace the MGB switch in accordance with paragraph (c) of this AD.

(b) The operational check required by paragraph (a) of this AD may be performed by an owner/operator holding at least a private pilot certificate and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR sections 43.11 and 91.417(a)(2)(v).

(c) Within 30 days after the effective date of this AD, remove the MGB switch, P/N 704A37–721–082 (S1130–021–082), modification number 350A07–7141, and replace with MGB switch, P/N 704A37–721–089 (S1130–021–089), modification number 350A07–7152, or Jaeger MGB switch, P/N 704A37–721–014 (068651.54/350A32–3134–00) in accordance with paragraph CC (1) of Eurocopter Service Bulletin AS–350, No. 01.43, Revision 1, dated April 21, 1994.

Note 2: The MGB switch P/N is engraved on the MGB switch casing.

(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, Rotorcraft Standards Staff, FAA, Rotorcraft Directorate. Operators shall submit their requests through an FAA Principal Maintenance Inspector, who may concur or comment and then send it to the Manager, Rotorcraft Standards Staff.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Rotorcraft Standards Staff.

(e) The check, removal, and replacement shall be done in accordance with Eurocopter Service Bulletin AS–350, No. 01.43, Revision 1, dated April 21, 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 American Eurocopter Corporation, 2701 Forum Drive, Grand Prairie, Texas 75053–4005. Copies may be inspected at the FAA, Office of the Assistant Chief Counsel, 2601 Meacham Blvd., Room 663, Fort Worth, Texas; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on June 9, 1995.

Issued in Fort Worth, Texas, on May 17, 1995.

Eric Bries,

Acting Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 95–12608 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–13–P

14 CFR Part 71

[Airspace Docket No. 95-AWP–7]

Amendment of Class E Airspace Areas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace areas at Hilo International, General Field, HI, Kaneohe Marine Corps Air Station (MCAS), HI, Lihue Airport, HI, and Crows Landing Naval Auxiliary Landing Field (NALF), CA. Presently, the Class E2 airspace areas at Hilo, HI, Kaneohe MCAS, HI, and Lihue, HI, are incorrectly referenced in the Airport/Facility Directory. This action will correct that error by properly referencing these Class E airspace areas in the Airport/Facility Directory, Pacific Chart Supplement. This action also corrects an error in the geographic coordinates of the E2 airspace area at Crows Landing NALF, CA, and the E4 airspace area at Hilo, HI.

EFFECTIVE DATE: 0901 UTC, July 20, 1995.

FOR FURTHER INFORMATION CONTACT: Scott Speer, System Management Specialist, System Management Branch, AWP–530, Air Traffic Division, Western-Pacific Region, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, California 90261, telephone (310) 297–0010.

SUPPLEMENTARY INFORMATION:

The Rule

This action correctly references the Class E2 airspace areas at Hilo, HI, Kaneohe MCAS, HI, and Lihue, HI, in the Airport/Facility Directory of the Pacific Chart Supplement. This action also corrects an error in the geographic coordinates of the E2 airspace area at Crows Landing NALF, CA, and the E4 airspace area at Hilo, HI. This action is editorial in nature. I find that notice and public procedure under 5 U.S.C. 553(b) are unnecessary, because this action is a minor technical amendment in which the public is not particularly interested. Class E airspace designations are published in paragraphs 6002 and 6004 of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporated by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.09B, Airspace Designations and Reporting Points, dated July 18, 1994, and effective September 16, 1994, is amended as follows:

Paragraph 6002 Class E airspace area designated as a surface for an airport.

* * * * *

AWP HI E2 Hilo, Hi [Revised]

Hilo International, General Lyman Field, HI
(Lat. 19°43′13″N, long. 155°02′55″W)

That airspace extending upward from the surface within a 4.3-mile radius of General Lyman Field. This Class E airspace is effective during the specific dated and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory, Pacific Chart Supplement.

* * * * *

AWP HI E2 Kaneohe MCAS, HI [Revised]

Kaneohe MCAS, HI
(Lat. 21°27′06″N, long. 157°46′10″W)

That airspace extending upward from the surface within a 4.3-mile radius of Kaneohe MCAS. This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory, Pacific Chart Supplement.

* * * * *

AWP HI E2 Lihue, HI [Revised]

Lihue Airport, HI
(Lat. 21°58′34″N, long. 159°20′20″W)

That airspace extending upward from the surface within a 4.3-mile radius of Lihue Airport. This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory, Pacific Chart Supplement.

* * * * *

AWP CA E2 Crows Landing NALF, CA [Revised]

Crows Landing NALF, CA
(Lat. 37°24′29″N, long. 121°06′34″W)
Patterson Airport, CA
(Lat. 37°28′07″N, long. 121°10′10″W)

That airspace extending upward from the surface within a 5-mile radius of Crows Landing NALF, excluding the airspace 3 miles west of and parallel to the 164°/344° bearing from/to Crows Landing NALF, and excluding that portion within a 1-mile radius of Patterson Airport. This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6004 Class E airspace areas designated as an extension to a Class D surface area.

* * * * *

AWP HI E4 Hilo, HI [Revised]

Hilo International, General Lyman Field, HI
(Lat. 19°43′13″N, long. 155°02′55″W)
Hilo VORTAC
(Lat. 19°43′17″N, long. 155°00′39″W)

That airspace extending upward from the surface within 3 miles each of the Hilo VORTAC 090° radial, extending from the 4.3-mile radius of General Lyman Field to 8.7 miles east of the VORTAC. This Class E airspace area is effective during the specific dates and times established in advance be a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory, Pacific Chart Supplement.

Issued in Los Angeles, California, on April 24, 1995.

Richard R. Lien,

Manager, Air Traffic Division Western-Pacific Region.

[FR Doc. 95–12898 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 71

[Airspace Docket No. 94–AWA–7]

Modification of the Cedar Rapids Municipal Airport, IA, Corpus Christi International Airport, TX, Harlingen Rio Grande Valley International Airport, TX, Abilene Regional Airport, TX, Dyess AFB, TX, and Santa Barbara Municipal Airport CA, Class C Airspace Areas and Establishment of the Cedar Rapids Municipal Airport, IA, Class E Airspace Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule modifies the Class C airspace areas at Cedar Rapids Municipal Airport, IA, Corpus Christi International Airport, TX, Harlingen Rio Grande Valley International Airport, TX, Abilene Regional Airport, TX, Dyess AFB, TX, and Santa Barbara Municipal Airport, CA. Class C airspace areas are predicated on an operational air traffic control tower (ATCT) serviced by a radar approach control facility. This action modifies these areas to reflect the radar approach control facility's hours of operation. The designated boundaries or altitudes of these Class C airspace areas will remain as they currently exist. In addition, this action establishes Class E airspace at Cedar Rapids Municipal Airport, IA, when the associated radar approach control facility is not in operation.

EFFECTIVE DATE: 0901 UTC, July 20, 1995.

FOR FURTHER INFORMATION CONTACT: William C. Nelson, Airspace and Obstruction Evaluation Branch (ATP–240), Airspace-Rules and Aeronautical Information Division, Air Traffic Rules and Procedures Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–9295.

SUPPLEMENTARY INFORMATION:

History

On April 5, 1995, the FAA proposed to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to modify Class C airspace areas at Cedar Rapids Municipal Airport, IA, Corpus Christi International Airport, TX, Harlingen Rio Grande Valley International Airport, TX, Abilene Regional Airport, TX, Dyess AFB, TX, and Santa Barbara Municipal Airport, CA, and to establish Class E airspace at Cedar Rapids Municipal Airport, IA (60 FR 17284). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments were received. Except for editorial changes, this amendment is the same as that proposed in the notice. Class C and Class E airspace designations are published in paragraphs 4000 and 6002, respectively, of FAA Order 7400.9B dated July 18, 1994, and effective September 16, 1994, which is incorporated by reference in 14 CFR 71.1. The Class C and E airspace designations listed in this document will be published subsequently in the Order.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) modifies the Class C airspace areas at Cedar Rapids Municipal Airport, IA, Corpus Christi International Airport, TX, Harlingen Rio Grande Valley International Airport, TX, Abilene Regional Airport, TX, Dyess AFB, TX, and Santa Barbara Municipal Airport, CA. These areas are modified to reflect the radar approach control facility's hours of operation. The designated boundaries or altitudes of these Class C airspace areas will not change. In addition, this action establishes Class E airspace at Cedar Rapids Municipal Airport, IA, when the associated radar approach control facility is not in operation.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

PART 71—[AMENDED]

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389; 49 U.S.C. 106(g); 14 CFR 11.69.

§ 71.1 [Amended]

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

Paragraph 4000—Subpart C—Class C Airspace

* * * * *

ACE IA C Cedar Rapids Municipal Airport, IA (Revised)

Cedar Rapids Municipal Airport, IA
(Lat. 41°53′05″ N., long. 91°42′40″ W.)

That airspace extending upward from the surface to and including 4,900 feet MSL within a 5-mile radius of Cedar Rapids Municipal Airport and that airspace extending upward from 2,100 feet MSL to and including 4,900 feet MSL within a 10-mile radius of Cedar Rapids Municipal Airport. The Class C airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX C Corpus Christi International Airport, TX (Revised)

(Corpus Christi International Airport, TX
(Lat. 27°46′13″ N., long. 97°30′04″ W.)

That airspace extending upward from the surface to and including 4,000 feet MSL within a 5-mile radius of the Corpus Christi International Airport, and that airspace extending upward from 1,200 feet MSL to 4,000 feet MSL within a 10-mile radius of the airport from the 287° bearing from the airport clockwise to the 197° bearing from the airport, and that airspace extending upward from 1,500 feet MSL to 4,000 feet MSL within a 10-mile radius of the airport from the 197° bearing from the airport clockwise to the 287° bearing from the airport.

* * * * *

ASW TX C Harlingen, TX (Revised)

Rio Grande Valley International Airport, TX
(Lat. 26°13′42″ N., long. 97°39′16″ W.)

That airspace extending upward from the surface to and including 4,000 feet MSL

within a 5-mile radius of the Rio Grande Valley International Airport, excluding that airspace east of the Arroyo Colorado that is north of the Southern Pacific Railroad; and that airspace extending upward from 2,000 feet MSL to 4,000 feet MSL within a 10-mile radius of the airport from Farm Road 1420 and the Arroyo Colorado clockwise to the Southern Pacific Railroad; and that airspace extending upward from 1,300 feet MSL to 4,000 feet MSL to the 10-mile radius of the airport from the Southern Pacific Railroad clockwise to U.S. Highway 83 (Business Route); and that airspace extending upward from 1,500 feet MSL to 4,000 feet MSL from U.S. Highway 83 (Business Route) clockwise to U.S. Highway 77 (Business Route); and that airspace extending upward from 1,200 feet MSL to 4,000 feet MSL from U.S. Highway 77 (Business Route) clockwise to Farm Road 1420. This Class C airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

ASW TX C Abilene Regional Airport, TX (Revised)

Abilene Regional Airport, TX
(Lat. 32°24′40″ N., long. 99°40′55″ W.)

That airspace extending upward from the surface to and including 5,800 feet MSL within a 5-mile radius of the Abilene Regional Airport, excluding that airspace from the surface to 3,600 feet MSL east of long. 99°39′00″ W., and north of the Abilene VORTAC 103°/283° radial within 5 miles of the airport; and that airspace extending upward from 3,600 feet MSL to and including 5,800 feet MSL within a 10-mile radius of the airport north of the Abilene VORTAC 103°/283° radial; and that airspace extending upward from 4,300 feet MSL to and including 5,800 feet MSL within a 10-mile radius of the airport south of the Abilene VORTAC 103°/283° radial.

* * * * *

ASW TX C Dyess AFB, TX (Revised)

Dyess AFB, TX
(Lat. 32°25′12″ N., long. 99°51′25″ W.)

That airspace extending upward from the surface to and including 5,800 feet MSL within a 5-mile radius of Dyess AFB; and that airspace extending upward from 3,600 feet MSL to and including 5,800 feet MSL within a 10-mile radius of Dyess AFB north of the Abilene VORTAC 103°/283° radials; and that airspace extending upward from 4,300 feet MSL to and including 5,800 feet MSL within a 10-mile radius of the Dyess AFB and south of the Abilene VORTAC 103°/283° radials. This Class C airspace area excludes any airspace included within the Abilene Regional Airport, TX, Class C airspace area.

* * * * *

AWP CA C Santa Barbara Municipal Airport, CA (Revised)

Santa Barbara Municipal Airport, CA
(Lat. 34°25′34″ N., long. 119°50′26″ W.)

That airspace within a 5-mile radius of the Santa Barbara Municipal Airport extending upward from the surface to and including 4,000 feet MSL; and that airspace within a 10-mile radius of the airport extending upward from 1,500 feet MSL to and including 4,000 feet MSL, excluding that airspace from the 295° bearing from the airport, between the 5- and 10-mile radius, clockwise to the 090° bearing from the airport. This Class C airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Paragraph 6002—Class E Airspace Areas Designated as a Surface Area for an Airport

* * * * *

ACE IA E2 Cedar Rapids Municipal Airport, IA (New)

Cedar Rapids Municipal Airport, IA
(Lat. 41°53′05″ N., long. 91°42′40″ W.)

Within a 4.2-mile radius of the Cedar Rapids Municipal Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

* * * * *

Issued in Washington, DC, on May 18, 1995.

Harold W. Becker,

Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 95–12902 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–13–M

FEDERAL TRADE COMMISSION

16 CFR Part 305

RIN 3084–AA26

Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act (''Appliance Labeling Rule''); Correction to Ranges of Comparability for Clothes Washers

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission amends its Appliance Labeling Rule by issuing corrections to the ranges of comparability used on required labels for clothes washers that were published on April 21, 1995.[1] Properly labeled clothes washers manufactured prior to the effective date of this document (including clothes washers labeled in accordance with the ranges published on April 21, 1995) need not be relabeled. Catalogs printed prior to the effective date in accordance with 16 CFR 305.14 need not be revised. Those manufacturers who have already printed or purchased labels in reliance on the April 21 document may use those labels until the label stock is exhausted; they must use labels based on the ranges published today after that.

EFFECTIVE DATE: August 23, 1995.

FOR FURTHER INFORMATION CONTACT: James Mills, Attorney, 202–326–3035, Division of Enforcement, Federal Trade Commission, Washington, D.C. 20580.

SUPPLEMENTARY INFORMATION: This notice publishes the corrected range figures, which, under Sections 305.10, 305.11 and 305.14 of the rule, must be used on labels on clothes washers manufactured on and after August 23, 1995 and in advertising of clothes washers in catalogs printed after August 23, 1995.

Estimated annual energy consumption figures for 1995 for clothes washers have been submitted by manufacturers and analyzed by the Commission. New ranges of comparability based upon them were published in the **Federal Register** on April 21, 1995. The staff of the Commission has learned since publication of the ranges that there was an inadvertent error in the ranges. The staff has corrected the error, and the new ranges published today reflect the correction. For the sake of clarity, the Commission is republishing the complete set of ranges in their correction form.

Although this corrected notice is being published prior to the effective date of the April 21, 1995 notice, which is now rescinded, manufacturers need not relabel any appliances already labeled and may use any labels that were ordered or printed before the date of this notice in good faith reliance on the April 21 notice. After this initial stock of labels is exhausted, however, labels based on today's notice must be used.

In consideration of the foregoing, the Commission amends Appendix F of its Appliance Labeling Rule by publishing the following ranges of comparability for use in the labeling and advertising of clothes washers beginning August 23, 1995.

List of Subjects in 16 CFR Part 305

Advertising, Energy conservation, Household appliances, Labeling, Reporting and recordkeeping requirements.

Accordingly, 16 CFR Part 305 is amended as follows:

[1] 60 FR 19845. The ranges were to become effective on July 20, 1995.

PART 305—[AMENDED]

1. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 6294.

2. Appendix F to Part 305 is revised to read as follows:

Appendix F to Part 305—Clothes Washers

Range Information

''Compact'' includes all household clothes washers with a tub capacity of less than 1.6 cu. ft. or 13 gallons of water.

''Standard'' includes all household clothes washers with a tub capacity of 1.6 cu. ft. or 13 gallons of water or more.

Capacity	Range of estimated annual energy consumption (kWh/yr.)	
	Low	High
Compact:		
Top Loading	607	1226
Front Loading	(*)	(*)
Standard:		
Top Loading	603	1818
Front Loading	286	395

* No data submitted.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 95–12856 Filed 5–24–95; 8:45 am]

BILLING CODE 6750–01–M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 232

[Release Nos. 33–7169; 34–35749; 35–26294; 39–2331; IC–21085]

RIN 3235–AG10

Adoption of Updated EDGAR Filer Manual

AGENCY: Securities and Exchange Commission.

ACTION: Final rules.

SUMMARY: The Commission is adopting an updated edition of the EDGAR Filer Manual and is providing for its incorporation by reference into the Code of Federal Regulations.

EFFECTIVE DATES: The amendment to Regulation S-T will be effective on June 7, 1995. The new edition of the EDGAR Filer Manual (Release 4.30) will be effective on June 7, 1995. The incorporation by reference of the EDGAR Filer Manual is approved by the Director of the Federal Register as of June 7, 1995.

FOR FURTHER INFORMATION CONTACT: In the Office of Information Technology, David T. Copenhafer at (202) 942–8800; in the Division of Corporation Finance, Sylvia J. Reis or Serena C. Swegle at (202) 942–2940; in the Division of Investment Management, Anthony A. Vertuno at (202) 942–0591 or Ruth Armfield Sanders at (202) 942–0633.

SUPPLEMENTARY INFORMATION: The Commission today announces the adoption of an updated EDGAR Filer Manual (''Filer Manual''), which sets forth the technical formatting requirements governing the preparation and submission of electronic filings through the Electronic Data Gathering, Analysis, and Retrieval (''EDGAR'') system.[1] Compliance with the provisions of the Filer Manual is required in order to assure the timely acceptance and processing of filings made in electronic format.[2] Filers should consult the Filer Manual in conjunction with the Commission's rules governing mandated electronic filing when preparing documents for electronic submission.[3] In this update, new form types have been added in order to implement solutions to prospectus delivery issues arising in connection with the change to T+3 securities transaction settlement.[4] The updated manual also contains some minor additional changes to reflect improvements requested by the filer community and SEC staff, such as the extension of the length of time that temporary passwords remain active. Rule 301 of Regulation S-T also is being amended to provide for the incorporation by reference of the Filer Manual into the Code of Federal Regulations, which 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. The revised Filer Manual and the amendment to Rule 301 will be effective on June 7, 1995.

Paper copies of the updated Filer Manual may be obtained at the following address: Public Reference Room, U.S. Securities and Exchange Commission, Mail Stop 1–2, 450 Fifth Street, N.W., Washington D.C. 20549. Electronic format copies will be available on the EDGAR electronic bulletin board. Copies also may be obtained from Disclosure Incorporated, the paper and microfiche contractor for the Commission, at (800) 638–8241.

Since the Filer Manual relates solely to agency procedure or practice, publication for notice and comment is not required under the Administrative Procedure Act.[5] It follows that the requirements of the Regulatory Flexibility Act[6] do not apply.

The changes in the Filer Manual are effective June 7, 1995, in accordance with the Administrative Procedure Act, which allows for effectiveness in less than 30 days after publication, if, *inter alia,* ''otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C 553(d)(3). The Commission finds that there is good cause for the updated Filer Manual to become effective on June 7, 1995 since the changes are designed to allow market participants to comply with the T+3 settlement cycle. The Commission adopted final rules to facilitate prospectus delivery within the T+3 settlement cycle. *See* Release No. 33–7168 (May 11, 1995). Those rules, as well as overall implementation of T+3 settlement, will become effective on June 7, 1995. The changes made by the updated Filer Manual are designed to permit electronic filing of the appropriate forms consistent with Release No. 33–7168 (May 11, 1995). Therefore, it is appropriate to make the updated Filer Manual effective on the same date as the newly adopted rules. Moreover, effectiveness of the new rules and the new Filer Manual on the same date will ensure that potential market disruption relating to prospectus delivery would be avoided.

Statutory Basis

The amendment to Regulation S-T is being adopted under Sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933,[7]

[1] The Filer Manual originally was adopted on April 1, 1993, and became effective on April 26, 1993. Release No. 33–6986 (April 1, 1993) [58 FR 18638]. Updates to the Filer Manual were adopted in July and September of 1994, and January of 1995. Release No. 33–7073 (July 8, 1994) [59 FR 36262], Release No. 33–7094 [59 FR 49572] and Release No. 33–7123 [59 FR 68068], respectively.

[2] *See* Rule 301 of Regulation S-T (17 CFR 232.301).

[3] *See* Release Nos. 33–6977 (February 23, 1993) [58 FR 14628], IC–19284 (February 23, 1993) [58 FR 14848], 35–25746 (February 23, 1993) [58 FR 14999], and 33–6980 (February 23, 1993) [58 FR 15009] for a comprehensive treatment of the rules adopted by the Commission governing mandated electronic filing. *See also* Release No. 33–7122 (December 19, 1994), in which the Commission made the EDGAR rules final and applicable to all domestic registrants and adopted minor amendments to the EDGAR rules.

[4] Securities Act Release No. 7168 (May 11, 1995) [60 FR 26604]. Additional programming related to this rulemaking will be completed at a later date. Notice will be provided in the SEC News Digest and the **Federal Register**, and on the EDGAR Bulletin Board.

[5] 5 U.S.C. 553(b).

[6] 5 U.S.C. 601–612.

[7] 15 U.S.C. 77f, 77g, 77h, 77j and 77s(a).

Sections 3, 12, 13, 14, 15, 23, and 35A of the Securities Exchange Act of 1934,[8] Section 20 of the Public Utility Holding Company Act of 1935,[9] Section 319 of the Trust Indenture Act of 1939,[10] and Sections 8, 30, 31, and 38 of the Investment Company Act of 1940.[11]

List of Subjects in 17 CFR Part 232

Incorporation by reference; Investment companies; Registration requirements; Reporting and recordkeeping requirements; Securities.

Text of the Amendment

In accordance with the foregoing, Title 17, Chapter II of the Code of Federal Regulations is amended as follows:

PART 232—REGULATION S–T—GENERAL RULES AND REGULATIONS FOR ELECTRONIC FILINGS

1. The authority citation for Part 232 continues to read as follows:

Authority: 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a), 77sss(a), 78c(b), 78*l*, 78m, 78n, 78o(d), 78w(a), 78*ll*(d), 79t(a), 80a–8, 80a–29, 80a–30 and 80a–37.

2. Section 232.301 is revised to read as follows:

§ 232.301 EDGAR Filer Manual.

Electronic filings shall be prepared in the manner prescribed by the EDGAR Filer Manual, promulgated by the Commission, which sets out the technical formatting requirements for electronic submissions. The June 1995 edition of the *EDGAR Filer Manual: Guide for Electronic Filing with the U.S. Securities and Exchange Commission (Release 4.30)* is incorporated into the Code of Federal Regulations by reference, which action was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Compliance with the requirements found therein is essential to the timely receipt and acceptance of documents filed with or otherwise submitted to the Commission in electronic format. Paper copies of the EDGAR Filer Manual may be obtained at the following address: Public Reference Room, U.S. Securities and Exchange Commission, Mail Stop 1–2, 450 5th Street, N.W., Washington, D.C. 20549. They also may be obtained from Disclosure Incorporated by calling (800) 638–8241. Electronic format copies are available through the EDGAR electronic bulletin board. Information on becoming an EDGAR E-mail/electronic bulletin board subscriber is available by contacting CompuServe Inc. at (800) 848–8199.

Dated: May 22, 1995.

By the Commission.

Jonathan G. Katz,

Secretary.

[FR Doc. 95–12846 Filed 5–23–95; 10:35 am]

BILLING CODE 8010–01–P

[8] 15 U.S.C. 78c, 78*l*, 78m, 78n, 78o, 78w and 78*ll*.

[9] 15 U.S.C. 79t.

[10] 15 U.S.C. 77sss.

[11] 15 U.S.C. 80a–8, 80a–29, 80a–30 and 80a–37.

DEPARTMENT OF JUSTICE

Bureau of Prisons

28 CFR Part 550

[BOP–1010–F; BOP–1034–I]

RIN 1120–AA16; RIN 1120–AA36

Drug Abuse Treatment Programs: Early Release Consideration

AGENCY: Bureau of Prisons, Justice.

ACTION: Further issuance of interim rule with request for comments.

SUMMARY: In this document, the Bureau of Prisons is amending its rule on Drug Abuse Treatment Programs in order to allow for consideration of early release of eligible inmates who complete a residential drug abuse treatment program. This amendment is necessary to implement provisions of the Violent Crime Control and Law Enforcement Act of 1994. Further changes to the regulations are being made for the sake of clarification.

DATES: Effective June 26, 1995; comments are due July 24, 1995.

ADDRESSES: Office of General Counsel, Bureau of Prisons, HOLC Room 754, 320 First Street, NW., Washington, DC 20534.

FOR FURTHER INFORMATION CONTACT: Roy Nanovic, Office of General Counsel, Bureau of Prisons, phone (202) 514–6655.

SUPPLEMENTARY INFORMATION: The Bureau of Prisons is further amending its regulations on Drug Abuse Treatment Programs. A final rule on this subject with interim provisions on eligibility requirements for the residential and nonresidential drug abuse treatment programs was published in the **Federal Register** on October 21, 1994. The Bureau has received no comment on the interim provisions, and the Bureau therefore adopts those interim provisions as final. For organizational reasons, §§ 550.55, 550.56, 550.57, and 550.58 are being redesignated respectively as §§ 550.56, 550.57, 550.55, and 550.59.

The Bureau, in this document, is also issuing interim provisions intended to implement Section 32001 of the Violent Crime Control and Law Enforcement Act of 1994. This section provides, among other things, that the period a prisoner convicted of a non-violent offense remains in custody after successfully completing a program of residential substance abuse treatment may be reduced by the Bureau of Prisons, but such reduction may not be more than one year from the term the prisoner must otherwise serve.

New § 550.58 establishes procedures to be used by the Bureau in determining eligibility for early release and for determination of the length of the reduction in sentence. In keeping with the statutory provision that possible reduction in sentence is applicable to an inmate convicted of a nonviolent offense, an inmate whose current offense falls under the definition in 18 U.S.C. 924(c)(3) of a crime of violence is excluded from consideration. Under this section, a crime of violence means an offense that is a felony and has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. Information contained in the Presentence Investigation Report ordinarily is sufficient to allow staff to determine if the inmate's committed offense meets this definition of crime of violence. In exercising the Bureau's discretion in reducing a sentence, the Bureau shall also review the criminal history of the inmate contained in the Presentence Investigation Report, and any inmate with a federal and/or state conviction for homicide, forcible rape, robbery, or aggravated assault shall also be excluded from consideration. Because state convictions may show a considerable range in the degree of violence used in the offense, the Bureau has chosen to use the above cited categories of crimes, which are reported under the FBI Violent Crime Index, as the sole determinant of violence in the criminal history. Inmates in Bureau custody who are not serving a sentence for a federal offense (for example, INS detainees, pretrial inmates, or contractual boarders) are not eligible for consideration of early release. An inmate with an INS detainer, however, may be eligible for consideration of early release to the detainer. An inmate eligible for parole is not eligible for consideration for early release by the Bureau; information concerning the successful completion of a residential drug abuse treatment program by a

parole-eligible inmate will be transmitted to the Parole Commission for appropriate consideration under procedures duly promulgated by the Commission.

Further eligibility requirements in § 550.58(a) pertain to completion of a residential drug abuse treatment program. An inmate who had previously completed a Bureau of Prisons drug abuse treatment program before October 1, 1989 (that is, before the current program design) may be eligible for consideration for early release. Staff must confirm that the program completed matches the treatment required by statute. The inmate must complete appropriate acknowledgement of program responsibility, complete a refresher treatment program and all applicable transitional services program, and maintain a discipline record as specified in § 550.58(a)(1)(iv). An inmate who has successfully completed a Bureau of Prisons drug abuse treatment program on or after October 1, 1989 is otherwise eligible if the inmate completes all applicable transitional services and maintains a discipline record as specified in § 550.58(a)(2)(ii).

Under the procedures for application contained in § 550.58(b), eligible inmates currently enrolled in a residential drug abuse treatment program are automatically considered without any further required action on their part; inmates who had previously completed a residential drug abuse treatment program (or which matches the treatment required by statute) must notify the institution's drug abuse coordinator via a request to staff in order to be considered for early release.

As specified in § 550.58(c), the length of reduction may be up to 12 months. If, upon completion of all required transitional services, the inmate has less than 12 months to serve, the amount of reduction may not exceed the amount of time left on service of sentence. The Community Corrections Regional Administrator may retard or disallow any portion of the maximum 12 months for an inmate in a community-based program (for example, a community corrections center) based on a disciplinary finding or based on program needs.

New § 550.60 is added to require that an inmate who files an administrative remedy request on the operation of a drug abuse treatment program affecting consideration for early release must so indicate in the beginning of the request. This is intended to assist staff in preparing a response.

Further changes to the Bureau's regulations on drug abuse treatment programs are summarized below.

Section 550.50 is revised to specify that the availability of drug abuse treatment programs is subject to the availability of appropriated funds. The former regulations had stated that these programs were made available to the extent practicable. This amendment conforms to the wording of the revised statutory authority.

Section 550.52 is revised for editorial reasons to clarify that drug abuse programming and treatment opportunities are separate from the Admission and Orientation program.

In § 550.54, paragraph (c) is amended to expand exemptions from the requirements for participation in the drug abuse education course.

In new § 550.55, the introductory text of paragraph (a) has been revised for the sake of clarity. Paragraph (a)(1) has been revised to ensure the integrity of documentation of a drug abuse problem.

In new § 550.56, the description of the residential drug abuse treatment program is expanded to indicate more clearly the duration of program involvement and the connection with subsequent transitional services programming. The introductory text of paragraph (a) has been revised for the sake of clarity. Paragraph (a)(1) has been revised to ensure the integrity of documentation of a drug abuse problem. A new paragraph (c) has been added to define requirements for program completion. Former paragraph (c) has been redesignated and revised as new paragraph (d) in order to specify more clearly expulsion criteria. Given the significance of the added incentive of possible early release, the Bureau believes these changes are necessary to reduce unnecessary confusion regarding program participation.

New § 550.57 has been revised to include reference in new paragraph (a)(4) to consideration for early release as an incentive for program participation. Provisions formerly contained in § 550.55(c) regarding the return of incentives previously received upon an inmate's withdrawal or expulsion have also been transferred to this section.

New § 550.59 has been reorganized and revised to clarify the requirements for transitional services, whether in an institution or in a community-based program. As revised in paragraph (c), transitional services may be required for all inmates with a documented drug abuse problem, regardless of the inmate's choice to participate in the residential drug abuse treatment program.

Interested persons may participate in this rulemaking by submitting data, views, or arguments in writing to the Bureau of Prisons, 320 First Street, NW., HOLC Room 754, Washington, DC 20534. Comments received on the interim rule provisions during the comment period will be considered before final action is taken. All comments received remain on file for public inspection at the above address.

The Bureau of Prisons has determined that this rule is not a significant regulatory action for the purpose of E.O. 12866, and accordingly this rule was not reviewed by the Office of Management and Budget. After review of the law and regulations, the Director, Bureau of Prisons has certified that this rule, for the purpose of the Regulatory Flexibility Act (Pub. L. 96–354), does not have a significant impact on a substantial number of small entities.

List of Subjects in 28 CFR Part 550

Prisoners.

Kathleen M. Hawk,

Director, Bureau of Prisons.

Accordingly, pursuant to the rulemaking authority vested in the Attorney General in 5 U.S.C. 552(a) and delegated to the Director, Bureau of Prisons in 28 CFR 0.96(p), parts 545 and 550 in subchapter C of 28 CFR, chapter V is amended as set forth below.

SUBCHAPTER C—INSTITUTIONAL MANAGEMENT

PART 550—DRUG PROGRAMS

1. The authority citation for 28 CFR part 550 continues to read as follows:

Authority: 5 U.S.C. 301; 18 U.S.C. 3621, 3622, 3624, 4001, 4042, 4081, 4082 (Repealed in part as to offenses committed on or after November 1, 1987), 4251–4255, 5006–5024 (repealed October 12, 1984 as to conduct occurring after that date), 5039; 28 U.S.C. 509, 510; 28 CFR 0.95–0.99.

2. Section 550.50 is revised to read as follows:

§ 550.50 Purpose and scope.

The Bureau of Prisons provides, subject to the availability of appropriated funds, drug abuse treatment programs to inmates.

3. Section 550.52 is revised to read as follows:

§ 550.52 Admission and Orientation program.

Drug abuse treatment coordinators at all institutions shall ensure that inmates are informed during the Admission and Orientation program about local and Bureau-wide drug abuse programming and treatment opportunities.

4. In § 550.54, paragraph (c) is amended by revising the second sentence to read as follows:

§ 550.54 Requirements for drug abuse education course.

* * * * *

(c) * * * An inmate may also be exempted from the drug abuse education course if that inmate does not have enough time remaining to serve to complete the drug abuse education course, or if that inmate volunteers for, enters and completes a residential drug abuse treatment program, or if he/she completes a structured drug abuse treatment program at one of the Bureau of Prisons' Intensive Confinement Centers (ICC).

§§ 550.55 through 550.57 [Redesignated]

5. Sections 550.55, 550.56, and 550.57 are redesignated respectively as §§ 550.56, 550.57, and 550.55.

6. In newly designated § 550.55, paragraph (a) introductory text and (a)(1) are revised to read as follows:

§ 550.55 Non-residential drug abuse treatment program.

* * * * *

(a) *Eligibility.* An inmate must meet all of the following criteria to be eligible for the non-residential drug abuse treatment program.

(1) The inmate must have a verifiable documented drug abuse problem.

* * * * *

7. Newly designated § 550.56 is revised to read as follows:

§ 550.56 Institution residential drug abuse treatment program.

Residential drug abuse treatment is available at selected Bureau of Prisons institutions. It is a course of individual and group activities provided by a team of drug abuse treatment specialists and the drug abuse treatment coordinator in a treatment unit set apart from the general prison population, lasting a minimum of 500 hours over a six to twelve-month period. Inmates enrolled in a residential drug abuse treatment program shall be required to complete subsequent transitional services programming in a community-based program and/or in a Bureau institution.

(a) *Eligibility.* An inmate must meet all of the following criteria to be eligible for the residential drug abuse treatment program.

(1) The inmate must have a verifiable documented drug abuse problem.

(2) The inmate must have no serious mental impairment which would substantially interfere with or preclude full participation in the program.

(3) The inmate must sign an agreement acknowledging his/her program responsibility.

(4) Ordinarily, the inmate must be within thirty-six months of release.

(5) The security level of the residential program institution must be appropriate for the inmate.

(b) *Application/Referral/Placement.* Participation in the residential drug abuse treatment program is voluntary. An inmate may be referred for treatment by unit or drug treatment staff or apply for the program by submitting a request to a staff member (ordinarily, a member of the inmate's unit team or the drug abuse treatment coordinator). The decision on placement is made by the drug abuse treatment coordinator.

(c) *Completion.* Completion of the residential drug abuse treatment program requires attendance and participation in scheduled individual and group activities and a passing grade on examinations covering each separate subject module of the program. An inmate who fails an examination on any subject module ordinarily shall be allowed to retest one time. A certificate of achievement will be awarded to all who successfully complete the program. A copy of this certificate will be forwarded to the unit team for placement in the inmate's central file.

(d) *Withdrawal/expulsion.* (1) An inmate may withdraw voluntarily from the program.

(2) The drug abuse treatment coordinator may remove an inmate from the program based upon disruptive behavior related to the program. Ordinarily, staff shall provide the inmate with at least one warning prior to removal. An inmate may not ordinarily be removed immediately without warning unless the inmate, pursuant to an incident report, is found by the DHO to have:

(i) Used or possessed alcohol or drugs;

(ii) Been violent or threatened violence against staff or another inmate; or

(iii) Committed a 100 level prohibited act.

(3) Withdrawal or removal from the residential program may result in the inmate's being returned to his/her prior institution (when the inmate had been specifically transferred for the purpose of program participation).

8. Newly designated § 550.57 is revised to read as follows:

§ 550.57 Incentives for residential drug abuse treatment program participation.

(a) An inmate may receive incentives for his or her satisfactory involvement in the residential program. These incentives may include, but are not limited to, the following.

(1) Limited financial awards, based upon the inmate's achievement/completion of program phases.

(2) Consideration for the maximum period of time (currently 180 days) in a Community Corrections Center placement, provided the inmate is otherwise eligible for this designation.

(3) Local institution incentives such as preferred living quarters or special recognition privileges.

(4) If eligible under § 550.58, consideration for early release.

(b) An inmate must meet his/her financial program responsibility obligations (see 28 CFR part 545) prior to being able to receive an incentive for his/her residential program participation.

(c) Withdrawal or removal from the residential program may result in the loss of incentives previously achieved.

§ 550.58 [Redesignated as § 550.59]

9. Section 550.58 is redesignated as § 550.59 and revised to read as follows:

§ 550.59 Transitional drug treatment services.

Transitional treatment programming is required for all inmates completing an institution's residential treatment program. Transitional treatment includes treatment provided to inmates who, upon completing the residential program, return to the general population of that or another institution or who are transferred to a community-based program. An inmate's refusal to participate in this program is considered a program failure and disqualifies the inmate for any additional incentives consideration, and may result in the inmate's redesignation.

(a) An inmate who successfully completes a residential drug abuse program and who participates in transitional treatment programming at an institution is required to participate in such programming for a minimum of one hour per month.

(b) An inmate who successfully completes a residential drug abuse program and who, based on eligibility, is transferred to a Community Corrections Center (CCC), is required to participate in a community-based treatment program, in addition to the required employment and other program activities of the CCC. The inmate's failure to meet the requirements of treatment may result in the inmate's being returned to the institution for refusing a program assignment.

(c) An inmate with a documented drug abuse problem but who did not choose to volunteer for the residential drug abuse program may be required to participate in transitional services as a condition of participation in a community-based program with the approval of the transitional services manager.

10. A new § 550.58 is added to read as follows:

§ 550.58 Consideration for early release.

An inmate who completes a residential drug abuse treatment program during his or her current commitment may be eligible for early release by a period not to exceed 12 months, in accordance with paragraph (a) of this section, unless the inmate is an INS detainee, a pretrial inmate, a contractual boarder (for example, a D.C., State, or military inmate), or eligible for parole, or unless the inmate's current offense is determined to be a crime of violence as defined in 18 U.S.C. 924(c)(3), or unless the inmate has a prior federal and/or state conviction for homicide, forcible rape, robbery, or aggravated assault.

(a) *Eligibility*. (1) An inmate who had successfully completed a Bureau of Prisons residential drug abuse treatment program before October 1, 1989 is otherwise eligible if:

(i) Staff confirm that the completed program matches the treatment required by statute;

(ii) The inmate signs an agreement acknowledging his/her program responsibility;

(iii) The inmate completes a refresher treatment program and all applicable transitional services programs; and

(iv) Since completion of the program, the inmate has not been found to have committed a 100 level prohibited act and has not been found to have committed a prohibited act involving alcohol or drugs.

(2) An inmate who has successfully completed a Bureau of Prisons residential drug abuse treatment program on or after October 1, 1989 is otherwise eligible if:

(i) The inmate completes all applicable transitional services programs; and

(ii) Since completion of the program, the inmate has not been found to have committed a 100 level prohibited act and has not been found to have committed a prohibited act involving alcohol or drugs.

(b) *Application*. (1) *Inmates currently enrolled*. Eligible inmates currently enrolled in a residential drug abuse treatment program shall automatically be considered for early release.

(2) *Inmates who had previously completed program requirements*. Eligible inmates who have previously completed a residential drug abuse treatment program (or which matches the treatment required by statute) must notify the institution's drug abuse program coordinator via a Request to Staff in order to be considered for early release.

(c) *Length of reduction*. (1) Except as specified in paragraphs (c)(2) and (3) of this section, an inmate who is approved for early release may receive a reduction of up to 12 months.

(2) If the inmate has less than 12 months to serve after completion of all required transitional services, the amount of reduction may not exceed the amount of time left on service of sentence.

(3) If, based upon a disciplinary finding or based on program needs (for example, the inmate has not established an adequate release plan), the Community Corrections Regional Administrator may retard or disallow any portion of the maximum 12 months for an inmate in a community-based program.

11. Section 550.60 is added to read as follows:

§ 550.60 Inmate appeals.

(a) Administrative remedy procedures for the formal review of a complaint relating to any aspect of an inmate's confinement (including the operation of the drug abuse treatment programs) are contained in 28 CFR 542, subpart B.

(b) In order to expedite staff response, an inmate who has previously been found to be eligible for early release must, when filing an administrative remedy request pursuant to 28 CFR 542, subpart B on an action which would result in the inmate's loss of early release eligibility, indicate in the first sentence of the request that the request affects the inmate's early release.

[FR Doc. 95–12802 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–05–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 110

[CGD05–93–103]

RIN 2115–AA98

Anchorage Grounds; Spa Creek, Annapolis, MD

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is consolidating Anchorages A and B in Spa Creek Anchorage in Annapolis Harbor, Md. into one anchorage. This action is necessary because the City of Annapolis has experienced difficulty enforcing safe boating operations within the separate anchorages. Consolidation of the two anchorages tightens control over the use and access to the composite anchorage, thereby increasing the efficiency of mooring operations and vessel safety.

EFFECTIVE DATE: This is effective June 26, 1995.

FOR FURTHER INFORMATION CONTACT: LCDR Tom Flynn (804) 398–6690.

SUPPLEMENTARY INFORMATION: This action follows completion of an Army Corps of Engineers study of the Annapolis Harbor conducted in December 1990, under the authority of Section 4(i) of the Water Resources Development Act of 1988, Public Law 100–676. The Corps of Engineers' study recommended a realignment of the channel in Annapolis Harbor by nonstructural, nondredging measures, in order to promote more efficient mooring operations in the harbor. Recognizing the desirability of accommodating existing users, increasing harbor safety by making mooring operations more efficient, and doing so in a cost effective manner, the study determined that the existing anchorage configuration should be revised by consolidating anchorages A and B, in Spa Creek, Annapolis, MD, into a single anchorage. The City of Annapolis, MD and asked the Coast Guard to initiate the process for effecting a consolidation. Pursuant to this request, the Coast Guard published a Notice of Proposed Rulemaking concerning this section in the **Federal Register** (58 FR 57769; October 27, 1993). The Commander, Fifth Coast Guard District, also published the proposal in Local Notice to Mariners 45–93 dated November 9, 1993. Each notice allowed interested persons to submit comments through December 13, 1993. Total comment on the rule consisted of one letter, the substance of which was beyond the scope of this rulemaking and contained no constructive recommendations. The comment was considered, discussed and forwarded to the City of Annapolis. There are no substantive differences between the proposed rule and the final rule.

Drafting Information

The drafters of this rule are LCDR Tom Flynn, project officer, Fifth Coast Guard District, Aids to Navigation and Waterways Management Branch and LCDR Bill Shelton, project attorney, Fifth Coast Guard District Legal Office.

Regulatory Evaluation

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does into require an assessment of potential costs

and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. Although the regulation enhances control over the harbor and promotes the efficiency of mooring operations, harbor access will not be reduced, nor will vessel traffic within the harbor be diverted or impeded.

Environment

This final rule has been thoroughly reviewed by the Coast Guard and determined to be categorically excluded from further environmental documentation in accordance with section 2.B.2.e of Commandant Instruction M16475.1B.

Collection of Information

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

Federalism Assessment

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulation

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended as follows:

PART 110—ANCHORAGE REGULATIONS

1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05–1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. Section 110.159 is amended by removing paragraph (a)(6) , by removing ''(a)(3), (a)(5), and (a)(6)'' in the note at the end of paragraph (a) and adding in its place ''(a)(3), and (a)(5)''and by revising paragraph (a)(5) to read as follows:

§ 110.159 Annapolis Harbor, Md.

(a) * * *

(5) *Spa Creek Anchorage.* In Spa Creek, those waters bounded by a line connecting the following points:

Latitude	*Longitude*
38°58′37.3″ N	76°28′48.1″ W
36°58′36.1″ N	76°28′57.8″ W
38°58′31.6″ N	76°29′03.3″ W
38°58′26.7″ N	76°28′59.5″ W

Datum: NAD 83

* * * * *

Dated: May 16, 1995.

M.K. Cain,

Captain, U.S. Coast Guard, Acting Commander, fifth Coast Guard District.

[FR Doc. 95–12733 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–14–M

---

33 CFR Part 165

[CGD02–95–013]

RIN 2115–AA97

Safety Zone; Wolf River Chute, Memphis, TN

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Wolf River Chute between mile markers 0.0 and 1.0 in proximity of Lower Mississippi River mile 735.0. The zone is needed to control vessel traffic during the USS WHIRLWIND's commissioning ceremony. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port.

EFFECTIVE DATE: This regulation is effective from 8 a.m. until 1 p.m. on July 1, 1995.

FOR FURTHER INFORMATION CONTACT: LTJG Joel Roberts, Assistant Chief of Port Operations, Coast Guard Captain of the Port Memphis, 200 Jefferson Avenue, Suite 1301, Memphis, TN, 38103, Phone: (901) 544–3941.

SUPPLEMENTARY INFORMATION:

Background and Purpose

At approximately 8 a.m. on July 1, 1995, the U.S. Navy will commence preparations for the commissioning of the USS WHIRLWIND on the Wolf River Chute mile 0.5. The commissioning ceremony will take place that morning with a large contingency of public and private spectators. The navigable channel may be blocked by spectator craft during the ceremony. A safety zone is being established on the Wolf River Chute from mile marker 0.0 to 1.0 in order to ensure the safety of spectator vessels observing the commissioning ceremony. All vessels shall establish passing arrangements with the Coast Guard Patrol Commander on scene, or via VHF Marine Band Radio, Channel 81, prior to transiting the zone and shall abide by the conditions of the arrangement. Entry of vessels or persons into this zone without a passing arrangement with the Coast Guard Patrol Commander is prohibited except as authorized by the Captain of the Port, Memphis, TN.

In accordance with 5 U.S.C. 553, a notice of proposed rulemaking was not published for this regulation. Publication of a notice of proposed rulemaking would be contrary to the public interest because immediate action is necessary to control vessel traffic in order to prevent vessel collisions, loss of life and property damage.

Regulatory Evaluation

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

Collection of Information

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

Federalism

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

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under paragraph 2.B.2 of Commandant Instruction M16475.1B, this rule is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

Temporary Regulation

For the reasons set out in the preamble, the Coast Guard amends Part 165 of Title 33, Code of Federal Regulations as follows:

PART 165—[AMENDED]

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

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

2. A new temporary § 165.T02–013 is added to read as follows:

§ 165.T02–013 Safety Zone; Wolf River Chute, Memphis, TN.

(a) *Location.* The following area is a Safety Zone: All waters within the shoreline and boundaries of the Wolf River Chute miles 0.0 to 1.0.

(b) *Effective dates.* This section becomes effective at 8 a.m. on July 1, 1995, and terminates at 1 p.m. on July 1, 1995.

(c) *Regulations.* In accordance with the general regulations in § 165.23, entry into this zone is prohibited except as authorized by the Captain of the Port. The Captain of the Port will notify the public of changes in the status of this zone by Marine Safety Radio Broadcast of VHF Marine Band Radio, Channel 22 (157.1 MHz).

Dated: May 4, 1995.

A.L. Thompson, Jr.,

Commander, U.S. Coast Guard, Captain of the Port Memphis.

[FR Doc. 95–12736 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–14–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–5209–7]

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

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of a site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of Hamilton Island, located in Skamania County, Washington from the National Priorities List (NPL). The NPL is Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the State of Washington have determined that no further cleanup under CERCLA is appropriate.

EFFECTIVE DATE: May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Christopher Cora, Site Manager, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, HW–124, Seattle, WA 98101, (206) 553–1148.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Hamilton Island, Skamania County, Washington.

A Notice of Intent to Delete for this site was published April 12, 1995 **Federal Register** [Vol. 60, No. 70, 18565–18566]. The closing date for comments on the Notice of Intent to Delete was May 12, 1995. EPA received no comments.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Any site deleted from the NPL remains eligible for remedial actions in the unlikely event that conditions at the site warrant such action in the future. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

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

Dated: May 16, 1995.

Chuck Clarke,

Regional Administrator, U.S. EPA Region 10.

For the reasons set out in the preamble, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

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

Appendix B [Amended]

2. Table 2 of Appendix B to part 300 is amended by removing the site for Hamilton Island Landfill (USA/COE), North Bonneville, Washington.

[FR Doc. 95–12770 Filed 5–24–95; 8:45 am]

BILLING CODE 6560–50–M

40 CFR Part 763

[OPPTS–62147; FRL–4957–3]

Asbestos Model Accreditation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Clarification of interim final rule.

SUMMARY: EPA is informing the general public and the providers of asbestos training courses approved pursuant to Subchapter II of the Toxic Substances Control Act (TSCA) of a clarification regarding the training course self-certification requirements of the Asbestos Model Accreditation Plan (MAP), Interim Final Rule. The Agency recognizes upgraded training courses as being self-certified as of the date upon which EPA received the original self-certification, even though one or more approving state programs may not have received a copy of the self-certification until a later date, provided that all self-certifications were received on or before October 4, 1994. If EPA and all approving state programs received a proper self-certification for a course from an approved training provider on or before October 4, 1994, the provider retains the approval for that course, and a student who successfully completes a course on or after the self-certification date for that course will be fully accredited. Consistent with this clarification, EPA will adjust the self-certification effective dates of affected courses and publish these new dates in its National Directory of AHERA Accredited Courses (NDAAC). This information will become publicly available through the NDAAC update scheduled for May 31, 1995.

DATES: This clarification affects MAP training courses and persons accredited pursuant to the MAP on or after April 4, 1994, when the MAP revisions took effect.

FOR FURTHER INFORMATION CONTACT: Susan B. Hazen, Director, Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E–543B, 401 M St., SW., Washington, DC 20460, (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: In 1994, pursuant to a Congressional mandate in Subchapter II of TSCA, EPA revised the original MAP by increasing the minimum number of training hours, including hands-on training, required for asbestos abatement workers in both schools and pubic and commercial buildings. In addition, EPA modified the MAP to implement the extension of

accreditation requirements to public and commercial buildings.

Unit V.B. of the revised MAP addresses the self-certification requirements applicable to training courses and providers:

As of October 4, 1994, an approved training provider must certify to EPA and to any State that has approved the provider for TSCA accreditation, that each of the provider's training courses complies with the requirements of this MAP . . . .

. . . . The timely receipt of a complete self-certification by EPA and all approving States shall have the effect of extending approval under this MAP to the training courses offered by the submitting provider. If a self-certification is not received by the approving government bodies on or before the due date, the affected training course is not approved under this MAP. Such training providers must then reapply for approval of these training courses pursuant to the procedures outlined in Unit III. (40 CFR part 763, Subpart E, Appendix C, V. B.).

EPA envisioned that under this provision, a training provider's self-certification would be effective on the date that EPA received the original submission, or the date that the last of the approving state programs received a duplicate submission, whichever occurred later. Some training providers, however, believed that the effective date of the self-certification for a course was the date when EPA received the original submission. These providers, after upgrading their training courses to comply with the MAP and submitting self-certification to EPA, assumed that they were approved for TSCA accreditation and began offering training courses, even though one or more approving state programs may not have received a duplicate self-certification at the time that training began. Persons who completed these training courses may now be experiencing difficulty in demonstrating their TSCA accreditation for state licensure and employment purposes.

In order to clarify the regulatory language and the compliance status of training providers and students under the revised MAP, EPA is issuing this clarification. It makes clear that the MAP requires a training provider to provide self-certification of its training courses to both EPA and all approving states on or before October, 4, 1994, but recognizes the date of initial receipt of the self-certification by EPA as the effective date of the self-certification. This clarification only affects providers who upgraded their training courses in accordance with the MAP standards and submitted self-certification to EPA and one or more states at different times, but who completed all of the required submissions on or before the October 4, 1994, deadline. Therefore, even if a provider offered these upgraded training courses for TSCA accreditation purposes after EPA was in receipt of the provider's self-certification but before all of the approving states had received their duplicate notices, EPA considers these courses to be fully approved pursuant to the MAP Interim Final Rule. Accordingly, any person who successfully completed such a course on or after the date that EPA received the self-certification is fully accredited under TSCA section 206.

As provided in the MAP, however, a training provider that failed to complete the self-certification process for a particular course forfeited TSCA approval of that training course on October 5, 1994. Such providers became ineligible to offer that course after October 4, 1994, as an approved course, and persons completing such a training course after October 4, 1994, would not be accredited pursuant to TSCA section 206. Consequently, after October 4, 1994, in order to offer a TSCA-accreditation training course that has lost its approval, such training providers must reapply for a new approval through a state program that is in compliance with the MAP.

To reflect this clarification, EPA will adjust the self-certification effective dates for the affected training courses in the next regularly scheduled edition of its ''National Directory of AHERA Accredited Courses (NDAAC).'' Copies of this publication are free of charge, and may be obtained by calling EPA's NDAAC Clearinghouse at 1–800–462–6706. As a result, a number of upgraded training courses will have self-certification effective dates that are earlier than those published in previous versions of the NDAAC. Because no self-certification effective dates will be changed to a later date as a result of this action, no training providers or courses will be adversely affected.

List of Subjects in 40 CFR Part 763

Environmental protection, Asbestos, Hazardous substances, Incorporation by reference, Occupational health and safety, Recordkeeping, Schools.

Dated: May 17, 1995.

William H. Sanders III,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 95–12895 Filed 5–24–95; 8:45 am]

BILLING CODE 6560–50–F

FEDERAL MARITIME COMMISSION

46 CFR Part 501

The Federal Maritime Commission—General

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission is delegating to the Bureau of Hearing Counsel the authority to compromise issues relating to the retention, suspension or revocation of ocean freight forwarder licenses. Concurrently, the authority of the Director, Bureau of Tariffs, Certification and Licensing, to determine corrective action with respect to such licensees is removed. Notice and public procedures are not necessary prior to the issuance of this rule because it deals solely with matters of agency organization. Neither is a delayed effective date required.

EFFECTIVE DATE: May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Vern W. Hill, Acting Director, Bureau of Hearing Counsel, Federal Maritime Commission, 800 North Capital Street, NW., Washington, DC 20573–0001, (202) 523–5783.

List of Subjects in 46 CFR Part 501

Administrative practice and procedure, Authority delegations (Government agencies), Organization and functions (Government agencies), Seals and insignia.

Accordingly, chapter IV of title 46 of the Code of Federal Regulations is amended as follows:

PART 501—THE FEDERAL MARITIME COMMISSION—GENERAL

1. The authority citation for Part 501 continues to read as follows:

Authority: 5 U.S.C. 551–557, 701–706, 2903 and 6304; 31 U.S.C. 3721; 41 U.S.C. 414 and 418; 44 U.S.C. 501–520 and 3501–3520; 46 U.S.C. app. 801–848, 876, 1111, and 1701–1720; Reorganization Plan No. 7 of 1961, 26 FR 7315, August 12, 1961; Pub. L. 89–56, 79 Stat. 195; 5 CFR Part 2638.

Subpart C—Delegation and Redelegation of Authorities

§ 501.27 [Amended]

2. Section 501.27(o) is removed.

3. Section 501.28 is revised to read as follows:

§ 501.28 Delegation to the Director, Bureau of Hearing Counsel.

The authority to compromise civil penalty claims has been delegated to the Director, Bureau of Hearing Counsel, by § 502.604(g) of this chapter. This delegation shall include the authority to

compromise issues relating to the retention, suspension or revocation of ocean freight forwarder licenses. See also §§ 501.5(i) and 501.21.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 95–12777 Filed 5–24–95; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 13

[PR Docket No. 94–58; FCC 95–162]

Temporary Conditional Operating Authority for Commercial Radio Operator License Applicants

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action amends the rules for commercial radio operators to authorize persons who have passed the required examinations and applied for commercial radio operator licenses to perform the functions of a commercial radio operator on a temporary and conditional basis while awaiting their licenses. This amendment was necessary because the rules currently require that after passing the examinations necessary to qualify for certain of these licenses, and submitting an application to the Commission, an applicant must wait for the Commission to process the application. The intended effect of the final rule is to permit people who have passed the necessary examinations to commence work immediately after they receive their Proof-of-Passing Certificates.

EFFECTIVE DATE: July 1, 1995.

FOR FURTHER INFORMATION CONTACT: William T. Cross, Federal Communications Commission, Wireless Telecommunications Bureau, Private Wireless Division, Washington, D.C. 20554, (202) 418–0680.

SUPPLEMENTARY INFORMATION: A summary of the Commission's *Report and Order,* adopted April 17, 1995, and released April 27, 1995, is provided above. The complete text of this action is available for inspection and copying during normal business hours at the FCC, room 239, 1919 M Street, NW, Washington, DC. The complete text of this action, including the rule amendments, may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 2100 M Street, NW, suite 140, Washington, DC 20037.

1. The final rules are set forth at the end of this document.

2. The rules contained herein have been analyzed with respect to the paperwork Reduction Act of 1980, 44 U.S.C. section 3501 *et seq.*, and found to contain no new or modified form, information collection and/or record keeping, labeling, disclosure, or record retention requirements and will not increase or decrease burden hours imposed on the public.

3. In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, 5 USC section 605(b), the Commission provides the following Final Regulatory Flexibility Analysis.

Need and purpose of this action. This rule making proceeding was needed to obtain comments regarding our proposal to authorize persons who have passed the required examinations and applied for commercial radio operator licenses to perform the functions of a commercial radio operator on a temporary and conditional basis while awaiting their licenses. The purpose of this action is to permit persons who must have the license as a condition of employment to start work immediately. A likely secondary benefit is applicants will receive their Commission-issued licenses sooner due to a reduction in the number of inquiries to the processing staff regarding the status of pending applications.

Summary of issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis. The commentor agrees that the potential impact of these rule changes is to improve the efficiency in licensing commercial radio operators, thereby making it easier for persons to become licensed commercial radio operators. No other comments were received.

Significant alternatives considered and rejected. Alternatives include the Commission continuing to require persons wait until they receive a Commission-issued license document before they can perform the functions of a commercial radio operator. The proposed alternative is adopted to minimize the impact on persons who require this document as a condition of employment. The Secretary shall send a copy of this *Report and Order* including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 605(b) of the Regulatory Flexibility Act. Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. section 601–612 (1981).

4. A copy of this *Report and Order* will be forwarded to the Chief Counsel for Advocacy of the Small Business Administration.

5. This Report and Order is issued under the authority of sections 4(f)(4)(A), (B), and (J), 4(i), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. section 154(f)(4)(A), (B),and (J), 154(i), and 303(r).

List of Subjects in 47 CFR Part 13

Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

Rule Changes

Part 13 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 13—COMMERCIAL RADIO OPERATORS

1. The authority citation for Part 13 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082 as amended; 47 U.S.C. 154, 303.

2. Section 13.9 is amended by redesignating paragraphs (d) and (e) as paragraphs (e) and (f) respectively, and adding a new paragraph (d) to read as follows:

§ 13.9 Eligibility and application for new license or endorsement.

* * * * *

(d) Provided that a person's commercial radio operator license was not revoked, or suspended, and is not the subject of an ongoing suspension proceeding, a person whose application for a commercial radio operator license has been received by the FCC but which has not yet been acted upon and who holds a PPC(s) indicating that he or she passed the necessary examination(s) within the previous 365 days, is authorized to exercise the rights and privileges of the operator license for which the application was received. This authority is valid for a period of 90 days from the date the application was received. The FCC, in its discretion, may cancel this temporary conditional operating authority without a hearing.

* * * * *

3. Section 13.13 is amended by redesignating paragraphs (d) and (e) as paragraphs (e) and (f) respectively, and adding a new paragraph (d) to read as follows:

§ 13.13 Application for a renewed or modified license.

* * * * *

(d) Provided that a person's commercial radio operator license was not revoked, or suspended, and is not the subject of an ongoing suspension proceeding, a person holding a General Radiotelephone Operator License,

Marine Radio Operator Permit, First Class Radiotelegraph Operator's Certificate, Second Class Radiotelegraph Operator's Certificate, Third Class Radiotelegraph Operator's Certificate, GMDSS Radio Operator's License, or GMDSS Radio Maintainer's License, who has an application for another commercial radio operator license which has not yet been acted upon pending at the FCC and who holds a PPC(s) indicating that he or she passed the necessary examination(s) within the previous 365 days, is authorized to exercise the rights and privileges of the license for which the application is filed. This authority is valid for a period of 90 days from the date the application is received. The FCC, in its discretion, may cancel this temporary conditional operating authority without a hearing.

* * * * *

4. In § 13.19, paragraphs (b)(3) and (c) are revised to read as follows:

§ 13.19 Operator's responsibility.

* * * * *

(b) * * *

(3) The class, serial number and expiration date of the license when the FCC has issued the operator a license, or the PPC serial number(s) and date(s) of issue when the operator is awaiting FCC action on an application.

(c) When the operator is on duty and in charge of transmitting systems, or performing service, maintenance or inspection functions, the license or permit document, or a photocopy thereof, or a copy of the application and PPC(s) received by the FCC, must be posted or in the operator's personal possession, and available for inspection upon request by a FCC representative.

* * * * *

[FR Doc. 95–12791 Filed 5–24–95; 8:45 am]

BILLING CODE 6712–01–F

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

49 CFR Part 390

[FHWA Docket No. MC–93–17]

RIN 2125–AD14

Federal Motor Carrier Safety Regulations; General; Intermodal Transportation

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Final rule; petitions for reconsideration of effective date; request for comments.

SUMMARY: The FHWA published a document on May 16, 1995 at 60 FR 26001 which administratively extended until September 27, 1995, the effective date of its final rule implementing the requirements of the Intermodal Safe Container Transportation Act of 1992. The final rule was published on December 29, 1994, and its original effective date was June 27, 1995. The only purpose of this three-month extension was to provide the FHWA sufficient time to request, receive, and analyze comments, and to publish a final determination, on whether a further extension is warranted. This document requests comments on the major issues raised by petitioners who have requested an extension of the effective date of, and certain exemptions from, the final rule.

DATES: Replies to this request for comments must be received on or before June 26, 1995. As indicated in the May 16, 1995 document, the effective date of the final rule published on December 29, 1994 at 59 FR 67544 has been extended to September 27, 1995.

ADDRESSES: Submit written, signed comments to FHWA Docket No. MC–93–17, Room 4232, HCC–10, Office of the Chief Counsel, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. All comments received will be available for examination at the above address from 8:30 a.m. to 3:30 p.m., e.t., Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Peter C. Chandler, Office of Motor Carrier Research and Standards, HCS–10, (202) 366–5763; or Mr. Charles E. Medalen, Office of the Chief Counsel, HCC–20, (202) 366–1354, Federal Highway Administration, 400 Seventh Street, SW., Washington, D.C. 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On December 29, 1994, the FHWA published a final rule which implemented the requirements of the Intermodal Safe Container Transportation Act of 1992 (the Act) [Pub.L. 102–548, 106 Stat. 3646, partly codified at 49 U.S.C. 5901–5907 (formerly 49 U.S.C. 501 and 508)]. The final rule requires any person who presents a container or trailer with a gross cargo weight of more than 4,536 kilograms or 10,000 pounds to an initial carrier for intermodal transportation to provide a certification to such carrier. Motor carriers are prohibited from accepting a loaded container or trailer prior to receiving a tangible certification. Motor carriers, rail carriers, water carriers, ocean common carriers, and intermediaries that receive a certification in the course of intermodal transportation must forward the certification to a subsequent carrier transporting the loaded container or trailer. The objective of the final rule was to reduce the number of overweight motor vehicles transporting intermodal containers or trailers by improving communication between shippers and motor carriers.

Issues Raised by Industry Groups

The FHWA has received letters from several companies and industry groups petitioning the FHWA to extend the effective date of the final rule. Among those requesting an extension are APL Land Transport Services, Inc. (APL); the European Shippers' Councils; ''K'' Line America, Inc. (KLA); the Intermodal Safe Container Coalition (Coalition); the National Industrial Transportation League; the Steamship Association of Southern California; and, Warren & Associates, a law firm representing two freight conferences. The APL, KLA, and the Coalition were the parties who provided the most information in support of an extension. Copies of these letters are available for review in the docket.

For ease of presentation, the FHWA has grouped the issues raised by the petitioners into four major categories: (1) Electronic data interchange (EDI); (2) the widespread need for education and training, especially for foreign shippers; (3) the cargo weight threshold used in determining the applicability of the final rule; and, (4) the results of the data collection needs study mandated by the Act. The FHWA believes that some of the petitioners' assertions warrant public discussion.

Electronic Data Interchange

The KLA wrote that ''the complexities of establishing a uniform method for electronic transmission of data between very divergent industries, each with their own unique data requirements, makes compliance by all parties in the intermodal network by the June date difficult to impossible.'' The KLA explained further that the certification data should ideally be passed as part of an already existing data transmission which would necessitate the various parties sending and receiving the certification information to agree on the data format and the meaning of each field. The development of these specifications, the KLA continued, requires time to allow the users of the

formats to develop the workable file layouts, to agree on the meaning of each field, and to insure that the formats selected would not create incompatibilities within the computers used to send and receive these messages. The KLA also added that individual companies must modify their in-house programs to utilize the data after these formats are established.

The APL asserted that the changes needed to assure that the necessary EDI takes place will require an extensive effort. The APL wrote that full implementation through EDI would not be possible by June 27, 1995, for its own operations, and it surmises the same would be true for most of the industry. The Coalition asserted that the forwarding of paper certifications, which would be necessary if the final rule became effective on June 27, 1995, would be tremendously cumbersome and burdensome because the intermodal transportation industry increasingly communicates through EDI. The Coalition explained further that there is no existing system for the forwarding of paper certifications to a subsequent carrier and that such a system would most certainly break down. The Coalition wrote that the development of necessary EDI standards will take at least until November 1995, and that even more time will be needed for programming, testing, training, and coordination. Although the Coalition requested an extension of the effective date until May 1, 1996, it asserted that compliance through the use of EDI by such date is a most ambitious goal. Warren & Associates stated that the June 27, 1995, effective date does not take into consideration the advance time required to integrate and standardize compliance through the use of EDI among the different industry participants.

FHWA Response: The intermodal transportation industry relies heavily on EDI. The FHWA recognizes that the development of EDI standards could not have begun in any substantial way prior to publication of the final rule on December 29, 1994, when all parties were made aware of the specific regulatory requirements. The development of standards, computer programming, and training are necessary for the intermodal transportation industry to accomplish the forwarding of certifications between carriers through the use of EDI. The FHWA also recognizes that making the final rule effective before the intermodal transportation industry has sufficient time to complete the necessary tasks for compliance to be achieved through the use of EDI would require the forwarding of paper certifications. This may cause large disruptions in domestic and international trade and commerce. The FHWA requests comments on the length of time that would be needed for the intermodal transportation industry to complete the tasks necessary for compliance with the final rule through the use of EDI.

Education and Training

The KLA wrote that an extension of the effective date of the final rule is also justified because of the need to educate numerous parties on its requirements. The KLA asserted that education of affected parties in the United States by June 27, 1995, would be a daunting task and that advising overseas shippers would be ''impossible.'' The European Shippers' Councils wrote that European exporters have not yet received information on what the Act requires of them or instructions on how a certification should be issued. The European Shippers' Councils asserted that it would be impossible for all European shippers to comply with the final rule by June 27, 1995. The Coalition wrote that making shippers aware of their obligations will require a massive educational effort, one that is far from completed.

FHWA Response: The FHWA recognizes that it has a responsibility to inform participants in the intermodal transportation industry of their responsibilities under the final rule. The FHWA has developed an educational pamphlet which, unfortunately, is not yet available for distribution. In addition to English, the pamphlet will be available in German, French, Spanish, Japanese, and Mandarin Chinese. Pamphlets will be provided to various associations for domestic and international distribution upon its availability. In addition, the Department of State will assist the FHWA with the international distribution of the pamphlets. The FHWA will also request assistance from various embassies with international distribution of the pamphlets. The FHWA requests comments on what additional educational materials would be helpful and how the pamphlets and other materials should be distributed.

Cargo Weight Threshold

The Coalition recommended that the jurisdictional weight threshold of the Act and the final rule (more than 4,536 kilograms [10,000 pounds] gross cargo weight) should be raised. The Coalition stated that ''even though there is no possibility under the law of physics that either international or domestic shipments weighing between 10,000 and 40,000 pounds could cause gross vehicle weight violations as defined in the Act, the Act and Regulations nonetheless require each shipment to be weighed and subject to the advance notification and certification requirements.'' In a letter, however, the Steamship Operators Intermodal Committee (SOIC) asserted that the Coalition's statement is erroneous. The SOIC wrote that its tests show that a 20 foot container which is loaded with 40,000 pounds of cargo exceeds the maximum gross weight allowed by the bridge gross weight formula when it is mounted on a 23 foot chassis.

FHWA Response: The Act specifically establishes a gross cargo weight applicability threshold of more than 4,536 kilograms (10,000 pounds) for loaded containers and trailers. Accordingly, the regulations issued by the FHWA are applicable to containers or trailers in intermodal transportation with an actual gross cargo weight (inclusive of packing material and pallets) of more than 4,536 kilograms (10,000 pounds). Although the gross cargo weight threshold of more than 4,536 kilograms (10,000 pounds) mandated by Congress extends the scope of the Act beyond the range of cargo weight typically associated with overweight conditions, the FHWA cannot modify the gross cargo weight threshold of the final rule without a congressional amendment to the Act.

Data Collection Needs Study

The National Industrial Transportation League requested that the study mandated by the Act be accelerated and that the effective date of the final rule be extended pending the findings of the study.

FHWA Response: The Act requires the Secretary of Transportation to conduct a study to assess existing data and data collection needs with respect to the movement in intermodal transportation of loaded containers and trailers in the violation of the Act and highway weight laws. The Act requires that the final report from the study provide legislative and other recommendations for improving the collection of such data. The Congress did not intend the study to be a prerequisite to the promulgation and enforcement of regulations which implement the requirements of the Act, but rather a separate activity designed to provide insight into the data needs that would assist Congress in making future related legislative decisions. Completion of the study is not by itself sufficient grounds to warrant an extension, and the schedule for the study cannot be significantly accelerated.

Opposition to a Lengthy Extension of the Effective Date of the Final Rule

In addition to letters requesting an extension of the effective date of the final rule, the FHWA received two letters in opposition. The American Trucking Associations, Inc. (ATA), opposed a lengthy extension of the effective date, but indicated that it could support an extension until January 1, 1996, to permit the FHWA to proceed with a rulemaking on the various petitions that have been filed, including its own. The ATA recognized that the EDI concerns of those requesting an extension may have some validity. In addition, Mr. M. P. McLean wrote that these regulations are necessary and long overdue and recommended they be implemented without delay.

Petition for Exemptions by the American Trucking Associations, Inc.

On April 7, 1995, the ATA filed a petition to exempt three types of motor carrier operations from the final rule:

1. A motor carrier which loads a container or trailer and provides all highway portions of the intermodal transportation.
2. A motor carrier which loads a container or trailer, provides the initial highway portion of the intermodal transportation, and assumes responsibility for the violations of highway weight laws of other motor carriers that transport the loaded container or trailer.
3. A motor carrier which is presented a loaded trailer for domestic transportation with a bill of lading that includes the weight and a reasonable description of the cargo, as well as the shipper's signature, and which subsequently decides on its own initiative to ship the loaded trailer by rail for a portion of the domestic transportation.

For the first type of operation, the ATA asserts that the certification serves no purpose because the motor carrier controls the loading of the container or trailer and, therefore, always knows the weight and identity of the cargo. In the second type, the ATA argues that the certification serves no purpose because the initial motor carrier knows the weight and identity of the cargo and has assumed responsibility for any overweight citations issued to other motor carriers. In the third type, the ATA contends that a certification should not be required because the use of intermodal transportation would be discouraged if a shipper that had to prepare a certification for every trailer on the possibility that its motor carrier might have the trailer transported by rail and because the motor carrier in this situation has been provided all of the pertinent information that would otherwise be included in a certification. The ATA asserts that all of these requested exemptions will eliminate unnecessary paperwork burden and have no adverse impact on highway safety. The ATA's petition is available for review in the docket.

Request for Comments

The FHWA is not requesting comments on the content of the final rule, but only on the ATA's petition for three exemptions and whether an extension of the effective date of the final rule beyond September 27, 1995, is necessary to allow affected parties to become familiar with their responsibilities and take necessary actions for compliance. The FHWA requests comments regarding the appropriateness of the following effective dates requested by the petitioners:

1. January 1, 1996, as mentioned by the ATA in its statements regarding the various filed petitions.
2. May 1, 1996, as requested by the Coalition and Warren & Associates based on their arguments related to: EDI; education; and paperwork burdens and costs associated with compliance to the final rule.
3. June 1, 1996, as requested by the KLA based on their arguments related to EDI and education.
4. Any other date.

The FHWA requests commenters to provide information and data which support their position. Commenters who support a specific effective date are requested to provide a timetable of activities necessary for compliance.

Rulemaking Analyses and Notices

All comments received before the close of business on the comment closing date indicated above will be

considered and will be available for examination in the docket room at the above address. The FHWA will not consider any request for an extension of the comment period of this publication. Comments received after the comment closing date will be filed in the docket and will be considered to the extent practicable. In addition to late comments, the FHWA will also continue to file in the docket relevant information that becomes available after the comment closing date, and interested persons should continue to examine the docket for new material.

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FHWA has previously determined that the final rule implementing the Intermodal Safe Container Transportation Act of 1992 is a significant regulatory action within the meaning of Executive Order 12866 and significant under Department of Transportation regulatory policies and procedures because it affects intermodal transportation and attracts substantial public interest. As such, the final rule was reviewed by the Office of Management and Budget and the Office of the Secretary of Transportation before being published. This present action is intended only to allow comments on an appropriate effective date for the December 29, 1994, final rule. Based on the information received in response to this action, the FHWA will make a final determination on an appropriate effective date. It is anticipated that the economic impact of this action will be minimal; therefore, a full regulatory evaluation is not required.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the FHWA has evaluated the effects of this action on small entities. Based upon this evaluation, as well as for the reasons set forth in the previous paragraph, the FHWA hereby certifies that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12612 (Federalism Assessment)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this action does not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. Nothing in this action directly preempts any State law or regulation.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.

Paperwork Reduction Act

The information collection requirements contained in the December 29, 1994, final rule have been approved by the Office of Management and Budget in accordance with the provisions of the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* and assigned the control number of 2125–0557 which expires on June 30, 1997. This action does not affect the recordkeeping requirements previously established.

National Environmental Policy Act

The agency has analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have any effect on the quality of the environment.

Regulation Identification Number

A regulation identification number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN contained in the heading of this document can be used to cross reference this action with the Unified Agenda.

List of Subjects in 49 CFR Part 390

Highway safety, Highways and roads, Intermodal transportation, Motor carriers, Recordkeeping requirements.

Authority: 49 U.S.C. 5901–5907, 31132, 31136, 31502 and 31504; 49 CFR 1.48.

Issued on: May 19, 1995.

Rodney E. Slater,

Federal Highway Administrator.

[FR Doc. 95–12814 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–22–P

Proposed Rules

Federal Register
Vol. 60, No. 101
Thursday, May 25, 1995

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 95–NM–38–AD]

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes. This proposal would require replacement of the return filter diaphragm assemblies on hydraulic systems 1 and 2 with modified filter units having new diaphragms. This proposal is prompted by a report of insufficient running clearance of the brake units due to overpressure in the hydraulic return system; this condition could lead to brake overheating. The actions specified by the proposed AD are intended to prevent overpressure of the hydraulic return system, which could result in reduced braking performance and/or blown tires due to brake overheating.

DATES: Comments must be received by July 5, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–38–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Tim Dulin, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2141; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 95–NM–38–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 95–NM–38–AD, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

Discussion

The Rijksluchtvaartdienst (RLD), which is the airworthiness authority for the Netherlands, recently notified the FAA that an unsafe condition may exist on certain Fokker Model F28 Mark 0100 series airplanes. The RLD advises that it received a report of insufficient running clearance of the brake units on a Fokker Model F28 Mark 0100 series airplane due to overpressure in the hydraulic return system. Results of an investigation revealed that the outlet check valve of a return filter diaphragm assembly of the hydraulic system was blocked. The probable cause of this blockage was determined to be incorrect manufacturing tolerances, which resulted in extrusion of the lower seal at the inner diameter during installation. The RLD received additional reports concerning the possibility of a hydraulic lock between the diaphragm and the check valve of the filter inlet port. This hydraulic lock could lead to incorrect installation of the filter bowl and element.

These conditions, if not corrected, could result in overpressure of the hydraulic return system, which may result in reduced braking performance and/or blown tires due to brake overheating.

Fokker has issued Service Bulletin SBF100–29–025, dated December 31, 1993, which describes procedures for replacement of the return filter diaphragm assemblies on hydraulic systems 1 and 2 with modified filter units having new diaphragms. Installation of these modified units will ensure that the outlet check valve of the return filter diaphragm assembly is not blocked, and will eliminate the possibility of a hydraulic lock between the diaphragm and the check valve of the filter inlet port. The RLD classified this service bulletin as mandatory and issued Netherlands airworthiness directive 94–024 (A), dated January 28, 1994, in order to assure the continued airworthiness of these airplanes in the Netherlands.

This airplane model is manufactured in the Netherlands and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the RLD has kept the FAA informed of the situation described above. The FAA has examined the findings of the RLD, reviewed all available information, and determined that AD action is necessary for products of this type design that are

certificated for operation in the United States.

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require replacement of the return filter diaphragm assemblies on hydraulic systems 1 and 2 with modified filter units having new diaphragms. The actions would be required to be accomplished in accordance with the service bulletin described previously.

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

The FAA estimates that 119 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would be provided by the parts manufacturer at no cost to operators. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $14,280, or $120 per airplane.

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

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Fokker: Docket 95–NM–38–AD.

Applicability: Model F28 Mark 0100 series airplanes equipped with Aircraft Porous Media Europe (APME) Limited hydraulic return filter assemblies having part numbers (P/N) QA07236 and QA07237, all serial numbers; 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 overpressure in the hydraulic return system, which could result in reduced braking performance and/or blown tires due to brake overheating, accomplish the following:

(a) Within 6 months after the effective date of this AD, replace the return filters, P/N's QA07236 and QA07237, on hydraulic systems 1 and 2, respectively, with modified return filter units, in accordance with Fokker Service Bulletin SBF100–29–025, dated December 31, 1993.

(b) As of the effective date of this AD, no person shall install on any airplane a return filter unit, P/N QA07236 or QA07237, on hydraulic system 1 or 2, respectively, unless that unit has been modified in accordance with Fokker Service Bulletin SBF100–29–025, dated December 31, 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, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

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

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

Issued in Renton, Washington, on May 19, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–12827 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–13–U

---

14 CFR Part 39

[Docket No. 94–NM–162–AD]

Airworthiness Directives; Beech Model 400, 400A, and MU–300–10 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Beech Model 400, 400A, and MU–300–10 airplanes. This proposal would require installation of an improved adjustment mechanism on the flightcrew seats and replacement of the existing aluminum seat reinforcement assemblies with steel assemblies. This

proposal is prompted by reports of incomplete latching of the existing adjustment mechanism and cracked reinforcement assemblies, which could result in sudden shifting of a flightcrew seat. The actions specified by the proposed AD are intended to prevent such shifting of a flightcrew seat, which could impair the flightcrew's ability to control the airplane.

DATES: Comments must be received by July 5, 1995.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–162–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Raytheon Aircraft Company, P. O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas.

FOR FURTHER INFORMATION CONTACT: Larry Engler, Aerospace Engineer, Airframe Branch, ACE–118W, FAA, Small Airplane Directorate, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946–4122; fax (316) 946–4407.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 94–NM–162–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 94–NM–162–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received several reports of incomplete latching of the adjustment mechanism on a flightcrew seat on Beech Model 400 series airplanes, which can result in a sudden shift of the seat position. The latching pins are designed to go into an adjustment hole on each rear leg assembly of the crew seat. However, due to the rigidity of the pin/tube assembly, both pins could not slip completely into the latched position unless the holes on both rear assemblies were aligned. Additionally, the FAA has received reports of cracking in the aluminum reinforcement assemblies of the flightcrew seat, which also may contribute to shifting of the seat. Shifting of a flightcrew seat during flight, if not corrected, could impair the flightcrews's ability to control the airplane.

The FAA has reviewed and approved Beechcraft Service Bulletin No. 2536, Revision 1, dated April 1995, which describes procedures for installing an improved adjustment mechanism on the flightcrew seats. This adjustment mechanism will allow each pin to slide into the latched position without both rear leg assemblies being aligned. The service bulletin also describes procedures for replacing the existing aluminum seat reinforcement assemblies with stronger steel assemblies.

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require installing an improved adjustment mechanism on the flightcrew seats, and replacing the existing aluminum seat reinforcement assemblies with steel assemblies. The actions would be required to be accomplished in accordance with the service bulletin described previously.

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

There are approximately 169 Model 400, 400A, and MU–300–10 airplanes of the affected design in the worldwide fleet. The FAA estimates that 121 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 24 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $700 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be $258,940, or $2,140 per airplane.

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

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

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities

under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Beech Aircraft Corporation: Docket 94–NM–162–AD.

Applicability: Model 400 airplanes, serial numbers RJ–1 through RJ–65 inclusive; Model 400A airplanes, serial numbers RK–1 through RK–93 inclusive; and Model MU–300–10 airplanes, serial numbers A1001SA through A1011SA inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced controllability of the airplane due to a shifting of the flightcrew seat during flight, accomplish the following:

(a) Within 200 hours time-in-service after the effective date of this AD, install an improved adjustment mechanism on the flightcrew seat, and replace the existing aluminum seat reinforcement assemblies with steel assemblies, in accordance with Beechcraft Service Bulletin No. 2536, Revision 1, dated April 1995.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Wichita Aircraft Certification Office (ACO), FAA, Small 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, Wichita ACO.

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

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

Issued in Renton, Washington, on May 19, 1995.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 95–12828 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–13–U

---

14 CFR Part 91 and 135

[Docket No. 25149, Notice 95–6; Special Federal Aviation Regulation (SFAR) No. 50–2]

RIN 2120–AF60

Special Flight Rules in the Vicinity of the Grand Canyon National Park

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM); correction.

SUMMARY: This document contains a correction to a Notice of Proposed Rulemaking (NPRM), Special Flight Rules in the Vicinity of the Grand Canyon National Park, SFAR No. 50–2, published in the **Federal Register** on April 12, 1995 (60 FR 18700).

FOR FURTHER INFORMATION CONTACT: Mrs. Ellen Crum, Air Traffic Rules Branch, ATP–230, Telephone (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

Federal Register Document, Docket No. 25149, published on April 12, 1995 (60 FR 18700), proposed to extend the effectiveness of SFAR No. 50–2. The Notice No. was omitted from the heading.

Correction to NPRM

The NPRM, published in the **Federal Register** on April 12, 1995 (60 FR 18700), is corrected as follows:

1. By adding the words ''Notice 95–6;'', on page 18700, first column, in the heading, after ''Docket No. 25149,''.

Issued in Washington, DC, on May 17, 1995.

Donald P. Byrne,

Assistant Chief Counsel, Office of the Chief Counsel.

[FR Doc. 95–12753 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Parts 1910, 1915, and 1926

[Docket No. H–049]

RIN 1218–0099

Respiratory Protection

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Scheduling of a technical panel discussion on assigned protection factors as part of the pending rulemaking hearing.

SUMMARY: By this document, the Occupational Safety and Health Administration (OSHA) announces the convening, pursuant to 29 CFR 1911.4, of a panel to discuss certain science-policy issues involved in respirator selection, focusing on the need for, and limitations of, assigning protection factors for respirators by class. This panel discussion will take place on June 15, 1995, as part of the scheduled rulemaking hearing on respiratory protection. Details on the process and procedures associated with the panel discussion are described below.

DATES: The hearing on the proposed rule will begin on June 6, 1995. The panel discussion is scheduled for 9:00 a.m. on June 15, 1995.

ADDRESSES: The hearing and panel discussion will be held in the auditorium of the U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Proposal: Mr. Richard Liblong, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, 200 Constitution Avenue, N.W., Room N3647, Washington, D.C. 20210; (202) 219–8151.

Hearing: Mr. Thomas Hall, Division of Consumer Affairs, Occupational Safety

and Health Administration, 200 Constitution Avenue, N.W., Room N3649, Washington, D.C. 20210; (202) 219–8615.

SUPPLEMENTARY INFORMATION:

Background

On November 15, 1994, OSHA published a notice of proposed rulemaking on its respiratory protection standard (59 FR 58884 *et seq.*). The proposal is intended to update the current respirator standard to reflect changes in methodology, technology and approach related to respirator protection that have occurred since the existing respiratory protection standard was adopted in 1971.

The hearing on this proposal is scheduled to begin on June 6, 1995, (60 FR 4132 *et seq.*), and will last until at least until June 20, 1995. OSHA is in the process of contacting parties who have submitted notices of intention to appear at the hearing, to confirm the scheduling of their oral testimony.

Scheduling of Science-Policy Panel

OSHA has scheduled, on June 15, 1995, a panel discussion concerning technical, scientific, and policy issues surrounding the assignment of protection factors (APFs). The panel will be comprised of representatives of 6 parties invited by OSHA to participate in the discussion, as well as an OSHA representative. The panel discussion will be chaired by an additional OSHA official. Each invited party is already a participant in the rulemaking by virtue of having submitted a timely notice of intention to appear to testify and is already scheduled to provide testimony on APFs. Each invited party may choose its representative, who need not necessarily be an individual named in the notices of intention to appear at the hearings which the parties previously submitted. OSHA expects that the representatives will possess technical expertise and a willingness to exchange views in a constructive manner. The general agenda for the panel discussion consists of the issues stated below, and a more detailed agenda will be distributed during the hearing no later than June 9, 1995. Questions and brief comments to the panel from hearing participants and, to the extent time permits, from the audience, will be permitted until the Administrative Law Judge adjourns the hearing for the day on June 15, 1995.

The purpose of the panel discussion is to provide a variety of perspectives on the uncertainties surrounding the choice of APFs, so that OSHA can rely upon informed judgement if the Agency decides to set an APF for each respirator class as part of this rulemaking. Conflicting information regarding APFs is emerging in this rulemaking and warrants focused discussion. OSHA believes that additional information and viewpoints on APFs would be useful in resolving various open questions and in arriving at sensible conclusions.

OSHA contemplates that discussion topics will include: the validity of results obtained from available protection factor studies; the range of statistical uncertainty and person-to-person variability surrounding the results of these studies; correlations between study results; identification/specification of procedures and protocols that should be used in determining APFs; and science-policy issues on the role of protection factors in a required selection logic.

In choosing panel participants OSHA will attempt to include, if possible, those participants who have expressed an interest in APFs, and a willingness to exchange views on the record. It should be emphasized that the panel is a device to gather testimony; by opening the discussion to a broad range of parties and interests at once, OSHA believes that information will be tested, that views will be shared, and that the areas of uncertainty intrinsic to these issues will be crystallized. For these reasons, OSHA finds that, pursuant to 29 CFR 1911.4, ''good cause'' exists for scheduling this panel discussion.

The panel's discussions will be facilitated by an OSHA official who will guide the discussion to ensure that the Agency's information needs are met. Since the discussion is ''on the record'', and is part of the hearing procedure, the Administrative Law Judge will be the overall presiding official, consistent with 29 CFR part 1911.

Although as noted above, OSHA is organizing and selecting the makeup of the panel, all hearing participants will have the opportunity, subject to the direction and reasonable discretion of the Administrative Law Judge, to participate at appropriate intervals by making their own comments and by asking clarifying questions of participants. During the panel discussion, participants will discuss the agenda issues and not repeat their testimony provided elsewhere in the hearing. To avoid unproductive, irrelevant or repetitive questioning by panel members, hearing participants, or the public, the Administrative Law Judge will exercise discretion in disallowing such questioning.

The rest of the hearing procedures are set out in 29 CFR 1911.15–18, in the **Federal Register** notices of November 15, 1994 (59 FR 58884 *et seq.*) and also repeated in the notice of January 20, 1995 (60 FR 4132 *et seq.*) or in the Administrative Law Judge's prehearing guidelines which will be sent to all persons who have filed notices of intention to appear.

Authority and Signature

This document was prepared under the direction of Joseph A. Dear, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C., 20210. It is issued pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655).

Signed at Washington, D.C. this 19th day of May, 1995.

Joseph A. Dear,

Assistant Secretary of Labor.

[FR Doc. 95–12876 Filed 5–24–95; 8:45 am]

BILLING CODE 4510–25–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 925

Missouri Abandoned Mine Lands Reclamation (AMLR) Plan

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

ACTION: Proposed rule; reopening and extension of public comment period on proposed amendment.

SUMMARY: OSM is announcing receipt of revisions pertaining to a previously proposed amendment to the Missouri AMLR plan (hereinafter referred to as the ''Missouri plan'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The revisions for Missouri's proposed statutes, regulation, and State reclamation plan provisions of the Missouri Abandoned Mine Lands program pertain to powers of the Land Reclamation Commission, expenditures of the abandoned mine reclamation fund, eligible coal lands and water, and a future set-aside program. The amendment is intended to revise the Missouri AMLR plan to be consistent with the corresponding Federal standards, to clarify ambiguities, and to improve operational efficiency.

DATES: Written comments must be received by 4:00 p.m., c.d.t., June 9, 1995.

ADDRESSES: Written comments should be mailed or hand delivered to Michael C. Wolfrom at the address listed below.

Copies of the Missouri plan, 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 Kansas City Field Office.

Michael C. Wolfrom, Acting Director, Kansas City Field Office, Office of Surface Mining Reclamation and Enforcement, 934 Wyandotte, Room 500, Kansas City, Missouri 64105.

Missouri Department of Natural Resources, Land Reclamation Program, 205 Jefferson Street, P.O. Box 176, Jefferson City, Missouri 65102, Telephone: (314) 751–4041.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, telephone: (816) 374–6405.

SUPPLEMENTARY INFORMATION:

I. Background on Title IV of SMCRA

Title IV of SMCRA established an abandoned mine land (AML) program for the purposes of reclaiming and restoring lands and waters adversely affected by past mining. The program is funded by a reclamation fee levied on the production of coal. Lands and waters eligible for reclamation under Title IV are those that are mined or affected by mining and abandoned or inadequately reclaimed prior to August 3, 1977, and for which there is no continuing reclamation responsibility under State or Federal laws. The Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508, Title VI, Subtitle A, Nov. 5, 1990, effective Oct. 1, 1991) amended SMCRA, to provide changes in the eligibility of project sites for AML expenditures. The Secretary adopted AML regulations (59 FR 28136, May 31, 1994) at 30 CFR Chapter VII, Subchapter R, Parts 795, 870, 872, 873, 874, 875, 876, and 886 to implement this act. Title IV of SMCRA now provides for reclamation of certain mine sites where the mining occurred after August 3, 1977. These include interim program sites where bond forfeiture proceeds were insufficient for adequate reclamation and sites affected any time between August 4, 1977, and November 5, 1990, for which there were insufficient funds for adequate reclamation due to the insolvency of the bond surety.

Title IV provides for State submittal to OSM of an AMLR plan. The Secretary of the Interior adopted regulations at 30 CFR 870 through 888 that implement Title IV of SMCRA. Under these regulations, the Secretary reviewed the plans submitted by States and solicited and considered comments of State and Federal agencies and the public. Based upon the comments received, the Secretary determined whether a State had the ability and necessary legislation to implement the provisions of Title IV. After making such determination, the Secretary decided whether to approve the State AMLR program. Approval granted the State exclusive authority to administer its plan.

Upon approval of a State's plan by the Secretary, the State may submit to OSM, on an annual basis, an application for funds to be expended by that State on specific projects that are necessary to implement the approved plan. Such annual requests are reviewed and approved by OSM in accordance with the requirements of 30 CFR Part 886.

II. Background on the Missouri Plan

On January 29, 1982, the Secretary of the Interior approved the Missouri plan. General background information on the Missouri plan, including the Secretary's findings, the disposition of comments, and the approval of the Missouri plan can be found in the January 29, 1982, **Federal Register** (47 FR 4253). Subsequent actions concerning the Missouri plan and plan amendments can be found at 30 CFR 925.20 and 925.25.

III. Proposed Amendment

By letter dated November 29, 1994, Missouri submitted a proposed amendment to its AMLR plan pursuant to SMCRA (administrative record No. AML–MO–89). Missouri submitted the proposed amendment in response to a September 26, 1994, letter (administrative record No. AML–MO–88) that OSM sent to Missouri in accordance with 30 CFR 884.15(b) concerning revisions to the AML regulations at 30 CFR Chapter VII, Subchapter R (59 FR 28136, May 31, 1994).

Missouri proposed to amend its statutes at (1) Revised Statutes of Missouri (RSMo) Section 444.810.2, pertaining to powers of the Land Reclamation Commission (Commission) to require that any rules promulgated under the authority of the Commission shall not become effective until they are approved by the joint committee on administrative rules and to provide the procedures necessary for this review and approval process, (2) RSMo Section 444.915.2, pertaining to priorities for expenditures of monies deposited to the abandoned mine reclamation fund, and (3) RSMo 444.915.3, pertaining to reclamation of interim program and insolvent surety coal sites. Missouri also proposed to amend its rules at 10 Code of State Regulations (CSR) 40–9.020 (1)(D) and (E) for general requirements related to the reclamation of coal lands and water abandoned after August 3, 1977, and at 10 CSR 40–9.020(3), concerning the definition of the term ''left or abandoned in either an unreclaimed or inadequately reclaimed condition.''

In addition, Missouri proposed to amend its AML State Reclamation Plan at (1) Section 884.13(c)(2), concerning project ranking and selection procedures to require the submittal of the Abandoned Mine Land Problem Area Description Form (OSM 76), to provide that interim program and insolvent surety coal sites mined after August 3, 1977, may be eligible for AML funding, and to exclude certain types of sites from AML funding, (2) Section 884.13(d)(3), concerning purchasing and procurement procedures that restrict the eligibility of bidders and their subcontractors on AML contracts, and (3) Section 884.13(d)(4), concerning accounting procedures and the use of AML State-share funds annually for a future reclamation set-aside program in Missouri.

OSM announced receipt of the proposed amendment in the December 13, 1994, **Federal Register** (59 FR 64176), provided an opportunity for a public hearing or meeting on its substantive adequacy, and invited public comment on its adequacy (administrative record No. AML–MO–91). The public comment period ended on January 12, 1995. At the request of the Missouri Department of Natural Resources, OSM held a public meeting in Jefferson, Missouri on March 1, 1995. OSM entered a summary of the public meeting into the administrative record (administrative record No. AML–MO–96).

During its review of the proposed amendment, OSM identified concerns relating to the provisions of (1) RSMo 444.915.3(3), concerning the reclamation of sites where mining occurred between certain dates and the surety company became insolvent, (2) 10 CSR 40–9.020(1)(D) and (E), concerning eligible coal lands and waters, and (3) Section 884.13(d)(4), concerning the creation of a future reclamation set-aside program. OSM notified Missouri of the concerns in a letter dated February 16, 1995 (administrative record No. AML–MO–93).

Missouri responded in a letter dated May 16, 1995, by submitting a revised amendment and additional explanatory information (administrative record No.

AML–MO–100). Missouri proposes revisions to and additional explanatory information for (1) RSMo 444.915.3(3), pertaining to the reclamation of insolvent surety coal sites, (2) 10 CSR 40–9.020(1)(D) and (E), pertaining to priorities of eligible coal lands and waters for reclamation and reimbursement for the cost of reclamation, and (3) Section 884.13(D)(4) of the AML State Reclamation Plan, pertaining to the use of AML State-share funds to establish a future set-aside program in Missouri.

IV. Public Comment Procedures

OSM is reopening the comment period on the proposed Missouri plan amendment to provide the public an opportunity to reconsider the adequacy of the proposed amendment in light of the additional materials submitted. In accordance with the provisions of 30 CFR 884.14 AND 884.15(a), OSM is seeking comments on whether the proposed amendment satisfies the applicable plan approval criteria of 30 CFR 884.14. If the amendment is deemed adequate, it will become part of the Missouri plan.

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 Kansas City Field Office will not necessarily be considered in the final rulemaking or included in the administrative record.

V. Procedural Determinations

1. Executive Order 12866

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

2. 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 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 AMLR plans and revisions thereof since each such plan is drafted and promulgated by a specific State, not by OSM. Decisions on proposed State AMLR plans and revisions thereof submitted by a State are based on a determination of whether the submittal meets the requirements of Title IV of SMCRA (30 U.S.C. 1231–1243) and the applicable Federal regulations at 30 CFR Parts 884 and 888.

3. National Environmental Policy Act

No environmental impact statement is required for this rule since agency decisions on proposed State AMLR plans and revisions thereof are categorically excluded from compliance with the National Environmental Policy Act (42 U.S.C. 4332) by the Manual of the Department of the Interior (516 DM 6, appendix 8, paragraph 8.4B(29)).

4. 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.).*

5. 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 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 established by SMCRA or previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have as significant economic impact, the Department relied upon the data and assumptions in the analyses for the corresponding Federal regulations.

List of Subjects in 30 CFR Part 925

Intergovernmental relations, Surface mining, Underground mining.

Dated: May 19, 1995.

Nancy L. Shaw,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 95–12881 Filed 5–24–95; 8:45 am]

BILLING CODE 4310–05M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1803, 1815, and 1852

Addition of Coverage to NASA FAR Supplement on NASA Ombudsman Program

AGENCY: Office of Procurement, National Aeronautics and Space Administration (NASA).

ACTION: Notice of proposed rulemaking.

SUMMARY: To improve communications with interested parties, NASA plans to establish an Ombudsman Program. This rule sets forth a clause for identification of the NASA and installation ombudsmen to be included in solicitations and contracts. The clause is also to serve as the basis for a statement to be included in ''Commerce Business Daily'' announcements. In addition, the rule amends NASA's coverage on procurement integrity to include the NASA and installation ombudsmen as individuals authorized access to proprietary and source selection information.

DATES: Comments must be received on or before July 24, 1995.

ADDRESSES: Submit comments to Mr. Joseph Le Cren, Analysis Division (Code HC), Office of Procurement, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Le Cren, (202) 358–0444.

SUPPLEMENTARY INFORMATION:

Background

In order to improve communications with interested parties (offerors, potential offerors, contractors), and to facilitate the resolution of concerns in an informal manner, NASA plans to establish an Ombudsman Program. In addition, section 1004(a) of the Federal Acquisition Streamlining Act of 1994, Public Law 103–355, enacted October 13, 1994, requires NASA, under 10 U.S.C. 2304c(e), to appoint a task and delivery order ombudsman where multiple task or delivery order contracts are made. In order to accomplish these things, a NASA Management Instruction has been developed to establish the NASA Ombudsman Program. It is also necessary to amend the NASA FAR Supplement to include a clause to notify offerors, potential offerors, contractors, and industry representatives of the purpose of the NASA Ombudsman Program and to provide the names and telephone numbers of the agency and applicable installation ombudsmen. The rule also proposes to amend the current NASA FAR Supplement coverage on procurement integrity to include the NASA and installation ombudsmen as individuals authorized access to proprietary and source selection information, as needed, to carry out their duties.

Impact

NASA certifies that this regulation 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.*) This rule does not impose any reporting or

recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1803, 1815 and 1852

Government procurement.

Deidre A. Lee,

Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1803, 1815 and 1852 are proposed to be amended as follows:

PART 1803—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

1. The authority citation for 48 CFR Parts 1803, 1815 and 1852 continue to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

2. In section 1803.104–5, the introductory text of paragraph (c) is revised and paragraph (c)(11) is added to read as follows:

1803.104–5 Disclosure, protection, and marking of proprietary and source selection information.

* * * * *

(c) Government employees serving in the following positions are authorized access to proprietary or source selection information, but only to the extent necessary to perform their official duties:

* * * * *

(11) Duly designated ombudsman.

* * * * *

PART 1815—CONTRACTING BY NEGOTIATION

3. Subpart 1815.70 is added to read as follows:

Subpart 1815.70—Ombudsman

1815.7001 NASA Ombudsman Program.
1815.7002 Commerce Business Daily announcements, solicitations and contracts.

* * * * *

Subpart 1815.70—Ombudsman

1815.7001 NASA Ombudsman Program.

NASA's implementation of an ombudsman program is in NMI 1210.XX, NASA Ombudsman Program.

1815.7002 Commerce Business Daily announcements, solicitations and contracts.

The contracting officer shall include a statement similar to that contained in the clause at 1852.215–84, Ombudsman, in Commerce Business Daily announcements of competitive procurements. Also, a clause substantially the same as the one at 1852.215–84 shall be included in Section L of solicitations, including draft solicitations, and in all contracts.

3. Section 1852.215-84 is added to read as follows:

1852.215–84 Ombudsman.

As prescribed in 1815.7002, insert the following clause:

Ombudsman

(XXX 1995)

An ombudsman has been appointed to hear concerns from offerors, potential offerors, and contractors during the preaward and postaward phases of this acquisition. The purpose of the ombudsman is not to diminish the authority of the contracting officer, the Source Selection Board, or the selection official, but to communicate concerns, issues, disagreements, and recommendations of interested parties to the appropriate Government personnel and to work to resolve them. When requested, the ombudsman will maintain strict confidentiality as to the source of the concern. The ombudsman does not participate in the evaluation of proposals, the source selection process, or the arbitration of formal contract disputes. Interested parties are invited to call the installation ombudsman _____ [Insert name] at _____ [Insert telephone number]. Concerns, issues, disagreements, and recommendations which cannot be resolved at the installation may be referred to the NASA ombudsman _____ [Insert name] at _____ [Insert telephone number].

(End of Clause)

[FR Doc. 95–12776 Filed 5–24–95; 8:45 am]

BILLING CODE 7510–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

Air Brake Systems; Denial of Petition for Rulemaking

AGENCY: National Highway Traffic Safety Administration.

ACTION: Denial of petition for rulemaking.

SUMMARY: This notice denies a petition for rulemaking, submitted by Rocky Mountain Technology Engineering Corporation, to require that all air braked trailers using adjustable axles be equipped with an automatic pneumatic locking device. According to the petitioner, its device will ensure that the adjustable axles are automatically locked in place while the vehicle is in motion. It will help prevent back injuries now reportedly resulting from the misuse of manual systems. After conducting its review, the agency has determined that the petition should not be granted because measures designed to prevent back injuries and the unintended movement of adjustable axles do not raise significant safety problems.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Carter, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–65274.

SUPPLEMENTARY INFORMATION: Federal Motor Vehicle Safety Standard (FMVSS) No. 121, *Air Brake Systems* (49 CFR 571.121), establishes performance requirements for braking systems on vehicles equipped with air brakes. The purpose of the standard is to ensure safe braking performance under normal and emergency braking conditions.

Neither FMVSS No. 121 nor any other FMVSS presently addresses the locking of adjustable axles on trailers.[1] Such adjustable axles are also referred to as slider axles. Adjustable axles can move backward and forward on semi-trailers. Such adjustability allows the axles to be moved so as to balance the loading on the various axles of the trailer. In this way, users of semi-trailers can avoid exceeding the weight limit on each axle. The adjustability also allows the distance between the coupling and the rear axle to be limited in order to improve trailer mobility. Currently, most adjustable axles incorporate a mechanical system for locking the axles in place.

On September 30, 1994, Mr. Larry Wessels, the president of Rocky Mountain Technology Engineering Corporation (Rocky Mountain), submitted a petition for rulemaking requesting that FMVSS No. 121 be amended to require semitrailers with adjustable axles to be equipped with an automatic pneumatic locking system. Such a system would be joined to the air brake system and would allow automatic retraction of the locking pins, provided that the parking spring brakes have been set. A video tape accompanying the petition highlighted two principle differences between present adjustable axle systems and the one described by the petitioner. First, Rocky Mountain's device uses four locking pins instead of two. Second, its device engages automatically through the use of air pressure, rather than manually through the use of lever arms. The petitioner contended that its device would replace manual locking systems, which it claimed fail more readily and frequently result in back injuries when

[1] The Federal Motor Carrier Safety Regulations (FMCSR) issued by the Federal Highway Administration (FHWA) specify that ''Adjustable axle assemblies shall not have locking pins missing or disengaged.'' 49 CFR 393.207.

the driver tries to manually retract the pin to adjust the sliding axle. The petitioner also contended that its system would more likely ensure that the adjustable axles remain in place. Based on its concern, Rocky Mountain requested that the agency initiate rulemaking to require this product.

After reviewing the petition and other available information, NHTSA has determined that requiring an automatic locking pin system would not prevent injuries and fatalities related to motor vehicle accidents. In reviewing its recall and defect investigation files, NHTSA found only one agency Engineering Analysis involving adjustable axle assemblies: in 1980, the agency opened an investigation based upon six consumer complaints involving accidents in which the adjustable assembly completely separated from Freuhauf flatbed trailers. The agency conducted a number of laboratory and field tests in an attempt to dislodge the pins from the frame rails. In none of the tests performed over a broad range of conditions was the agency able to dislodge the pins. The agency closed this Engineering Analysis without ordering a recall, redesign, or any other changes to the manufacturer's product. The agency's review of its Office of Defect Investigation's (ODI's) Customer Complaint file similarly found no safety problems with respect to adjustable axles.

NHTSA also is concerned that requiring a system like Rocky Mountain's could potentially create operational problems, given that it would increase the complexity of adjustable axle locking systems. Specifically, Rocky Mountain's automatic locking system would add approximately 20 additional air couplings, 17 more separate air lines, four additional air pistons, one fairly complex control valve, and the electrical support system to monitor the position of the pistons along with the wiring and lighting to the cab area. As a result, the system's reliability must be very good. This is so because when more components are added to a system, each component must have a high individual reliability rate to maintain the same reliability for the total system or vehicle. The mechanical systems are less complex compared with the automatic system because they have many fewer parts. However, the agency believes that they are capable of performing their intended function.

NHTSA notes that requiring Rocky Mountain's product would result in considerable costs. Rocky Mountain indicated that its device would cost approximately $100 more than the present manual system. Given that the average annual production of trailers is approximately 186,000 units and that between 85 percent and 90 percent of trailers have adjustable axles, NHTSA estimates that requiring the petitioner's device would cost approximately $16 million ($100 x 186,000 x 85 percent) annually.

Rocky Mountain claimed that its device would prevent injuries caused both while the vehicle is in use and while the stationary vehicle's axle is being adjusted. Based on its review of safety data, NHTSA is aware of few injuries caused by such situations.

Based on the above considerations, NHTSA has determined that Rocky Mountain's petition should be denied. This decision is based in part on the fact that there are no test data, other information or analyses to substantiate the petitioner's claim that the requested amendment would reduce injuries and fatalities associated with motor vehicle accidents. Moreover, such a requirement would result in significant costs without corresponding benefits.

In accordance with 49 CFR Part 552, the agency has completed its technical review of the petition and determined that there is no reasonable possibility that the requested amendment would be issued at the conclusion of a rulemaking proceeding. Accordingly, the agency is denying the petition.

Notwithstanding NHTSA's decision to deny Rocky Mountain's petition, the agency notes that neither the requirements of FMVSS No. 121 nor those of the agency's underlying statute under which the standard was issued, prohibit the installation of the petitioner's product; provided that if it is installed on a vehicle by a vehicle manufacturer, dealer, distributor or repair business, neither the act of installation nor the operation of the device makes inoperative any device or element of design installed on that vehicle in compliance with FMVSS No. 121.

Authority: 49 U.S.C. 30103 and 30162; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: May 19, 1995.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 95–12831 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register

Vol. 60, No. 101

Thursday, May 25, 1995

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Administration, Committee on Regulation, and Special Committee to Review the Government in the Sunshine Act

ACTION: Notice of public meetings.

SUMMARY: Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of meetings of the following committees of the Administrative Conference of the United States: Committee on Administration, Committee on Regulation, and Special Committee to Review the Government in the Sunshine Act.

Agency: Committee on Administration.

Dates: Thursday, June 15, 1995, at 11:30 a.m.

Addresses: American Arbitration Association, Sixth Floor, 1150 Connecticut Avenue, N.W., Washington, DC.

For Further Information Contact: Charles Pou, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, DC 20037. Telephone: (202) 254–7020.

Agency: Committee on Regulation.

Dates: Friday, June 16, 1995, from 7:30 a.m. to 8:45 a.m.

Addresses: Hay-Adams Hotel, 800 Sixteenth Street, NW, Suite 706, Washington, DC.

For Further Information Contact: David M. Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW, Suite 500, Washington, DC 20037. Telephone: (202) 254–7020.

Agency: Special Committee to Review the Government in the Sunshine Act.

Dates: Tuesday, June 27, 1995, at 2:00 p.m.

Addresses: Office of the Chairman, Administrative Conference, 2120 L Street, NW, Suite 500, Washington, DC.

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

SUPPLEMENTARY INFORMATION: The Committee on Administration will meet to continue discussion of the potential use of alternative dispute resolution and other innovative techniques for resolving conflicts between endangered species and development interests. The Committee will consider convening public meetings and/or some other form of public involvement to address issues raised by the consultants' report.

The Committee on Regulation will meet to continue discussion of possible recommendations on self-implementation, or self-enforcement, as a regulatory alternative to direct enforcement. The committee has been considering a draft report on this subject by Professor Douglas C. Michael of the University of Kentucky College of Law.

The Special Committee to Review the Government in the Sunshine Act will meet for the second time to continue its deliberations concerning the need for changes in the Act. The study was initiated by a letter from over a dozen current and former agency commissioners requesting that the Administrative Conference review the operation of the Government in the Sunshine Act. Copies of the letter are available from the Administrative Conference. This meeting is being held for the purpose of hearing from representatives of groups that have a special interest in maximizing the public availability of government information.

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

Dated: May 18, 1995.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 95–12816 Filed 5–24–95; 8:45 am]

BILLING CODE 6110–01–W

Assembly of Administrative Conference; Meeting

ACTION: Notice of public meeting.

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

DATES: Thursday, June 15, 1995, 1:00 p.m.; Friday, June 16, 1995, 9:00 a.m.

ADDRESSES: Amphitheatre of the Office of Thrift Supervision, Second Floor, 1700 G Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Renee Barnow (202) 254–7020.

SUPPLEMENTARY INFORMATION: The Assembly of the Administrative Conference of the United States makes recommendations to administrative agencies, the President, Congress, and the Judicial Conference of the United States regarding the efficiency, adequacy, and fairness of the administrative procedures used by Federal agencies in carrying out their programs. The Assembly will meet in Plenary Session to consider, not necessarily in the order stated, proposed recommendations on the following subjects:

1. Review of Existing Agency Regulations;
2. Streamlined Processes for Noncontroversial and Emergency Rulemaking;
3. Resolution of Government Contract Bid Protest Disputes;
4. Alternative Dispute Resolution Confidentiality and the Freedom of Information Act; and
5. Use of Mediation under the Americans with Disabilities Act.

The agenda will also include a forum on innovative approaches to resolving workplace conflicts. The forum, scheduled for June 16 (approximately 10:30 a.m.), will include a presentation by commissioners of the Equal Employment Opportunity Commission describing the Commission's new mediation program. A panel of

commentators will discuss this and other initiatives.

Plenary sessions are open to the public. All participants with special needs and/or who will require assistance should contact Sharon D. Anderson or Lavette M. Miller. Further information on the meeting, including copies of proposed recomendations, may be obtained from the Office of the Chairman, Suite 500, 2120 L Street, N.W., Washington, D.C. 20037, telephone (202) 254–7020.

Dated: May 18, 1995.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 95–12815 Filed 5–24–95; 8:45 am]

BILLING CODE 6110–01–W

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

May 19, 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; (65) 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, D.C. 20250, (202) 690–2118.

Emergency Collection

• Office of Inspector General
Commodity Origin Questionnaire for Agricultural Commodities
Business or other for-profit; 100 responses; 200 hours
Raymond G. Poland, (202) 720–2887

Revision

• Rural Economic & Community Development
7 CFR 1980–D, Rural Housing Loans
FmHA 1980–11, 12, 13, 16, 17, 18, 20, 21; RECD 1980–80, 81, 86
Individuals or households Business or other for-profit; State, Local or Tribal government; 158–216 responses; 77,645 hours
Jack Holston (202), 720–9736

• Animal and Plant Health Inspection Service
7 CFR 354 & 9 CFR 130 User Fees
PPQ 250 & VS 16–7
Individuals or households; Business or other for-profit; Federal government; State, local or Tribal government; 246,103 responses; 9,349 hours
Helen Schmitt, (301) 734–5901

• Cooperative State Research, Education, and Extension Service
Application Kit
CSREES—55, 661, 662 and 663
Individuals or households; Business or other for-profit; Not-for-profit; Federal Government; State, Local or Tribal Government; 5,200 responses; 23,600 hours
Sondra Watkins, (202) 401–5050

Extension

• Food and Consumer Service
WIC Program Annual Closeout Report with Addendum
FCS–227 and FCS–227A
State, Local or Tribal government; 86 responses; 490 hours
Joan Carroll, (703) 305–2716

• Food and Consumer Service
WIC Local Agency Directory Report
FCS–648
State, Local or Tribal Government; 86 responses; 64 hours
Joan Carroll, (703) 305–2716

• Foreign Agricultural Service
List of Commodities by firm Available for Exporting
Business or other for-profit; Farms; 4500 responses; 1125 hours
Jeffrey Hesse, (202) 690–3424.

Larry K. Roberson,

Deputy Departmental Clearance Officer.

[FR Doc. 95–12882 Filed 5–24–95; 8:45 am]

BILLING CODE 3410–01–M

Food Safety and Inspection Service

[Docket No. 95–015N]

Guidelines for Preparing and Submitting Experimental Protocols for In-Plant Trials of New Technologies and Procedures

AGENCY: Food Safety Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service has issued Directive 10,700.1, establishing guidelines for preparing and submitting experimental protocols for in-plant research or trials of new technologies and procedures in federally inspected meat and poultry plants. This notice summarizes Directive 10,700.1 and announces its availability to interested persons.

ADDRESSES: To obtain a copy of FSIS Directive 10,700.1, ''Guidelines for Preparing and Submitting Experimental Protocols for In-Plant Trials of New Technologies and Procedures,'' contact Ms. Diane Moore, Docket Clerk, room 4352, South Agriculture Building, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 720–3813.

FOR FURTHER INFORMATION CONTACT: Dr. Pat Basu, Director, Technology Assessment and Research Coordination Division, Science and Technology, Food Safety and Inspection Service, U.S. Department of Agriculture, room 302, Annex Building, 300 12th Street SW., Washington, DC 20250, (202) 720–8623.

SUPPLEMENTARY INFORMATION:

Background

The Food Safety and Inspection Service (FSIS) periodically issues directives that either explain internal administrative policies and procedures or, as in the case of Directive 10,700.1, clarify FSIS regulations and procedures regarding meat and poultry product safety and inspection. While these directives are intended for FSIS inspectors and other employees, they are also regularly sent to other interested persons, including meat and poultry plant management, trade associations, and State and local governments. To ensure that all interested persons are aware of the substance and availability of this directive, FSIS is publishing this notice.

Directive 10,700.1

As part of its comprehensive strategy to reduce the occurrence and numbers of pathogenic organisms in meat and poultry for the purpose of reducing the incidence of foodborne illness associated with consumption of those products, FSIS has proposed a series of new requirements applicable to all federally inspected meat and poultry plants (''Pathogen Reduction; Hazard Analysis and Critical Control Points (HACCP) Systems''; February 3, 1995, 60 FR 6774–6889). In order to meet the requirements proposed in that document, the meat and poultry industries may find it useful to develop innovative technologies and procedures that more effectively protect meat and poultry products from microbiological

and other hazards. FSIS is committed to fostering such innovation.

In the past few years, innovative technologies and procedures have been developed by the meat and poultry industry and allied enterprises to enhance industry productivity and profitability. FSIS believes that industry innovation should also be directed to improving food safety. FSIS intends as part of its comprehensive long-term food safety strategy to increase the incentives for such innovation by establishing public health-driven targets, guidelines, and standards that establishments will be held accountable for meeting. Also, FSIS is redoubling its efforts to facilitate experimentation in the meat and poultry industries.

Specifically, FSIS is encouraging in-plant experimentation, which both aids in the development of new production and processing techniques and provides the requisite confirmation that new technologies and procedures are efficacious, practical, and manageable in commercial plant environments. FSIS has reviewed its policies and procedures governing review and approval of in-plant experimentation with the intention of simplifying them to the maximum extent possible, while ensuring that important safety and efficacy issues are considered. As a result, on April 11, 1995, FSIS issued Directive 10,700.1, ''Guidelines for Preparing and Submitting Experimental Protocols for In-Plant Trials of New Technologies and Procedures.''

Directive 10,700.1 explains that a written proposal and protocol must be submitted to FSIS, reviewed, and approved prior to any in-plant research or demonstration of technologies and procedures that could affect product safety, worker safety, environmental safety, or inspection procedures. The written proposal and protocol must contain a statement of purpose, a scientific literature review, including data from laboratory studies supporting further in-plant trials, a detailed description of the research methodology to be used, and other administrative information. Also, proposals for research on technologies or procedures that could alter inspection procedures, affect food safety, or are to be approved for general use must include a detailed study design and a commitment to submit final research results. Applicants must submit proposals and protocols at least 60 days before any experiments begin, so that FSIS may have adequate time to both review the proposal and notify, if necessary, the local FSIS inspection staff who would observe the approved experiment.

FSIS will not approve any proposal or protocol for in-plant experimentation that could result in an increased risk for the public and accordingly has placed certain restrictions on experiments involving the artificial contamination of food products. For example, in experiments where researchers artificially contaminate carcasses with fecal material that may contain human pathogens, any products from these carcasses must be removed from commercial channels or reconditioned to be wholesome and fit for sale. Also, in tests where researchers artificially contaminate carcasses with surrogate organisms that approximate the growth or spread of human pathogens, trimming of treated areas followed by an antimicrobial wash is required before product can be moved into commerce. Furthermore, while FSIS will not approve experiments that unreasonably interfere with our inspection responsibilities, requests for modest changes in inspection during an experiment will be considered on a case-by-case basis.

FSIS requires that certain proposal and protocol submissions include approvals from other agencies. If any chemical reagents or other such materials are to be used in an experiment, those materials must have been approved by Food and Drug Administration. Also, certain proposals for experiments that may affect worker safety must be accompanied by appropriate regulatory citations or by written approval from the Environmental Protection Agency (EPA) and/or the Occupational Safety and Health Administration. And, some proposals for experiments that may impact environmental safety must be accompanied by approvals from EPA.

During approved in-plant experimentation, FSIS reserves the right to have on-site observers present and to review interim data. Should unexpected safety concerns arise at any time, for example, if food products affected by the experiment are in violation of food safety statutes or present an increased risk to the public, FSIS will require termination of the experiment. FSIS also reserves the right to have an approved proposal, as well as experimental results, reviewed by outside parties, as long as proprietary rights are safeguarded. Further, FSIS reserves the right to request the ''raw'' data initially collected from the experiment when evaluating the results of in-plant experiments.

FSIS has established a new unit, the Technology Assessment and Research Coordination Division (TARCD), which will function as the single point of entry for in-plant research protocols and experimental results. TARCD will perform the initial review of proposals for acceptability and completeness and then forward the proposals to teams within FSIS for technical review. TARCD also will be responsible for conveying results from FSIS technical reviews to the researchers requesting approval for in-plant experiments. TARCD will similarly coordinate the review of results and facilitate the policy decision process.

Proposals and protocols that are unapproved or in the approval process will be unavailable to the public. Approved proposals and protocols will be available and on file in the FSIS Freedom of Information Act (FOIA) reading room. FSIS will ensure FOIA protection for proprietary information contained in proposals and protocols available to the public.

Development and dissemination of these guidelines, as well as the establishment within FSIS of a single office for receiving proposed protocols for in-plant research, is intended to encourage the technological and procedural innovation necessary to enhance food safety within the meat and poultry industries.

Done at Washington, DC on May 19, 1995.

Michael R. Taylor,

Acting Under Secretary for Food Safety.

[FR Doc. 95–12883 Filed 5–24–95; 8:45 am]

BILLING CODE 3410–DM–P

Forest Service

Notice of Intent

AGENCY: Forest Service, USDA.

ACTION: Revision of notice of intent to prepare an Environmental Impact Statement.

SUMMARY: On May 13, 1992, the Forest Service filed a notice of intent in the **Federal Register** to prepare an environmental impact statement (EIS) to analyze revision of management guidelines for the Desolation Wilderness on the Pacific and Placerville Ranger Districts of the Eldorado National Forest and the Lake Tahoe Basin Management Unit, El Dorado County, California. A subsequent notice was filed on May 2, 1994, because the draft EIS was delayed more than 6 months. This notice is being filed because the EIS has been delayed more than 6 months and because the responsible official has been changed.

ADDRESSES: John Phipps, Forest Supervisor, Eldorado National Forest, ATTN: Desolation Wilderness EIS, 100

Forni Rd. Placerville, CA 95667, phone 916–622–5061.

FOR FURTHER INFORMATION CONTACT: Direct questions about the proposed action and EIS to Karen Leyse, Interdisciplinary Team Leader, Eldorado National Forest, 100 Forni Rd. Placerville, CA 95667, phone 916–622–5061.

SUPPLEMENTARY INFORMATION: The *Eldorado National Forest Land and Resource Management Plan* (1989), the *Lake Tahoe Basin Management Unit Land and Resource Management Plan* (1988), and the 1964 Wilderness Act have provided general management direction for Desolation Wilderness. The current Desolation Wilderness Management Plan was completed in 1978; both Forest Plans indicate the need to review the existing Desolation Wilderness Plan and to revise it as needed. The decision may result in amendment to the Forest Plans.

A great deal of scoping has been completed since the original notice of intent was filed. Through scoping, the following issues have been identified:

1. Fire. Fire suppression has affected the development and maintenance of natural plant communities and the resulting ecosystems. Current fire management policy and suppression techniques are not consistent with maintaining natural processes and wilderness characteristics.

2. Fisheries. Stocking of fish in wilderness lakes provides recreational opportunities for the public, but this practice affects naturally occurring biodiversity and ecosystems, which are protected by wilderness designation.

3. Range. Current grazing practices may impact water quality, vegetation, meadow and riparian areas, wildlife, and archaeological sites. Grazing is a historical use; however, the presence of cattle disturbs some visitors.

4. Water quality. Current use and management practices may be creating unacceptable water quality conditions in the wilderness.

5. Wood fires. Many wilderness users value campfires as part of the wilderness experience; however, collection of firewood and presence of firerings, ashes, and other campfire debris degrades campsites and eliminates down, woody debris, an important part of the ecosystem.

6. Visitor impacts. Some areas of the wilderness, especially lakeshores and easily accessed sites, are being damaged by visitor use. Users, including recreational stock users, may impact the vegetation, soils, wildlife, and cultural sites.

7. Quotas and group size. The number and distribution of users and the size of groups (including stock) affect the values and character of the wilderness and the quality of the wilderness experience.

8. Aircraft overflights. Overflights are common and intrude on the wilderness experience.

9. Dogs. The presence of dogs disturbs some visitors, adds to sanitation problems, and may harass wildlife.

10. Recreational shooting. Some visitors feel that the responsible use of guns should be allowed. Others are disturbed by the noise and the harassment of wildlife and have expressed concern for their own safety.

11. Trails. Management and development of trailheads and trails may affect the amounts and patterns of use and the quality of the wilderness experience.

In preparing the EIS, the Forest Service will be considering a range of alternatives for future management of the wilderness. The Forest Service is in the process of developing these alternatives, which range from maximum recreational use of the wilderness to maximum wilderness protection. These preliminary alternatives may be revised before the draft EIS is issued as new information is developed or new comments are received:

Maximum Opportunity. This alternative would increase the use of the wilderness by expanding the trail system and signing, maintaining all trails, and upgrading unimproved trails. Camping would be allowed in all zones. Fisheries opportunities would be increased. Campfires would be permitted in designated firings, back country toilets would be installed, group sizes of 25 would be permitted, and quotas for overnight camping would be raised. There would be no limits on recreational shooting. There would be no group size limits for recreational stock. No fees would be charged.

No Action. The current situation would continue unchanged. There would continue to be unlimited day use with quotas on overnight use in the 3-month summer period. Camping would be permitted in all zones. Maintenance and reconstruction of existing trails would continue. Fish stocking of lakes and operation of stream flow management dams would continue. Wood fires would continue to be prohibited. All fires, including lightening caused fires, would be suppressed. Sanitation recommendations would continue to include a 100-foot setback from water. There would be no limits on recreational shooting or recreational stock. The forests would continue to pursue charging a permit reservation fee.

Enhanced Wilderness Experience. The quality of the wilderness experience would be improved by restricting the number of day users in heavily used areas and by slightly reducing the number of overnight users permitted over a 5-month summer period. Group sizes would be reduced in remote areas. The number of stock permitted per group would be limited, and recreational shooting would be limited during the heavy use season. There would be a leash requirement for dogs. Fish stocking would continue at reduced levels. Overnight wilderness permits would be issued by zone or by destination, with no camping in heaviest use areas. ''No trace'' wood fires would be allowed in designated areas. Several trails could be removed. Other trails would be made more primitive. Directional signing would be found only at major trail intersections. Prescribed natural fire would be allowed in areas of the wilderness where fire hazard is low.

Physical Restoration. The number of day and overnight users would be further reduced from the Enhanced Wilderness Experience alternative during a 5-month summer quota period. Group sizes for users and stock would be reduced. Grazing would be permitted only where appropriate based on wilderness resource conditions. Recreational shooting would be prohibited. Camping and outfitter/guide use would be regulated by zone. Dogs would be required to be on a leash. Fish stocking would be reduced, and riparian areas would be revegetated. Some trails could be removed and others would be re-routed in sensitive areas. Planned and natural prescribed fire would be used to return areas of the wilderness to pre-historical conditions. Reservation and permit fees (if legal) would be collected.

Enhanced Ecosystem. Group sizes for users and stock would be further reduced from the other alternatives, and the numbers of overall visitors would be reduced. Grazing would be permitted only where appropriate based on wilderness resources conditions. Stocking of non-indigenous fish species would be allowed only if the fish populations were adversely influenced by humans. Dogs would be required to be on a leash. Recreational shooting and campfires would be prohibited. The number of signs, stream maintenance dams, and trails would be reduced. Trails would be re-routed away from sensitive areas; stream crossings would be repaired; riparian areas would be revegetated. Planned and natural

prescribed fire would be used throughout the wilderness. Reservation and permit fees (if legal) would be collected.

Maximum Wilderness Preservation. The wilderness would be managed for very primitive to pristine conditions. Stock and human use levels would be reduced. Dogs, shooting, and campfires would be prohibited. Signing, streamflow maintenance dams, some campsites, and many trails would be removed. Fish stocking would cease. Reservation and permit fees (if legal) would be collected.

John Phipps, Forest Supervisor, Eldorado National Forest, and Robert E. Harris, Forest Supervisor, Lake Tahoe Basin Management Unit, are the responsible officials.

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by August 1995. At that time the EPA will publish a notice of availability of the draft EIS in the **Federal Register**.

The comment period on the draft EIS will be 45 days from the date EPA's notice of availability appears in the **Federal Register**. It is very important that reviewers participate at that time. To be the most helpful, comments on the draft EIS should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see The Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3). In addition, Federal court decisions have established that reviewers of draft EIS's must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions, *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978), and that environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final EIS. *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objectives are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final EIS.

After the comment period ends on the draft EIS, the comments will be analyzed and considered by the Forest Service in preparing the final EIS. The final EIS is scheduled to be completed by January 1996. The Forest Service is required to respond in the final EIS to the comments received (40 CFR 1503.4). The responsible officials will consider the comments, responses, disclosure of environmental consequences, and applicable laws, regulations, and policies in making a decision regarding this proposal. The responsible officials will document the decision and rationale in the Record of Decision. That decision will be subject to appeal.

Dated: May 15, 1995.

Robert E. Harris,

Forest Supervisor, Lake Tahoe Basin Management Unit.

Dated: May 15, 1995.

John Phipps,

Forest Supervisor, Eldorado National Forest.

[FR Doc. 95–12857 Filed 5–24–95; 8:45 am]

BILLING CODE 3410–11–M

Inland Native Fish Strategy; Environmental Assessment for Public Review

ACTION: Notice of publication of the Inland Native Fish Strategy Environmental Assessment for public review.

SUMMARY: In the March 14, 1995, **Federal Register** (Vol. 60, No. 49, pp. 13697–13698), notice was given that the Forest Service, in cooperation with the Bureau of Land Management and US Fish and Wildlife Service, is gathering information in order to prepare an Environmental Assessment (EA) for a proposal to protect habitat and populations of native inland fish.

This EA will address National Forest System lands on the Bitterroot, Boise, Caribou, Challis, Clearwater, Colville, Deerlodge, Deschutes, Flathead, Fremont, Helena, Humboldt, Idaho Panhandle, Kootenai, Lolo, Malheur, Ochoco, Payette, Sawtooth, Wallowa-Whitman, and Winema National Forests in the Northern, Intermountain, and Pacific Northwest Regions.

The public scoping period began March 14 and ended April 26, 1995. As of May 1, approximately 235 letters have been received from the public. Many people commented that they should have an opportunity to review the alternatives and effects analysis that will be documented in the Environmental Assessment. The agency agrees that the public should have this opportunity. The Environmental Assessment will be completed on or about May 31, and will be sent to the public for a 30-day review and comment period. These comments will be considered in reaching a decision.

FOR FURTHER INFORMATION CONTACT: Questions about the environmental assessment should be directed to David Wright, Team Leader, USDA Forest Service, 3815 Schrieber Way, Coeur d'Alene, Idaho, 83814. Phone: (208) 765–7223.

The responsible officials for this Environmental Assessment are the Regional Foresters for the Intermountain, Northern, and Pacific Northwest Regions. They will make a decision regarding this proposal considering the comments and responses, environmental consequences discussed in the Environmental Assessment, and applicable laws, regulations, and policies. The decision and reasons for the decision will be documented in a Decision Notice. The Decision Notice is expected to be available in late July, 1995.

Dated: May 16, 1995.

David J. Wright,

Inland Native Fish Team Leader, USDA, Forest Service.

[FR Doc. 95–12858 Filed 5–24–95; 8:45 am]

BILLING CODE 3410–11–M

Willamette Provincial Interagency Executive Committee (PIEC), Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Willamette PIEC Advisory Committee will meet on Thursday, June 15, 1995, at the Salem District Bureau of Land Management (BLM) Office, 1717 Fabry Road SE, Salem, Oregon. The meeting will being at 9:00 a.m. and continue until approximately 3:00 p.m. Agenda items to be covered include: (1) Followup on procedural issues, (2) Information on watershed analysis and schedule for FY 95–97, (3) Key issues, concerns, and opportunities of Federal Agencies for implementing the Northwest Forest Plan, (4) Identifying Advisory Committee tasks, (5) Open public forum. All Willamette PIEC meetings are open to the public, and interested citizens are encouraged to attend. Written comments concerning the Advisory Committee's affairs can be submitted at the meeting. Oral comment can also be made during the public forum. Length of oral comments will be limited to the time allotted on the agenda.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Neal Forrester, Designated Federal Official, Willamette National Forest, 211 East Seventh Avenue, Eugene, Oregon; 503–465–6924.

Dated: May 19, 1995.

Darrel L. Kenops,

Forest Supervisor.

[FR Doc. 95–12824 Filed 5–24–95; 8:45 am]

BILLING CODE 3410–11–M

Rural Utilities Service

Seminole Electric Cooperative, Inc.; Draft Supplemental Environmental Impact Statement

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of availability of draft supplemental environmental impact statement.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) and the U.S. Environmental Protection Agency (EPA) are issuing a Draft Supplemental Environmental Impact Statement (DSEIS) related to Seminole Electric Cooperative, Inc.'s, (Seminole) proposed Hardee Unit 3. The DSEIS is a supplement to the Final Environmental Impact Statement issued in January 1991 by the Rural Electrification Administration (predecessor of RUS), with EPA, and the Federal Energy Regulatory Commission as cooperating agencies, for their actions related to the Hardee Power Station. Hardee Unit 3 would increase the originally proposed ultimate output of the Hardee Power Station from 660 megawatts (MW) to 880 MW.

RUS's federal action related to Hardee Unit 3 would be providing a loan guarantee to Seminole to cover the cost of project construction. EPA's federal action related to Hardee Unit 3 has, to date, been the preparation of the draft National Pollutant Discharge Elimination System (NPDES) permit needed to operate the new unit. However, on May 1, 1995, EPA authorized the State of Florida to administer the NPDES Permit Program (with EPA program oversight retained). As such, EPA's role as an NPDES permitting agency has changed and EPA no longer has a direct federal action related to the proposed Hardee Unit 3. With program authorization, the NPDES permitting decision now is a state action as opposed to an EPA federal action. The notice for the Draft NPDES permit will be issued by the State of Florida. Despite program authorization, EPA nevertheless remains a cooperating agency to RUS for the DSEIS and will also have a role in the RUS National Environmental Policy Act process for Hardee Unit 3 by providing review and comment on the DSEIS and Final Supplemental Environmental Impact Statement for Hardee Unit 3 via its responsibilities pursuant to Section 309 of the Clean Air Act. The draft NPDES permit is Appendix A to the DSEIS.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence R. Wolfe, Chief, Environmental Compliance Branch, Electric Staff Division, Rural Utilities Service, Ag. Box 1569, Washington, DC 20250, Telephone (202) 720–1784, Fax (202) 720–7491.

SUPPLEMENTARY INFORMATION: The DSEIS for Hardee Unit 3 covers the construction and operation of 440 MW of additional generating capacity to be installed at the existing 1,300-acre Hardee Power Station site. The Hardee Power Station site is located in Hardee and Polk counties approximately 9 miles northwest of Wauchula, 16 miles south-southwest of Bartow, and 40 miles east of Tampa Bay. The site is bordered on the east by Hardee County Road 663, a CSX Railroad right-of-way, and CF Industries' Hardee Complex. IMC-Agrico properties surround the remaining portions of the site. Payne Creek flows along the southern and western boundary of the Hardee Power Station site. The proposed Hardee Unit 3 would occupy approximately 50 acres of this site.

As proposed in the Final Environmental Impact Statement for the Hardee Power Station, Hardee Power Partners has constructed and operates 295 MW of generation capacity at the Hardee Power Station and proposes an additional 145 MW of generation capacity there by the year 2003 for use by Seminole. Seminole originally proposed to construct and operate an additional 220 MW at the Hardee Power Station at a future date to be determined. That addition, along with Hardee Power Partners' 145 MW addition, would have increased the existing 295 MW Hardee Power Station capacity to 660 MW. Seminole now proposes in the DSEIS to construct 440 MW of additional capacity at the Hardee Power Station at a specified date, 1999, instead of the originally proposed 220 MW addition at an unspecified date. As now proposed, the Hardee Power Station Site would be made up of a total of 880 MW of capacity when completed.

The proposed Hardee Unit 3 would consist of natural gas fired combustion turbines utilizing heat recovery steam generators that will operate efficiently by recovering heat from the combustion turbines. Fuel oil would be used as a backup source of fuel. These are the same type of generators already installed at the Hardee Power Station (295 MW) and the same type proposed for future installation (145 MW) at the site by Hardee Power Partners. The natural gas would be transported via an existing 18 inch diameter, underground gas pipeline connected to the Florida Gas Transmission System to the Hardee Power Station. Three existing 230 kilovolt transmission lines would be utilized to connect Hardee Unit 3 into the Florida transmission grid.

Alternatives to the project as proposed included no action, design alternatives, alternative fuels, and conservation.

Seminole has provided RUS with a Site Certification Application/Environmental Analysis for Hardee Unit 3 which is the primary support document used by RUS to develop its DSEIS. RUS has concluded that the Site Certification Application/Environmental Analysis for Hardee Unit 3 represents an accurate assessment of the potential environmental impacts related to the proposed project. The Hardee Unit 3 Site Certification Application/Environmental Analysis has been incorporated by reference into the DSEIS and is available for inspection by interested parties at RUS or Seminole at the addresses provided in this notice. That document, along with the DSEIS, will also be available for review at the following libraries:

Bartow Public Library, 315 E. Parker Street, Bartow, Florida 33830

Hardee County Library, 315 N. 6th Avenue, Suite 114, Wauchula, Florida 33837.

Anyone wishing to comment on the DSEIS should do so in writing within the 45-day comment period to RUS at the appropriate address provided in this notice. All comments received during the comment period will be given consideration in the formulation of the Final Supplemental Environmental Impact Statement for Hardee Unit 3. (Oral responses submitted by telephone will be considered, but it is recommended that comments be submitted in writing.) A copy of each written comment and a summary of each oral comment received will be included in the Final Supplemental Environmental Impact Statement.

Notice of availability of the DSEIS and the 45-day comment period is being published in the **Federal Register** by RUS and EPA. Seminole will have a notice similar to this one published in newspapers of general circulation in the proposed project area. As it is possible that RUS, EPA, and Seminole's notices will not appear on the same date, the 45-day comment period will begin on the date the latest notice (RUS, EPA or Seminole's) is published. Questions concerning the closing date of the 45-day comment period should be referred

to Mr. Lawrence Wolfe at (202) 720–1784.

Dated: May 22, 1995.

Adam M. Golodner,

Deputy Administrator, Program Operations.

[FR Doc. 95–12884 Filed 5–24–95; 8:45 am]

BILLING CODE 3410–15–M

South Mississippi Electric Power Association; Notice of Intent To Hold Scoping Meeting and Prepare an Environmental Assessment and/or Environmental Impact Statement

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of intent to hold scoping meeting and prepare an environmental assessment and/or environmental impact statement.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) formerly the Rural Electrification Administration, pursuant to the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), the Council on Environmental Quality (CEQ) Regulations for Implementing NEPA (40 CFR Parts 1500–1508), and RUS Environmental Policies and Procedures (7 CFR Part 1794) may prepare an Environmental Assessment and/or an Environmental Impact Statement (EIS) for its Federal action related to a proposal by South Mississippi Electric Power Association (SMEPA) to construct additional natural gas-fired generating capacity. RUS will provide project approval and may provide financing assistance to SMEPA for project construction costs.

DATES: RUS will conduct a scoping meeting in an open house forum from 6 p.m. to 8:30 p.m. on Wednesday June 28, 1995.

ADDRESSES: The meeting will be held in SMEPA's Headquarters conference center at 7037 U.S. Highway 49 in Hattiesburg, Mississippi.

FOR FURTHER INFORMATION CONTACT: Lawrence R. Wolfe, Chief, Environmental Compliance Branch, Rural Utilities Service, Room 1246 South Agriculture Building, Mail Code 1569, Washington, DC 20250, telephone (202) 720–1784.

SUPPLEMENTARY INFORMATION: South Mississippi Electric Power Association proposes to construct additional gas-fired generating capacity at its Moselle Station on Jones County. The Moselle Station is located approximately 2 miles west of Interstate 59 on Highway 589. The proposed additions would consist of a 100 megawatt (MW) simply cycle combustion turbine and repowering an existing 59 MW steam electric generator with a 120 MW combined cycle combustion turbine. Other facilities include two 161 kilovolt bays that would be added to the Moselle Substation. The alternate site for the simple cycle combustion turbine is SMEPA's Morrow Station in Lamar County.

Alternatives to be considered by RUS and SEPA include: (a) No action, (b) demand-side reduction, (c) purchased power from other utilities or independent power producers and (d) alternative sites.

To be presented at the public scoping meeting will be the Combustion Turbine Project Alternative Analysis and Siting Study (Study) prepared by SMEPA. The Study is available for public review at RUS and SMEPA at the addresses provided in this notice.

The Study can also be reviewed at the Hattiesburg Public Library, Main Street, Hattiesburg, the office of Dixie Electric Power Association, Highway 84 East, Laurel, and the office of Pearl River Valley Electric Power Association, Highway 13 North, Columbia.

Government agencies, private organizations, and the public are invited to participate in the planning and analysis of the proposed project. Representatives from RUS and SMEPA will be available to discuss RUS' environmental review process, describe the project and alternatives under consideration, discuss the scope of environmental issues to be considered, answer questions, and accept oral and written comments. Written comments will be accepted for at least 30 days after the June 28 public scoping meeting. Written comments should be sent to RUS at the address provided in this notice.

From information provided in the Study, input from government agencies, private organizations, and the public, SMEPA will prepare an environmental analysis to be submitted to RUS for review. If significant effects are not evident based on a review of the environmental analysis and other relevant information, RUS will prepare an environmental assessment to determine if the preparation of an EIS is warranted.

Should RUS determine that the preparation of an EIS is not warranted, it will prepare a finding of no significant impact (FONSI). The FONSI will be made available for public review and comment for 30 days. RUS will not take its final action related to the project prior to the expiration of the 30-day period.

Any final action by RUS related to the proposed project will be subject to, and contingent upon, compliance with all relevant Federal environmental laws and regulations and completion of environmental procedures as prescribed by CEQ and RUS environmental policies and procedures.

Dated: May 22, 1995.

Adam M. Golodner,

Deputy Administrator—Program Operations.

[FR Doc. 95–12855 Filed 5–24–95; 8:45 am]

BILLING CODE 3410–15–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 24–95]

Foreign-Trade Zone 115, Beaumont, TX; Proposed Foreign-Trade Subzone; Mobil Corporation (Oil Refinery Complex), Jefferson/Liberty Counties, Texas

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Foreign-Trade Zone of Southeast Texas, Inc., grantee of FTZ 115, requesting special-purpose subzone status for the oil refinery complex of Mobil Corporation, located in Jefferson/Liberty Counties (Beaumont area), Texas. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 16, 1995.

The refinery complex (3,165 acres) consists of 7 sites in Jefferson/Liberty Counties, Texas: *Site 1* (2,200 acres)—main refinery and petrochemical feedstock complex located along the Neches River at End of Burt Road, Jefferson County; *Site 2* (51 acres)—Mobil Colonial Tank Farm, located at 13300 West Port Arthur Road, Jefferson County; *Site 3* (24 acres)—Mobil Hull underground storage facility, located some 50 miles northwest of the refinery at End of Mobil Road in the City of Hull (Liberty County); *Site 4* (188 acres)—Daisetta underground petrochemical storage facility, located some 50 miles northwest of the refinery at End of Bobcat Lane in the City of Daisetta (Liberty County); *Site 5* (625 acres)—Mobil Magpetco Tank Farm, located at State Highway 366, five miles south of the refinery, Jefferson County; *Site 6*—crude oil storage facility within the Unocal Nederland tank farm, located at State Highway 366, adjacent to Site 5, Jefferson County; *Site 7*—crude oil storage facility within the Sun Marine Terminal, located at State Highway 347, adjacent to Site 6, Jefferson County.

The refinery (330,000 barrels per day; 1,800 employees) is used to produce

fuels and petrochemical feedstocks. Fuels produced include gasoline, jet fuel, kerosene, gas oil, diesel fuel, residual fuels, and naphthas. Petrochemicals include hydrogen, methane, ethane, propane, benzene, toluene, xylene, ethylene and propylene. Refinery by-products include petroleum coke, sulfur, lubricating oils, and paraffin wax. Most of the crude oil (80 percent of inputs), and some feedstocks and motor fuel blendstocks are sourced abroad.

Zone procedures would exempt the refinery from Customs duty payments on the foreign products used in its exports. On domestic sales, the company would be able to choose the finished product duty rate (nonprivileged foreign status—NPF) on certain petrochemical feedstocks and refinery by-products (duty-free). The duty on crude oil ranges from 5.25 cents to 10.5 cents/barrel. The application indicates that the savings from zone procedures would help improve the refinery's international competitiveness.

In accordance with the Board's regulations (as revised, 56 FR 50790–50808, 10–8–91), a member of the FTZ Staff has been designated examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is July 24, 1995. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period (to August 8, 1995.)

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:

U.S. Department of Commerce District Office #1 Allen Center, Suite 1160, 500 Dallas, Houston, Texas 77002

Office of the Executive Secretary, Foreign-Trade Zones Board, Room 3716, U.S. Department of Commerce, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: May 19, 1995.

John J. Da Ponte, Jr.,

Executive Secretary.

[FR Doc. 95–12905 Filed 5–24–95; 8:45 am]

BILLING CODE 3510–DS–P

International Trade Administration

Determination Not To Revoke Antidumping Duty Orders and Findings Nor To Terminate Suspended Investigations

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

ACTION: Determination not To revoke antidumping duty orders and findings nor to terminate suspended investigations.

SUMMARY: The Department of Commerce (the Department) is notifying the public of its determination not to revoke the antidumping duty orders and findings nor to terminate the suspended investigations listed below.

EFFECTIVE DATE: May 25, 1995.

FOR FURTHER INFORMATION CONTACT: Michael Panfeld or the analyst listed under Antidumping Proceeding at: Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, D.C. 20230, telephone (202) 482–4737.

SUPPLEMENTARY INFORMATION: The Department may revoke an antidumping duty order or finding or terminate a suspended investigation, pursuant to 19 CFR 353.25(d)(4)(iii), if no interested party has requested an administrative review for four consecutive annual anniversary months and no domestic interested party objects to the revocation or requests an administrative review.

We had not received a request to conduct an administrative review for the most recent four consecutive annual anniversary months. Therefore, pursuant to § 353.25(d)(4)(i) of the Department's regulations, on May 3, May 4, June 1, July 1, August 1, September 1, September 29, October 31, November 25, and December 28 of 1994, and February 3 and March 1 of 1995, we published in the **Federal Register** a notice of intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations and served written notice of the intent to each domestic interested party on the Department's service list in each case. Within the specified time frame, we received objections from domestic interested parties to our intent to revoke these antidumping duty orders and findings and to terminate the suspended investigations. Therefore, because domestic interested parties objected to our intent to revoke or terminate, we no longer intend to revoke these antidumping duty orders and findings or to terminate the suspended investigations.

Antidumping Proceeding

A–357–802
Argentina
Rectangular Tubing
Objection Date: May 27, 1994
Objector: Hannibal Industries, Inc.

A–831–801
Armenia
Solid Urea
Objection Date: July 26, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers

A–832–801
Azerbaijan
Solid Urea
Objection Date: July 26, 1994; July 28, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers, Cominco Fertilizer (U.S.) Inc

A–822–801
Belarus
Solid Urea
Objection Date: July 26, 1994; July 28, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers, Cominco
Fertilizers (U.S.) Inc.

A–423–077
Belgium
Sugar
Objection Date: June 22, 1994
Objector: American Sugar Cane League et al.

A–351–503
Brazil
Construction Castings
Objection Date: May 10, 1994
Objector: Municipal Castings Fair Trade Council

A–122–006
Canada
Steel Jacks
Objection Date: September 7, 1994
Objector: Bloomfield Manufacturing Company Inc.

A–122–085
Canada
Sugar and Syrups
Objection Date: May 17, 1994
Objector: American Sugar Cane League et al.

A–427–009
France
Industrial Nitrocellulose
Objection Date: August 17, 1994
Objector: Aqualon Company

A–427–078
France
Sugar
Objection Date: June 22, 1994
Objector: American Sugar Cane League et al.

A–833–801
Georgia

Solid Urea
Objection Date: July 26, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–833–803
Georgia
Titanium Sponge
Objection Date: August 31, 1994
Objector: Titanium Metals Corporation
A–428–061
Germany
Precipitated Barium Carbonate
Objection Date: June 20, 1994
Objector: Chemical Products Corporation
A–428–082
Germany
Sugar
Objection Date: June 22, 1994
Objector: American Sugar Cane League et al.
A–507–502
Iran
In-Shell Pistachio Nuts
Objection Date: July 26, 1994
Objector: California Pistachio Commission, Western Pistachio Association
A–588–055
Japan
Acrylic Sheet
Objection Date: August 30, 1994; August 31, 1994
Objector: ICI Acrylics Inc., Cyro Industries
A–588–607
Japan
Amorphous Silica Filament Fabric
Objection Date: September 29, 1994
Objector: Ametek, Inc. and HITCO, Inc.
A–588–704
Japan
Brass Sheet & Strip
Objection Date: August 8, 1994
Objector: The Copper & Brass Fabricators Council
A–588–605
Japan
Cast Iron Pipe Fittings
Objection Date: July 26, 1994
Objector: Grinnell Corp., Stockham Valves and Fittings Co., Inc.
A–588–007
Japan
High Capacity Pagers
Objection Date: August 12, 1994
Objector: Motorola, Inc.
A–588–066
Japan
Impression Fabric
Objection Date: May 31, 1994
Objector: Bomont Industries
A–588–706
Japan
Nitrile Rubber
Objection Date: June 30, 1994
Objector: Zeon Chemicals Kentucky, Inc.
A–588–045
Japan
Steel Wire Rope
Objection Date: October 11, 1994
Objector: Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers
A–588–041
Japan
Synthetic Methionine
Objection Date: July 18, 1994; July 28, 1994
Objector: Degussa Corp., Novus International Inc.
A–834–801
Kazakhstan
Solid Urea
Objection Date: July 26, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–779–602
Kenya
Standard Carnations
Objection Date: May 31, 1994,
Objector: Floral Trade Council
A–835–801
Kyrgyzstan
Solid Urea
Objection Date: July 26, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–449–801
Latvia
Solid Urea
Objection Date: July 26, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–451–801
Lithuania
Solid Urea
Objection Date: July 26, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–841–801
Moldova
Solid Urea
Objection Date: July 27, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–485–601
Romania
Solid Urea
Objection Date: July 26, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–821–801
Russia
Solid Urea
Objection Date: July 26, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–580–507
South Korea
Certain Malleable Cast Iron Pipe Fittings
Objection Date: May 4, 1994
Objector: Grinnell Corporation, Ward Manufacturing, Inc., and Stockham Valves & Fittings Co., Inc.
A–401–040
Sweden
Stainless Steel Plate
Objection Date: June 21, 1994
Objector: Allegheny Ludlum Steel Corporation
A–583–080
Taiwan
Carbon Steel Plate
Objection Date: June 30, 1994
Objector: Bethlehem Steel Corporation
A–583–505
Taiwan
Oil Country Tubular Goods
Objection Date: June 28, 1994
Objector: North Star Steel Company
A–583–507
Taiwan
Pipe Fittings
Objection Date: May 4, 1994
Objector: Grinnell Corporation, Ward Manufacturing, Inc., Stockham Valves & Fittings Co., Inc.
A–842–801
Tajikistan
Solid Urea
Objection Date: July 26, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–549–601
Thailand
Malleable Pipe Fittings
Objection Date: August 10, 1994
Objector: Grinnell Corp., et al.
A–570–101
The People's Republic of China
Cotton Printcloth
Objection Date: September 30, 1994
Objector: American Textile Manufacturers Institute
A–570–504
The People's Republic of China
Petroleum Wax Candles
Objection Date: August 8, 1994
Objector: National Candle Association
A–823–801
The Ukraine
Solid Urea
Objection Date: July 26, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–489–501
Turkey
Pipes and Tubes
Objection Date: May 31, 1994
Objector: Allied Tube & Conduit Corporation, Wheatland Tube Co.
A–843–801
Turkmenistan
Solid Urea
Objection Date: July 26, 1994
Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–844–801
Uzbekistan
Solid Urea
Objection Date: July 26, 1994

Objector: Ad Hoc Committee of Domestic Nitrogen Producers
A–479–601
Yugoslavia
Tapered Roller Bearings
Objection Date: August 31, 1994
Objector: The Timken Company
A–357–405
Argentina
Barbed Wire and Barbless Fencing Wire
Objection Date: November 21, 1994; November 30, 1994
Objector: Oklahoma Steel & Wire Co., Insteel Industries, Inc.
A–351–602
Brazil
Certain Carbon Steel Butt-Weld Pipe Fittings
Objection Date: December 21, 1994
Objector: Tube Forgings of America Inc., et al.
A–428–062
Germany
Animal Glue
Objection Date: December 23, 1994
Objector: Hudson Industries Corporation
A–588–811
Japan
Drafting Machines and Parts Thereof
Objection Date: December 22, 1994
Objector: Vemco Corporation
A–588–091
Japan
Large Electric Motors
Objection Date: December 14, 1994; December 19, 1994
Objector: Reliance Electric Company, Siemens Energy & Automation, Inc.
A–588–046
Japan
Polychloroprene Rubber
Objection Date: December 29, 1994
Objector: E. I. Du Pont de Nemours & Company, Inc.
A–588–068
Japan
Steel Wire Strand
Objection Date: December 22, 1994
Objector: Florida Wire & Cable Company
A–614–502
New Zealand
Low-Fuming Brazing Copper Rod & Wire
Objection Date: December 2, 1994
Objector: Copper & Brass Fabricators Council
A–559–502
Singapore
Light-Walled Rectangular Pipe & Tube
Objection Date: November 23, 1994
Objector: Hannibal Industries, Inc.
A–583–508
Taiwan
Porcelain-On-Steel Cooking Ware
Objection Date: December 28, 1994
Objector: General Housewares Corporation
A–588–090
Japan
Certain Small Electric Motors of 5 to 150 Horsepower
Objection Date: November 18, 1994
Objector: Reliance Electric Industrial Company
A–433–064
Austria
Railway Track Maintenance Equipment
Objection Date: February 28, 1995
Objector: Kershaw Manufacturing Co., Inc.
A–351–603
Brazil
Brass Sheet & Strip
Objection Date: January 9, 1995
Objector: Copper & Brass Fabricators Council, Inc.
A–122–605
Canada
Color Picture Tubes
Objection Date: January 31, 1995
Objector: AFL-CIO et al.
A–588–602
Japan
Butt-Weld Pipe Fittings
Objection Date: February 17, 1995
Objector: Tube Forgings of America, Inc. et al.
A–588–609
Japan
Color Picture Tubes
Objection Date: January 23, 1995; January 31, 1995
Objector: Thomson Consumer Electronics, AFL-CIO et al.
A–588–056
Japan
Melamine
Objection Date: February 13, 1995
Objector: Melamine Chemicals Inc.
A–559–601
Singapore
Color Picture Tubes
Objection Date: January 23, 1995; January 31, 1995
Objector: Thomson Consumer Electronics, AFL-CIO et al.
A–791–502
South Africa
Brazing Copper Wire & Rod
Objection Date: January 9, 1995
Objector: Copper & Brass Fabricators Council, Inc.
A–580–603
South Korea
Brass Sheet & Strip
Objection Date: January 9, 1995
Objector: Copper & Brass Fabricators Council, Inc.
A–580–605
South Korea
Color Picture Tubes
Objection Date: January 23, 1995; January 31, 1995
Objector: Thomson Consumer Electronics, AFL-CIO et al.
A–583–603
Taiwan
Stainless Steel Cooking Ware
Objection Date: January 30, 1995
Objector: Farberware Inc.
A–570–501
The People's Republic of China
Paint Brushes
Objection Date: February 16, 1995; February 22, 1995
Objector: American Brush Manufacturers Association, EZ Painter Corporation
A–122–701
Canada
Potassium Chloride
Objection Date: January 27, 1995
Objector: New Mexico Potash Corporation et al.
A–602–039
Australia
Canned Bartlett Pears
Objection Date: March 23, 1995
Objector: Pacific Coast Canned Pear Service, Inc.
A–337–602
Chile
Standard Carnations
Objection Date: March 30, 1995
Objector: Floral Trade Council
A–427–602
France
Brass Sheet & Strip
Objection Date: March 10, 1995
Objector: Copper & Brass Fabricators Council
A–475–401
Italy
Brass Fire Protection Equipment
Objection Date: March 31, 1995
Objector: Figgie Fire Protection Systems
A–570–002
The People's Republic of China
Chloropicrin
Objection Date: March 27, 1995
Objector: Niklor Chemical Co., et. al.

Dated: May 19, 1995.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 95–12904 Filed 5–24–95; 8:45 am]

BILLING CODE 3510–DS-P

The Scripps Research Institute, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 94–149. *Applicant:* The Scripps Research Institute, LaJolla, CA 92037. *Instrument:* Microvolume Stopped Flow Spectrofluorimeter, Model SX.17MV. *Manufacturer:* Applied Photophysics, United Kingdom. *Intended Use:* See notice at 60 FR 3394, January 17, 1995. *Reasons:* The foreign instrument provides: (1) multiple component mixing, (2) automatic acquisition of time-resolved emission spectra and, (3) 150W Xenon source covering the entire UV-VIS wavelength range. *Advice Received From:* The National Institutes of Health, March 21, 1995.

Docket Number: 95–007. *Applicant:* Ohio State University, Columbus, OH 43210. *Instrument:* Frequency Synthesizer. *Manufacturer:* KVARTZ Measuring Instruments & Systems, CIS. *Intended Use:* See notice at 60 FR 9662, February 21, 1995. *Reasons:* The foreign instrument provides: (1) swept frequency over the range 118 to 178 GHz, (2) 100 Hz resolution and (3) output power to 25 mW for pumping and observing specific molecular absorptions. *Advice Received From:* National Institute of Standards and Technology, April 5, 1995 and Los Alamos National Laboratory, April 11, 1995.

The National Institutes of Health, National Institute of Standards and Technology and Los Alamos National Laboratory advise that (1) these capabilities are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to either of the foreign instruments.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 95–12906 Filed 5–24–95; 8:45 am]

BILLING CODE 3510–DS–F

National Oceanic and Atmospheric Administration

Monterey Bay National Marine Sanctuary Advisory Council Open Meeting

AGENCY: Sanctuaries and Reserves Division (SRD), Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

SUMMARY: The Advisory Council was established in December 1993 to advise NOAA's Sanctuaries and Reserves Division regarding the management of the Monterey Bay National Marine Sanctuary. The Advisory Council was convened under the National Marine Sanctuaries Act.

TIME AND PLACE: Friday, June 23, 1995, from 9:00 until 4:30. The meeting will be held at the Crossroads Community Room, Carmel, California.

AGENDA: General issues related to the Monterey Bay National Marine Sanctuary are expected to be discussed, including an update from the Sanctuary Manager, reports from the working groups, an update on the Water Quality Protection Program, a status report on the California Mussel Watch Program, and an update on the Vessel Traffic Report.

PUBLIC PARTICIPATION: The meeting will be open to the public. Seats will be available on a first-come, first-served basis.

FOR FURTHER INFORMATION CONTACT: Jane Delay at (408) 647–4246 or Elizabeth Moore at (301) 713–3141.

Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program

Dated: May 22, 1995.

W. Stanley Wilson,

Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 95–12880 Filed 5–24–95; 8:45 am]

BILLING CODE 3510–08–M

[I.D. 050995B]

Marine Mammals

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

ACTION: Receipt of application to modify permit no. 917 (P774#2).

SUMMARY: Notice is hereby given that Dr. John B. Pearce, NMFS, Northeast Fisheries Science Center, 166 Waters Street, Room 312, Woods Hole, MA 02543–1097, has requested a modification to permit No. 917.

DATES: Written comments or requests for a public hearing must be received on or before June 26, 1995.

ADDRESSES: The modification request and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713–2289;

Director, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298 (508/281–9250).

Written data or views, or requests for a public hearing on this request should be submitted to the Chief, Permits Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Kellie Foster, (301/713–1401).

SUPPLEMENTARY INFORMATION: Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

The subject modification to permit No. 917, issued on May 11, 1994 (59 FR 25891) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222).

Permit No. 917 authorizes the permit holder to conduct a number of studies on several cetacean species as well as gray and harbor seals in the notheastern U.S. and Canadian waters. The research activities include: Vessel surveys, aerial surveys and photogrammetry, photo-identification studies, and the collection of biopsies. The permit holder requests additional authorization to collect biopsy samples from sei whales for genetic analyses, which will provide information on stock structure.

Ann D. Terbush,

Chief, Permits & Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 95–12722 Filed 5–24–95; 8:45 am]

BILLING CODE 3510–22–F

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange: Proposed Amendments Converting the Live Hogs Futures Contract From a Physical Delivery Contract to a Cash Settlement System

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The Chicago Mercantile Exchange (''CME'') has submitted proposed amendments to its Live Hogs futures contract that would convert the delivery provisions of that futures contract from a physical delivery contract to a cash settlement system. In accordance with Section 5a(a)(12) of the Commodity Exchange Act, and acting pursuant to the authority delegated by Commission Regulation 140.96, the Acting Director of the Division of Economic Analysis (''Division'') of the Commodity Futures Trading Commission (''Commission'') has determined, on behalf of the Commission, that the proposed amendments are of major economic significance and that publication of the proposed amendments would be in the public interest. On behalf of the Commission, the Division is requesting comment on this proposal.

DATES: Comments must be received on or before June 26, 1995.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Reference should be made to the proposed amendments converting the live hogs futures contract to cash settlement.

FOR FURTHER INFORMATION CONTACT: Frederick V. Linse, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, telephone (202) 254–7303.

SUPPLEMENTARY INFORMATION: The existing terms of the live hogs futures contract provides for physical delivery of 40,000 pounds of live hogs meeting specified quality and weight requirements at CME-approved public livestock yards at seven delivery points located in six different states. The contract currently specifies a maximum daily price fluctuation limit of 1.5 cents per pound, which is applicable through the last trading day of each expiring contract month. The contract's existing terms also specify that trading ends on the business day immediately preceding the last five business days of the contract month. In addition, the contract's current terms provide for speculative position limits of 900 contracts in any one month and 450 contracts in the expiring month.

The proposed amendments would delete all physical delivery provisions of the futures contract. These provisions would be replaced by terms specifying cash settlement of all open positions at the expiration of trading in a contract month. The cash settlement price would reflect the value of hogs on a carcass weight basis during the last two trading days of expiring contract months. Specifically, the proposed cash settlement price would equal the two-day weighted average of U.S. Department of Agriculture (USDA) Lean Value Direct Hog Prices for packer base weight hog carcasses, 51–52 percent lean/.80–.99 inches of backfat at the last rib or equivalent as reported by the USDA for the Western Corn Belt, the Eastern Corn Belt and the Mid-South. Under the proposals, the cash settlement price would be calculated by summing the above-noted USDA-reported average prices for each region and each of the two days weighted by the ratio of the total number of lean hogs sold directly to packers in that region on that day relative to the total number of lean hogs sold directly to packers in all three regions combined during the specified two-day period.

The proposed amendments also will specify that the contract's trading unit will be 40,000 pounds of lean hog carcasses. In addition, the proposed amendments will provide that the contract's existing 1.5-cent-per-pound maximum daily price fluctuation will not be applicable during the last two trading days of an expiring contract month. Speculative position limits would be 3,000 contracts in any individual non-spot contract month and 450 contracts in expiring contract months as of the close of business on the fifth business day of the spot month. Trading in expiring contract months would end on the tenth business day of the spot month for both the futures and option contracts.

In addition to the substantive amendments, the proposed amendments would make certain conforming changes to other rules governing the live hog futures and option contracts. Also, the proposed amendments would rename the contracts as the ''lean hogs'' futures and options contracts.

According to the CME, physical delivery through public livestock yards no longer reflects dominant cash market practice. The CME notes that less than 10% of hogs meeting the requirements for delivery on the futures contract are currently sold through such yards, and that the percentage of hogs sold through such yards is expected to continue to decline. The CME further indicates that, as a result of the decline in importance of sales through public livestock yards, the usefulness of the live hogs futures contract as a price discovery and risk management tool has been adversely affected. The CME indicates, in this respect, that the limited cash market activity at most public terminal markets raises valid questions regarding whether the prices paid at the terminal markets accurately reflect prices paid in the rest of the industry.

According to the CME, the decline in importance of the terminal markets has been accompanied by an increase in the importance of direct sales to packers at packing plants and country buying stations, and an increase in carcass-basis pricing. The CME said that, according to the USDA, 90% of the hogs sold in the U.S. during 1990 (the latest year for which statistics are available) were sold through non-public markets, mainly packing plants and country buying stations. The CME also said that approximately 75% of market hogs sold in 1993 were sold on a carcass grade and yield basis.

The CME believes that cash settlement using carcass-based pricing is necessary to ensure the long-term viability of the contract for the reasons noted above. The CME also believes that increasing the speculative limits to 3,000 contracts in individual non-spot months and to 450 contracts in the expiring month will accommodate new business from certain commercial entities and increase the liquidity of the market.

The CME proposes to make the amendments effective only for all newly listed contracts, following Commission approval. No currently open contract month or position would be affected by the proposed amendments.

On behalf of the Commission, the Division is requesting comment on the proposed amendments. In particular, the Division is seeking comment on regarding the extent to which the proposed cash settlement price will reflect the underlying cash market and the susceptibility of the proposed cash settlement price to manipulation or distortion.

Copies of the proposed amendments will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street NW, Washington, D.C. 20581. Copies of the amended terms and conditions can be obtained through the

Office of the Secretariat by mail at the above address or by telephone at (202) 254–6314.

The materials submitted by the CME in support of the proposed amendments may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR part 145 (1987)). Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amendments should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581 by the specified date.

Issued in Washington, D.C. on May 18, 1995.

Blake Imel,

Acting Director.

[FR Doc. 95–12875 Filed 5–24–95; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 8 and 9 June 1995.

Time of Meeting: 1300–1700, 8 June 1995; 0830–1500, 9 June 1995.

Place: Pentagon—Washington, DC.

Agenda: The Army Science Board's (ASB) 1994 Summer Study on ''Technical Architecture C41'' will meet to discuss concepts and plans for marketing the Army's Technical Architecture. These meetings will be closed to the public in accordance with Section 552b(c), to Title 5, U.S.C., specifically subparagraph (4) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary information to be discussed is so inextricably intertwined so as to preclude opening any portion of these meetings. The ASB Administrative Officer, Sally Warner, may be contacted for further information at (703) 695–0781.

Sally A. Warner,

Administrative Officer, Army Science Board.

[FR Doc. 95–12860 Filed 5–24–95; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

Eisenhower Professional Development Federal Activities Program—Initial Teacher Professional Development Projects

AGENCY: Department of Education.

ACTION: Notice of final priority for (FY) fiscal year 1995; correction.

SUMMARY: On May 1, 1995, the Secretary of Education published in the **Federal Register** (60 FR 21396) an absolute priority for a FY 1995 competition under the Dwight D. Eisenhower Professional Development Federal Activities Program. On May 10, the Office of the Federal Register published a notice to correct errors made in that notice. The notice published on May 1 omitted teacher preparation from the required activities in the absolute priority. This document corrects that error on page 21396, column 3, in the paragraph labeled ''Initial Teacher Professional Development Projects,'' Line 13, by inserting ''preparation,'' following the word ''teacher.''

FOR FURTHER INFORMATION CONTACT: Trudy Turner or Annora Dorsey, U.S. Department of Education, 555 New Jersey Avenue NW., Room 502, Washington, D.C. 20208–5645. Fax: (202) 219–2106; Telephone: (202) 219–2206. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday, except Federal holidays.

(Catalog of Federal Domestic Assistance Number 84.168, Dwight D. Eisenhower Professional Development Federal Activities Program)

Dated: May 17, 1995.

Sharon P. Robinson,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 95–12811 Filed 5–24–95; 8:45 am]

BILLING CODE 4000–01–M

National Assessment Governing Board; Public Forum

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of meeting.

SUMMARY: The National Assessment Governing Board is announcing the opportunity for commentary and review of the achievement levels being considered for the 1994 U.S. history assessment and the world geography assessment of the National Assessment of Educational Progress (NAEP). The Board, in accordance with its statutory responsibility to identify ''develop appropriate student performance levels for each age and grade in each subject area tested under the National Assessment'' has contracted with American College Testing, which convened panels of judges for each subject to recommend achievement levels for grades 4, 8, and 12 to be used in reporting the 1994 NAEP. The Board intends to take final action on these recommendations at its regularly scheduled quarterly meeting on August 5, 1995. This document is intended to notify interested individuals and organizations of their opportunity to present oral and/or written views to the Board.

DATES: June 13, 1995.

TIME: 9:00 a.m. to 3:00 p.m.

PLACE: The Madison Hotel, 15th and M Streets, N.W., Washington, D.C. (202) 862–1600.

FOR FURTHER INFORMATION CONTACT: Susan Cooper Loomis, NAEP Project Director, American College Testing, 2201 North Dodge Street, Iowa City, Iowa 52243. Telephone: 319–337–1048; or, Mary Lyn Bourque, Assistant Director for Psychometrics, National Assessment Governing Board, 800 North Capitol Street, Suite 825, Washington, D.C. 20002–4233. Telephone: 202–357–6940.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under Section 412 of the Improving America's Schools Act of 1994, reauthorization of the Elementary and Secondary Education Act (1965) (Pub. L. 103–382).

The Board is established to formulate policy guidelines and to advise the Commissioner of the National Center for Education Statistics on policies and actions needed to improve the form and use of the National Assessment of Educational Progress, and develop specifications for the design, methodology, and reporting of test results. The Board also is responsible for selecting subject areas to be assessed, identifying the objectives for each age and grade tested, and established standards and procedures for interstate and national comparisons. The National Assessment Governing Board will hold a public forum in Washington, D.C. on Tuesday, June 13, 1995 to hear comments on proposed definitions of U.S. history achievement levels and of world geography achievement levels, both for grades 4, 8, and 12 to be used in reporting the National Assessment of Educational Progress. The proposed achievement levels were prepared by

the panel for U.S. history and the panel for world geography in accordance with the NAGB policy document ''Setting Appropriate Achievement Levels for the National Assessment of Educational Progress,'' dated November 20, 1993, and further amended on March 5, 1995, and a design developed by American College Testing and approved by the Board on March 5, 1994. The proposals include detailed descriptions of the subject-matter knowledge and skills proposed for each level.

These proposals are scheduled to be presented to the Board during its quarterly meeting in Washington, D.C. August 3–5, 1995. The text of these proposals and a description of the achievement levels-setting process may be obtained by contacting the ACT office at the address or telephone number above by 3:00 p.m. on June 9, 1995. However, every effort will be made to receive testimony from all persons attending the forum who wish to make a presentation. Written statements should be submitted at the forum or to the ACT office by 5:00 p.m. on July 10, 1995. The Board plans to analyze all comments received in response to this announcement. The results of the public comments will be used by the Board in conjunction with other information to fulfill its statutory requirement to establish achievement levels on the National Assessment.

Records are kept of all Board proceedings, and are available to public inspection at the National Assessment Governing Board, 800 North Capitol Street, Suite 825, Washington, D.C., from 8:30 a.m. to 5:00 p.m., Monday through Friday.

Dated: May 22, 1995.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 95–12836 Filed 5–24–95; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Request for Commission Approval to Grant a Permit for Dredging on Project Lands

May 19, 1995.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Request for Commission Approval to Grant a Permit for Dredging on Project Lands.

b. *Project No.:* 459–074.

c. *Dated Filed:* December 12, 1994.

d. *Applicant:* Union Electric.

e. *Name of Project:* Osage Project.

f. *Location:* Lake of the Ozarks, Camden County, Missouri.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Mr. Dan Jarvis, Union Electric Company, Route No. 3, P.O. Box 234, Eldon, MO 65026, (314) 621–3222.

i. *FERC Contact:* Joseph C. Adamson, (202) 219–1040.

j. *Comment Date:* June 20, 1995.

k. *Description of Proposed Action:* Union Electric requested Commission authorization to issue a dredging permit as required by license article 21. The application is to permit Mr. Thomas Veninga to excavate an area 20 feet wide by 40 feet long to the depth of 652 Union Electric Datum, containing 60 cubic yards of material, from the Lake of the Ozarks, for the purpose of constructing a boat dock and providing boat access to project waters. The application also includes a provision to place a fish habitat structure (a brush pile) for mitigation.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 95–12807 Filed 5–24–95; 8:45 am]

BILLING CODE 6717–01–M

Request for Commission Approval to Grant a Permit for Dredging on Project Lands

May 19, 1995

Take notice that the following hydroelectric application has been filed with the Commission, and is available for public inspection:

a. *Type of Application:* Request for Commission Approval to Grant a Permit for Dredging on Project Lands.

b. *Project No.:* 459–071.

c. *Date Filed:* December 12, 1994.

d. *Applicant:* Union Electric.

e. *Name of Project:* Osage Project.

f. *Location:* Lake of the Ozarks, Morgan County, Missouri.

g. *Filed Pursuant to:* Federal Power act, 16 U.S.C. § 791(a)–825(r).

h. *Applicant Contact:* Mr. Dan Jarvis, Union Electric Company, Route No. 3, P.O. Box 234, Eldon, MO 65026, (314) 621–3222.

i. *FERC Contact:* Joseph C. Adamson, (202) 219–1040.

j. *Comment Date:* June 20, 1995.

k. *Description of Proposed Action:* Union Electric requested Commission authorization to issue a dredging permit as required by license article 21. The application is to permit Mr. W.J. Robb to excavate two areas approximately 19 feed wide by 25 feet long to the depth of 652 Union Electric Datum (UED), and an area 5 feet wide by 15 feet long to the depth of 652 UED for the purpose of constructing a boat dock and providing boat access to project waters. Approximately 25 cubic yards of material would be excavated from the Lake of the Ozarks. The application also includes a provision to place a fish habitat structure (a brush pile) for mitigation.

l. This notice also consists of the following standard paragraphs: B, C1, and D2.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to

intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C1. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

D2. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Lois D. Cashell,

Secretary.

[FR Doc. 95–12808 Filed 5–24–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RM93–11–000]

Revisions to Oil Pipeline Regulations Pursuant to the Energy Policy Act of 1992

Issued May 19, 1995.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of Annual Change in the Producer Price Index for Finished Goods, Minus One Percent.

SUMMARY: The Commission is issuing the index that oil pipelines must apply to their January 1–June 30, 1995 rate ceiling levels to compute their rate ceiling levels for the period July 1, 1995, through June 30, 1996, in accordance with 18 CFR 342.3(d). This index, which is the percent change (expressed as a decimal) in the annual average Producer Price Index for Finished Goods from 1993 to 1994, minus one percent, is a negative .003585. Oil pipelines must multiply their January 1–June 30, 1995 rate ceiling levels by .996415 to compute their rate ceiling levels for the period July 1, 1995 through June 30, 1996.

FOR FURTHER INFORMATION CONTACT: Lucille M. Langlois, Office of Economic Policy, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, (202) 208–2141.

SUPPLEMENTARY INFORMATION: In addition to publishing the full text of this document in the **Federal Register**, the Commission also provides all interested persons an opportunity to inspect or copy the contents of this document during normal business hours in Room 3104, 941 North Capitol Street, N.E., Washington, DC 20426.

The Commission Issuance Posting System (CIPS), an electronic bulletin board service, provides access to the texts of formal documents issued by the Commission. CIPS is available at no charge to the user and may be accessed using a personal computer with a modem by dialing (202) 208–1397. To access CIPS, set your communications software to 19200, 14400, 12000, 9600, 7200, 4800, 2400, 1200 or 300bps, full duplex, no parity, 8 data bits, and 1 stop bit. The full text of this document will be available on CIPS for 60 days from the date of issuance in ASCII and WordPerfect 5.1 format. After 60 days the document will be archived, but still accessible. The complete text on diskette in Wordperfect format may also be purchased from the Commission's copy contractor, La Dorn Systems Corporation, also located in Room 3104, 941 North Capitol Street, N.E., Washington, DC 20426.

Notice of Annual Change in the Producer Price Index for Finished Goods, Minus One Percent

Issued May 19, 1995.

In Order No. 561, the Federal Energy Regulatory Commission issued a Final Rule adopting regulations to implement the requirements of the Energy Policy Act of 1992.[1] The Final Rule provides a methodology for oil pipelines to change their rates through use of an index system that establishes ceiling levels for such rates. The index system as set forth in the Commission's regulations at 18 CFR 342.3 is based on the annual change in the Producer Price Index for Finished Goods (PPI–FG), minus one percent. The regulations provide that each year the Commission will publish an index reflecting the final change in the PPI–FG, minus one percent, after the final PPI–FG is made available by the Bureau of Labor Statistics in May of each calendar year.

The annual average PPI–FG index figure for 1993 was 124.7 and the annual average PPI–FG index figure for 1994 was 125.5.[2] The percent change expressed as a decimal) in the annual average PPI–FG from 1993 to 1994, minus one percent therefore is a negative .003585.[3] Thus, oil pipelines must multiply their January 1–June 30, 1995 rate ceiling levels by .996415 to compute their rate ceiling levels for the period July 1, 1995, through June 30, 1996, in accordance with 18 CFR 342.3(d). If a resulting rate ceiling level is below a filed rate, that rate must be reduced in accordance with 18 CFR 342.3(e).

Lois D. Cashell,

Secretary.

[FR Doc. 95–12838 Filed 5–24–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER95–764–000: Docket No. ER94–1475–000]

Illinois Power Company, et al.; Notice of Issuance of Order

May 22, 1995.

On July 20, 1994, as amended on August 26, 1994, March 20, 1995, and April 5, 1995, Illinova Power Marketing, Inc. (Illinova), an affiliate of Illinois Power Company,[1] filed a proposed rate schedule, a petition for waivers, blanket approvals, disclaimer of jurisdiction, and authorization to transact as a power marketer at market-based rates, in Docket No. ER94–1475. On May 18, 1995, the Commission issued an Order Noting and Granting Interventions, Accepting for Filing and Suspending Transmission Tariffs as Modified, Establishing Hearing Procedures, Accepting for Filing and Suspending

[1] III FERC Stats. & Regs. ¶ 30,985 (1993); 58 FR 58753 (November 4, 1993).

[2] The final figure for the annual average PPI–FG is published by the Bureau of Labor Statistics in mid-May of each year. This figure is publicly available from the Division of Industrial Prices and Price Indexes of the Bureau of Labor Statistics, at (202) 606–7705, and is available in print in August in Table 1 of the annual data supplement to the BLS publication *Producer Price Indexes.*

[3] [125.5 − 124.7]/124.7=.006415; .006415 − 0.01= − .003585.

[1] Illinois Power and Illinova are both subsidiaries of Illinova Corporation. Illinova currently owns interests in qualifying facilities and is also involved in natural gas marketing activities.

Request for Market-Based rates, and Granting Waivers and Authorizations (Order), in the above-docketed proceedings.

The Commission's May 18, 1995 Order granted the request for blanket approvals under 18 CFR Part 34, subject to the following conditions found in Ordering Paragraphs (J), (K), and (M):

''(J) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by Illinova 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(K) Absent a request to be heard within the period set forth in Ordering Paragraph (J) above, Illinova is hereby authorized, pursuant to section 204 of the Federal Power Act, to issued securities and assume obligations or liabilities as guarantor, endorser, security, or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of Illinova, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(M) The Commission reserves the right to modify this order and to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of Illinova's issuances of securities or assumptions of liabilities. . .''

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is June 19, 1995. Copies of the full text of the order are available from the Commission's Public Reference Branch, Room 3308, 941 North Capitol Street, NE., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 95–12839 Filed 5–24–95; 8:45 am]

BILLING CODE 6717–01–M

Federal Energy Regulatory Commission

[Docket No. CP95–501–000]

K N Interstate Gas Transmission Co.; Application

May 19, 1995.

Take notice that on May 16, 1995, K N Interstate Gas Transmission Co. (KNI), P.O. Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP95–501–000 an application pursuant to Section 7(b) of the Natural Gas Act for authorization to abandon by sale to Mountain Petroleum Corporation (MPC) its Phuma Compressor Station facilities located in Phillips County, Colorado, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

KNI proposes to abandon by sale to MPC one Ajax DPC42 compressor, one glycol dehydrator and miscellaneous station pipeline and valves. KNI states that its predecessor constructed the Phuma Compressor Station in 1977 to compress gas that it purchased from MPC and gathered through its adjacent gathering system for use as system supply. KNI states that, due to the small amount of gas (100 Mcf per day) received from MPC, the costs of operating the gathering system by K N Gas Gathering, Inc. (KNGG) and the compressor station facilities by KNI exceeded the revenues received to gather and compress the gas. KNI also states that, in order to relieve KNGG and KNI of the high cost of operating the facilities and still provide MPC with the opportunity to produce its gas, KNI, KNGG and MPC have entered into a facilities purchase and sale agreement whereby MPC would purchase the facilities. It is indicated that, because of its non-jurisdictional status, the gathering system has already been transferred to MPC by KNGG. It is also indicated that because MPC is the only producer with gas supplies connected to the Phuma facilities, no other party would be affected by the proposed abandonment.

KNI states that MPC would purchase the compressor station, dehydrator and appurtenant facilities at a price of $12,500.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1995, 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 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 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 KNI to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 95–12810 Filed 5–24–95; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP95–432–000]

Trunkline Gas Company; Application

May 19, 1995.

Take notice that on May 1, 1995, Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston, Texas 77251–1642, filed in Docket No. CP95–432–000 an abbreviated application pursuant to Section 7(b) of the Natural Gas Act, as amended, and Sections 157.7 and 157.18 of the Federal Energy Regulatory Commission's (Commission) Regulations thereunder, for permission and approval to abandon certain mainline transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Trunkline states that it proposes to abandon approximately 2,187 feet of twenty-inch connector pipeline (Line 100–T1) on the south side of Trunkline's Red River crossing in Rapides Parish, Louisiana. Trunkline indicates that this connector pipeline was originally certificated in Docket No. G–13300. Trunkline further states that Line 100–T1 is located between Line 54B–100–26″ and a retired dual twelve-inch river crossing. It is indicated that Line 54B–100–26″ was constructed in Docket No. G–14704 to connect Trunkline's Line 100–1–26″ mainline to a dual twenty-four-inch river crossing (River Crossing 100–2) also constructed pursuant to Docket No. G–14704 and

located further downstream of the dual twelve-inch river crossing which was subsequently retired from service.

Trunkline indicates that after it received authorization in Docket No. CP65–117 to increase mainline capacity by 50,000 Mcf per day, the necessity arose for the construction of River Crossing 100–3. Trunkline states that after River Crossings 100–2 and 100–3 were placed into service, Trunkline removed the dual twelve-inch river crossing from active service. It is indicated that when the dual twelve-inch river crossing was taken out of service, Line 100–T1 was blinded on the north end connected to the dual twelve-inch river crossing, thus rendering Line 100–T1 a nonfunctional facility. Trunkline avers that the south end of Line 100–T1, which is connected to Line 54B–100, was not blinded and therefore gas has still been able to flow into Line 100–T1 from Line 54B–100 to no purpose.

Trunkline submits that the removal of Line 100–T1 will not affect Trunkline's mainline capacity, and will allow Trunkline to eliminate safety concerns and the cost of maintaining this nonfunctional facility. It is indicated that the scope of work for the proposed abandonment includes isolation and blowdown of Line 100–T1 and Line 54B–100, cutting and removing the tee from Line 54B–100, returning Line 54B–100 to service, and removing Line 100–T1.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1995, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition 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 the proceeding or to participate as a party in any hearing therein must file a petition 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 on this application if no petition to intervene is filed within the time required herein, and if the Commission on its own review of the matter finds that the abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provide for, unless otherwise advised, it will be unnecessary for Trunkline to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 95–12809 Filed 5–24–95; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5210–9]

Determining Compliance With Water Quality Based Effluent Limits Below Quantitation in the Absence of Promulgated Minimum Levels (MLs)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for Technical Data and Notice of Presentation-Style meeting.

SUMMARY: On March 22, 1994, the Environmental Protection Agency's (EPA) Office of Wastewater Management (OWM) released for comment the draft ''National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-based Effluent Limitations Set Below Analytical Detection or Quantitation Levels.'' The draft guidance was distributed to EPA Headquarters, EPA Regions, National Pollutant Discharge Elimination System (NPDES) state representatives, trade associations and environmental groups for comment. In general, there was support by all parties for the need for the guidance. However, there were several issues raised by the commenters which must be resolved before the guidance becomes final. Of particular concern to commenters was the methodology used to determine quantitation levels in the absence of promulgated MLs. Today's notice is to invite interested stakeholders to submit technical data to EPA on this issue, and to announce a meeting to discuss this topic and the data submitted.

DATES: Technical information should be submitted on or before June 22, 1995. A presentation-style meeting is scheduled for Wednesday, August 2 and Thursday, August 3, 1995 in McLean, Virginia. Meeting attendees should reply by June 22, 1995, confirming your attendance.

ADDRESSES: Technical data should be sent to Jackie Romney; U.S. Environmental Protection Agency; Office of Wastewater Management; MC–4203; 401 M Street, S.W.; Washington, DC 20460; 202/260–9528. A Government contractor will compile and maintain the confidentiality of the data. Meeting reservations should be made by calling Lynn Kurth of SAIC at 703/917–8496.

FOR FURTHER INFORMATION CONTACT: Jackie Romney; U.S. Environmental Protection Agency; Office of Wastewater Management; MC—4203; 401 M Street, S.W.; Washington, DC 20460; 202/260–9528.

SUPPLEMENTARY INFORMATION: On March 22, 1994, EPA's Office of Wastewater Management released the draft ''National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-based Effluent Limitations Set Below Analytical Detection or Quantitation Levels.'' The primary intent of the guidance is to promote national consistency in the implementation of water quality-based effluent limits (WQBELs) established below detection or quantitation levels. The secondary intent of the guidance is to ensure that National Pollutant Discharge Elimination System (NPDES) permittees strive to measure as closely as possible to WQBELs even in the absence of more sensitive promulgated methods. The draft guidance contains four main recommendations including: (1) Permit limits should be expressed as the calculated WQBEL; (2) the minimum level (ML) should be used as the quantitation level and included in the permit as a footnote to the WQBEL; (3) where a promulgated ML is not available, an ''interim ML'' should be calculated using a factor of 3.18 times the method detection limit (MDL); and (4) analytical results below the ML should be reported as zero.

The draft guidance was distributed to EPA Headquarters, EPA Regions, NPDES state representatives, and trade associations and environmental groups for comment. In general, there was support by all parties for the need for the guidance. However, there were several technical issues that were raised. Of particular concern to commenters was the methodology used to determine quantitation levels in the absence of promulgated MLs. Based on subsequent meetings with the regulated community, EPA has delayed finalizing the guidance until this issue is resolved.

A presentation-style meeting will be held on August 2–3, 1995 in McLean,

Virginia, to gather additional technical information to assist EPA in resolving these technical issues in order to finalize the guidance. This meeting will involve representatives from EPA Regions, States, the regulated community, trade associations, the scientific community, and environmental groups. Representatives from the parties submitting comments are invited to attend the meeting to present supporting data. This meeting will focus particularly on the procedure for developing quantitation levels (when there is no promulgated ML) to measure compliance with WQBELs. The meeting will provide an opportunity for commenters to present information supporting their specific concerns.

EPA is interested in the following types of technical data:

(1) Data to support the proposed use of the minimum level at 3.18 time the MDL (analogous to the International Union of Pure and Applied Chemistry (IUPAC) and the American Chemical Society (ACS) limit of quantitation) in the absence of a promulgated ML.

(2) Data to support an alternative quantitation level for compliance monitoring with WQBELs in the absence of a promulgated ML.

(3) Data which show the impacts of matrix interference which are not accounted for through the proposed site-specific MDLs or MLs, as well as any industry matrix interference data to support matrix interference cases.

In addition to the technical data above, EPA would like to review any actual examples submitted by commenters of enforcement actions taken for violating WQBELs set below detection or quantitation levels.

It is EPA's objective that this meeting be comprised of representatives who: contribute technical expertise relevant to this topic; represent a wide spectrum of interests (e.g, business, academia, environmental groups, and government); and are willing to participate in the entire two day meeting.

Participants must submit any supporting data they wish to provide by *June 22, 1995.* The data will be compiled by EPA prior to the meeting to ensure an organized presentation of information. Please note that technical comments on alternative approaches to develop quantitation levels received without supporting technical data cannot be considered at the meeting. If a copy of the March 22, 1994, draft ''National Guidance for the Permitting, Monitoring, and Enforcement of Water Quality-based Effluent Limitations Set Below Analytical Detection or Quantitation Levels'' is needed, please contact Mildred Thomas at 202/260–6054 to receive a copy.

Once EPA has reviewed the data, data summaries will be sent to all registered participants prior to the August meeting. Specific information on the meeting location, time of meeting and meeting agenda will be sent to each registered participant prior to the August 2 & 3, 1995 meeting.

Dated: May 17, 1995.

Michael B. Cook,

Director, Office of Wastewater Management.

[FR Doc. 95–12894 Filed 5–24–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1051–DR]

Mississippi; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Mississippi, (FEMA–1051–DR), dated May 12, 1995, and related determinations.

EFFECTIVE DATE: May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Pauline C. Campbell, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3606.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the State of Mississippi dated May 12, 1995, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 12, 1995.

Jackson County for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance.)

Richard W. Krimm,

Associate Director, Response and Recovery Directorate.

[FR Doc. 95–12855 Filed 5–24–95; 8:45 am]

BILLING CODE 6718–02–M

FEDERAL RESERVE SYSTEM

Larry Reginold Dean, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 8, 1995.

A. Federal Reserve Bank of Atlanta (Zane R. Kelley, Vice President) 104 Marietta Street, N.W., Atlanta, Georgia 30303:

1. Larry Reginold Dean, Lake Park, Georgia; to retain 10.96 percent of the voting shares of VB&T Bancshares Corporation, Valdosta, Georgia, and thereby indirectly acquire Valdosta Bank & Trust Company, Valdosta, Georgia.

B. Federal Reserve Bank of Chicago (James A. Bluemle, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. William A. Moore, Huxley, Iowa; to acquire an additional 76.5 percent for a total of 100 percent of the voting shares of Huxley Bancorp, Huxley, Iowa, and thereby indirectly acquire First State Bank, Huxley, Iowa.

Board of Governors of the Federal Reserve System, May 19, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–12841 Filed 5–24–95; 8:45 am]

BILLING CODE 6210–01–F

Wachovia Corporation; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies; Correction

This notice corrects a notice (FR Doc. 95-12098) published on page 26436 of the issue for Wednesday, May 17, 1995.

Under the Federal Reserve Bank of Richmond heading, the entry for Wachovia Corporation, is revised to read as follows:

1. Wachovia Corporation, Winston-Salem, North Carolina; to engage *de novo* through its subsidiary, Wachovia Capital Markets, Inc., Winston-Salem, North Carolina, in making, acquiring, or servicing loans or other extensions of credit (including issuing letters of credit and accepting drafts) for the company's account or the account of others,

pursuant to § 225.25(b)(1) of the Board's Regulation Y, and leasing real and personal property or acting as agent, broker, or adviser in leasing such property, pursuant to §§ 225.25(b)(5)(i) and 225.25(b)(5)(ii) of the Board's Regulation Y.

Comments on this application must be received by May 31, 1995.

Board of Governors of the Federal Reserve System, May 19, 1995.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 95–12845 Filed 5–24–95; 8:45 am]

BILLING CODE 6210–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement 568]

Community-Based Asthma Intervention Demonstration Programs

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1995 funds for cooperative agreements for the development, implementation, and evaluation of community-based asthma intervention demonstration programs.

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 Environmental Health. (For ordering a copy of ''Healthy People 2000,'' see the section ''Where to Obtain Additional Information.'')

Authority

This cooperative agreement is authorized under the Public Health Service Act, section 301 (42 U.S.C. 241).

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.

Only one application from an official agency (State or local) may enter the review process and be considered for award under this program. Eligible applicants may enter into contracts and consortia agreements and understandings as necessary to meet the requirements of the program and strengthen the overall application. The intent to use the above mechanisms must be stated in the application and the nature and scope of work of these mechanisms requires the approval of CDC.

Availability of Funds

Approximately $200,000 will be available in FY 1995 to fund two awards. It is expected that the average award will be $100,000. 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 2 years.

Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Purpose

The purpose of this project is to develop and test cost-effective, community-based asthma interventions which address one or more of the environmental risk factors among poor children. The specific objectives are:

A. Develop a community-based intervention program which is demonstrated to be cost-effective, can be sustained over time, and can serve as a model for other communities;

B. Evaluate the effectiveness of interventions which are targeted at specific risk factors;

C. Establish a network of public and private organizations and individuals within the community who share a common goal of preventing morbidity due to asthma among poor and other high-risk children to work on improved public education about asthma and its prevention and;

D. Improve the understanding concerning the prevalence of specific environmental risk factors among poor and other high-risk children with asthma.

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. Establish a mechanism for the surveillance of urgent care visits for asthma among a target population;

2. Develop a network of community organizations and individuals who share an interest in the health of poor children for the purpose of enhanced coordination of efforts aimed at patient and public education about asthma;

3. Measure the prevalence of one or more environmental risk factors within a target population and;

4. Develop, pilot test, and evaluate a community-based asthma intervention program focused primarily on one environmental risk factor.

B. CDC Activities:

1. Sponsor a planning workshop for all recipients and selected outside experts;

2. Collaborate with the recipient in all stages of the project, including the design of the protocol and data collection instruments, data analysis, interpretation of results, and preparation of written reports;

3. Provide on-site programmatic technical assistance in planning, implementing, and evaluating ongoing and innovative program activities;

4. Participate in improving program performance through consultation based on information and activities of other projects and;

5. Coordinate the activities of all recipients and facilitate the exchange of information and experiences among recipients.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria:

1. Understanding the Problem (10 points)

Evidence of the applicant's understanding of the problem and the purpose of the cooperative agreement.

2. Measurable Objectives (25 points)

The consistency of the measurable objectives with the stated purpose of the cooperative agreement and the ability to meet the objectives and timetable within the specified period.

3. Proposed Plan (25 points)

The adequacy of the applicant's plan to carry out the activities proposed. Of particular interest is the potential long-term sustainability of the intervention and the involvement of community organizations.

4. Management and Staffing Plan (25 points)

The extent to which the proposal has described (a) the qualifications and commitment of the applicant, (b) detailed allocations of time and effort of staff devoted to the project, (c) information on how the applicant will implement and administer the project and (d) the qualifications of the key project staff.

5. Proposed Evaluation Plan (15 points)

The adequacy of the applicant's plan to monitor progress toward meeting the objectives of the project.

6. Budget (not scored)

The extent to which the budget is reasonable, adequately justified, and consistent with the intended use of the cooperative agreement funds.

7. Human Subjects (not scored)

The applicant must clearly state whether or not human subjects will be used in research.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC 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 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 Announcement Number and Program Title should be referenced on the documents. The granting agency does not guarantee to ''accommodate or explain'' for tribal 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 93.283.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by cooperative agreement will be subject to approval 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 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, Georgia 30305, on or before July 19, 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 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 the U.S. Postal Service. Private metered postmarks shall 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 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 James Rifenburg, Air Pollution and Respiratory Health Branch, Division of Environmental Hazards and Health Effects, National Center for Environmental Health, Centers for Disease Control and Prevention (CDC), Mailstop F39, 4770 Buford Highway, NE., Atlanta, Georgia 30341–3724, telephone (404) 488–7320.

Please refer to Announcement 568 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 19, 1995.

Joseph R. Carter,

Acting Associate Director for Management, and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–12834 Filed 5–24–95; 8:45 am]

BILLING CODE 4163–18–P

[Announcement 519]

Prevention of the Complications of Hemophilia

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1995 funds for a cooperative agreement program to conduct a trial of primary prophylaxis therapy for the prevention of joint disease and/or inhibitor formation in children with hemophilia.

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 Diabetes and Chronic Disabling Conditions. (For ordering a copy of Healthy People 2000, see the section Where to Obtain Additional Information.)

Authority

This program is authorized under Sections 301(a) and 317(k)(2) of the Public Health Service Act, as amended [42 U.S.C. 241(a) and 247b(k)(2)]. Applicable program regulations are found in 42 CFR Part 51b—Project Grants for Preventive Health Services.

Smoke-Free Workplace

PHS strongly encourages all grant recipients to provide a smoke-free workplace and to promote 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

Because of the low prevalence of hemophilia, competition is limited to hemophilia treatment centers (HTCs) that routinely access and administer comprehensive health care to sufficient numbers of previously untreated patients with severe hemophilia each year. Since HTCs are the only health care facilities administering to the numbers of hemophiliacs required for this study, assistance will be provided only to hemophilia treatment centers.

Availability of Funds

Approximately $500,000 is available in FY 1995 to fund up to two awards. 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 5 years. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory programmatic progress and the availability of funds.

Purpose

The purpose of this hemophilia cooperative agreement program is to assist recipients in the implementation of and analysis of data from a randomized, controlled trial of primary prophylaxis in previously untreated patients with severe hemophilia A and no demonstrable factor VIII inhibitors. Cost and efficacy of early intervention should be determined in the treatment group and should be compared to similar data from appropriately treated, control subjects. In addition to objective measures of joint function and mobility, the cumulative risk of factor VIII inhibitor development should be determined for each treatment group and total costs and complication rates ascertained. Molecular characterization of factor VIII defects and detailed molecular HLA typing should be determined for all subjects in an effort to predict which subjects will develop inhibitors.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for the activities under A. below, and CDC shall be responsible for conducting activities under B. below:

A. Recipient Activities

1. Develop standardized study protocols, data collection instruments, interview questionnaires, progress report forms, and amend previous protocols with new activities or procedures incorporating all changes agreed to at assistance meetings.

2. Train study coordinators and medical personnel in methods of data collection and patient assessment in the use of standard data abstraction instruments, in techniques of reviewing medical records, in interviewing patients, and in other methods of data collection as appropriate and provided for in the study protocols. It is the responsibility of the recipient to ensure uniform training of study personnel at all data collection sites and to ensure that the data is collected in a uniform manner at all locations.

3. Develop appropriate management and evaluation systems to ensure that study personnel use data collection and interview instruments according to standard study protocols.

4. Collect and edit all data from all sites, including cost effectiveness data.

5. Obtain and transmit to CDC sufficient clinical specimens for specialized laboratory analysis and genetic testing, including whole blood, plasma, cell pellets or joint tissue/fluid, to meet the requirements of the study.

6. Publish the results of the study using a writing committee to determine the inclusion and order of authors on all publications.

B. CDC Activities

1. Provide consultation, and scientific and technical assistance in planning and implementing the study protocol. This assistance will include the development of standard study protocols, data abstraction instruments, interview questionnaires, consent and progress report forms.

2. Participate in the planning, coordination, and facilitation of initial and periodic meetings with recipients to exchange operational experiences, and to provide consultation and assistance in the modification of standard study protocols as needed.

3. Provide the required software and technical assistance in statistical and epidemiologic methods to conduct data analysis.

4. The coagulation research laboratory at CDC will be responsible for confirmation of factor VIII inhibitor levels and will serve as the central reference laboratory for molecular analysis of all study participants. CDC will be responsible for epitope typing of all inhibitors and other specialized immunological/genetic testing.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria: (Total 100 points)

A. Capacity

1. The capacity of the applicant to accrue a minimum total of 40 boys with severe factor VIII (<1%) who are 30 months old or less without a history of joint hemorrhage from multiple HTCs to each treatment arm of the protocol. Each participating HTC must be able to enroll a minimum of 5 previously untreated patients who meet the above criteria. (20 points)

2. The capacity to accrue and maintain patients on trials will be measured by (a) the number of patients

eligible for randomization into the trial that are seen annually at each HTC, (b) the number of patients entered and successfully followed in previous similar trials and (c) the publication of the results of other such trials in peer reviewed journals. Such publications should demonstrate that the applicant is capable of enrolling and following young hemophiliacs in a clinical trial. (20 points)

3. Qualifications of proposed staff to meet stated objectives and goals, and the availability of facilities to be used during the project period. (10 points)

B. Goals and Objectives

The extent to which the applicant's proposed goals and objectives meet the required activities specified under section A. ''Recipient Activities'' of this announcement, and that are measurable, specific, time-phased, and realistic. (10 points)

C. Methods and Activities

1. The quality of the applicant's plan for conducting program activities and the extent to which the clinical trial design proposed is: (a) appropriate to accomplish stated goals and objectives; (b) acceptable to the needs of the patient population (e.g., likely to produce compliance); (c) feasible within programmatic and fiscal restrictions. (30 points)

2. The recipient should demonstrate a basic knowledge of the methods of randomized, clinical trials and describe how they will implement a standardized protocol at various HTCs; (a) develop standardized progress report forms; (b) collect, edit, and transmit appropriate data to the CDC. (10 points)

D. Budget

The extent to which the budget is reasonable and consistent with the intended use of the cooperative agreement funds. (not scored)

Funding Priorities

In order to maximize the probability of developing meaningful conclusions from this randomized trial in the shortest possible time, funding priorities will take into consideration the ability of the HTC (including geographical representation of all participating HTCs) to accrue up to 40 previously untreated hemophilia patients in each treatment arm of the protocol.

Interested persons are invited to comment on the proposed funding priorities. All comments received on or before June 26, 1995 will be considered before the final funding priorities are established.

Written comments should be addressed to: Clara M. Jenkins, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–18, Atlanta, Georgia 30305.

Executive Order 12372 Review

This program is not subject to Executive Order 12372 review.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.283, Centers for Disease Control and Prevention (CDC)—Investigations and Technical Assistance.

Other Requirements

Paperwork Reduction Act

Projects that involve collection of information from 10 or more individuals and funded by the cooperative agreements 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 which demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing evidence of this assurance in accordance with the appropriate guidelines and forms provided in the application kit.

All information obtained in connection with this prevention trial shall not, without such individual's consent, be disclosed except as may be necessary to provide services to him or her or as may be required by a law of a State or political subdivision of a State. Information derived from any such program may be disclosed: (1) in summary, statistical, or other form, or (2) for clinical or research proposed, but only if the identity of the individuals under such program is not disclosed.

Application Submission and Deadline

The original and five copies of the application PHS Form 398 (OMB Number 0925–0001) must be submitted to Clara M. Jenkins, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–18, Atlanta, Georgia 30305, on or before July 7, 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 objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely 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 and information on application procedures are contained in the application package. Business management technical assistance may be obtained from Locke Thompson, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–18, Atlanta, Georgia 30305, telephone (404) 842–6595. Programmatic technical assistance may be obtained from Bruce Evatt, M.D., Division of HIV/AIDS, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop E–64, Atlanta, Georgia 30333, telephone (404) 639–3925.

Please refer to Announcement Number 519 when requesting information and submitting an application.

Potential applicants may obtain a copy of Healthy People 2000 (Full Report, Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report, Stock No. 017–001–00473–1) referenced in the Introduction through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512- 1800.

Dated: May 19, 1995.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 95–12835 Filed 5–24–95; 8:45 am]

BILLING CODE 4163–18–P

Food and Drug Administration

Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). This notice also summarizes the procedures for the meeting and methods by which interested persons may participate in open public hearings before FDA's advisory committees.

FDA has established an Advisory Committee Information Hotline (the hotline) using a voice-mail telephone system. The hotline provides the public with access to the most current information on FDA advisory committee meetings. The advisory committee hotline, which will disseminate current information and information updates, can be accessed by dialing 1–800–741–8138 or 301–443–0572. Each advisory committee is assigned a 5-digit number. This 5-digit number will appear in each individual notice of meeting. The hotline will enable the public to obtain information about a particular advisory committee by using the committee's 5-digit number. Information in the hotline is preliminary and may change before a meeting is actually held. The hotline will be updated when such changes are made.

MEETING: The following advisory committee meeting is announced:

Fertility and Maternal Health Drugs Advisory Committee With Generic Drugs and Endocrinologic and Metabolic Drugs Advisory Committee Representation

Date, time, and place. July 27 and 28, 1995, 9 a.m., Parklawn Bldg., conference rooms D and E, 5600 Fishers Lane, Rockville, MD.

Type of meeting and contact person. Open public hearing, July 27, 1995, 9 a.m. to 10 a.m., unless public participation does not last that long; open committee discussion, 10 a.m. to 5 p.m.; open committee discussion, July 28, 1995, 9 a.m. to 5 p.m.; Philip A. Corfman, Center for Drug Evaluation and Research (HFD–510), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3510, or Kimberly Topper, Center for Drug Evaluation and Research (HFD–9), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Hotline, 1–800–741–8138 (301–443–0572 in the Washington, DC area), Fertility and Maternal Health Drugs Advisory Committee, code 12537.

General function of the committee. The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational human drugs for use in the practice of obstetrics and gynecology.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the contact person before July 7, 1995, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss the necessary components of conjugated estrogens as they relate to clinical efficacy of conjugated estrogens and other estrogen replacement drug products for approved indications. Copies of the draft agenda will be available June 1, 1995, from CDER Executive Secretariat Staff (HFD–8), Center for Drug Evaluation and Research, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. The final agenda will be available at the meeting.

FDA public advisory committee meetings may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1 hour long unless public participation does not last that long. It is emphasized, however, that the 1 hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairperson determines will facilitate the committee's work.

Public hearings are subject to FDA's guideline (subpart C of 21 CFR part 10) concerning the policy and procedures for electronic media coverage of FDA's public administrative proceedings, including hearings before public advisory committees under 21 CFR part 14. Under 21 CFR 10.205, representatives of the electronic media may be permitted, subject to certain limitations, to videotape, film, or otherwise record FDA's public administrative proceedings, including presentations by participants.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairperson's discretion.

The agenda, the questions to be addressed by the committee, and a current list of committee members will be available at the meeting location on the day of the meeting.

Transcripts of the open portion of the meeting may be requested in writing from the Freedom of Information Office (HFI–35), Food and Drug Administration, rm. 12A–16, 5600 Fishers Lane, Rockville, MD 20857, approximately 15 working days after the meeting, at a cost of 10 cents per page. The transcript may be viewed at the Dockets Management Branch (HFA–305), Food and Drug Administration, rm. 1–23, 12420 Parklawn Dr., Rockville, MD 20857, approximately 15 working days after the meeting, between the hours of 9 a.m. and 4 p.m., Monday through Friday. Summary minutes of the open portion of the meeting may be requested in writing from the Freedom of Information Office (address above) beginning approximately 90 days after the meeting.

This notice is issued under section 10(a)(1) and (2) of the Federal Advisory Committee Act (5 U.S.C. app. 2), and FDA's regulations (21 CFR part 14) on advisory committees.

Dated: May 17, 1995.

Linda A. Suydam,

Interim Deputy Commissioner for Operations.

[FR Doc. 95–12909 Filed 5–24–95; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

[OPL–005–N]

Medicare Program; June 12, 1995 Meeting of the Practicing Physicians Advisory Council

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Practicing Physicians Advisory Council. This meeting is open to the public.

DATES: The meeting is scheduled for June 12, 1995, from 8 a.m. until 4 p.m. e.d.t. (Additional meetings are tentatively scheduled for September 11 and December 11, 1995.)

ADDRESSES: The meeting will be held in Room 800, 8th Floor, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Sam Shekar, M.D., Executive Director, Practicing Physicians Advisory Council, Room 435–H, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, (202) 690–7874.

SUPPLEMENTARY INFORMATION: The Secretary of Health and Human Services (the Secretary) is mandated by section 1868 of the Social Security Act, to appoint a Practicing Physicians Advisory Council (the Council) based on nominations submitted by medical organizations representing physicians. The Council meets quarterly to discuss certain proposed changes in regulations and carrier manual instructions related to physicians' services, as identified by the Secretary. To the extent feasible and consistent with statutory deadlines, the consultation must occur before publication of the proposed changes. The Council submits an annual report on its recommendations to the Secretary and the Administrator of the Health Care Financing Administration not later than December 31 of each year.

The Council consists of 15 physicians, each of whom has submitted at least 250 claims for physicians' services under Medicare in the previous year. Members of the Council include both participating and nonparticipating physicians, and physicians practicing in rural and underserved urban areas. At least 11 members must be doctors of medicine or osteopathy authorized to practice medicine and surgery by the States in which they practice. Members have been invited to serve for overlapping 4-year terms. In accordance with section 14 of the Federal Advisory Committee Act, terms of more than 2 years are contingent upon the renewal of the Council by appropriate action before the end of the 2-year term.

The Council held its first meeting on May 11, 1992.

The current members are: Richard Bronfman, D.P.M.; Gary C. Dennis, M.D.; Catalina E. Garcia, M.D.; Harvey P. Hanlen, O.D.; Kenneth D. Hansen, M.D.; Ardis Hoven, M.D.; Sandral Hullett, M.D.; Jerilynn S. Kaibel, D.C.; Marie G. Kuffner, M.D.; Marc Lowe, M.D.; Katherine L. Markette, M.D.; Isadore Rosenfeld, M.D.; Richard B. Tompkins, M.D.; Kenneth M. Viste, Jr., M.D.; and James C. Waites, M.D. The chairperson is Kenneth M. Viste, Jr., M.D.

The next meeting of the Council will be held on June 12, 1995. The following topics will be discussed at that meeting:

- The Office of the Inspector General study of physician control of nonphysician services.
- The revision of certificates of medical necessity for durable medical equipment.
- Medicare and Medicaid legislative issues.

Individuals or organizations who wish to make 5-minute oral presentations on the above issues should contact the Executive Director by 12:00 noon, June 2, 1995, to be scheduled. For the name, address, and telephone number of the Executive Director, see the **FOR FURTHER INFORMATION CONTACT** section at the beginning of this notice. The number of oral presentations may be limited by the time available. A written copy of the oral presentation should be submitted to the Executive Director no later than 12:00 noon, June 5, 1995.

Anyone who is not scheduled to speak may submit written comments to the Executive Director by 12:00 noon, June 9, 1995. The meeting is open to the public, but attendance is limited to the space available on a first-come basis.

(Section 1868 of the Social Security Act (42 U.S.C. 1395ee) and section 10(a) of Public Law 92–463 (5 U.S.C. App. 2, section 10(a)); 45 C.F.R. Part 11)

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 22, 1995.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

[FR Doc. 95–12849 Filed 5–24–95; 8:45 am]

BILLING CODE 4120–01–P

Health Resources and Services Administration

Notification of Expiring Project Periods for Community and Migrant Health Centers

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that a total of 273 Community Health Center and Migrant Health Center (C/MHC) grantees will reach the end of their project periods during fiscal year (FY) 1996. It is the intent of HRSA to continue to support health services in the areas served by these grantees, given the need inherent in their designation as medically underserved, within these geographic areas. This notice provides interested parties the opportunity to gather information and decide whether to pursue Federal funding as a community or migrant health center. During this process, communication with Regional Office staff is essential (see Appendix I).

DUE DATES: Current grant expiration dates vary by grantee throughout FY 1996. Applications for competing grants are normally due 120 days prior to the expiration of the current grant award.

SUPPLEMENTARY INFORMATION: The C/MHC programs are carried out currently under the authority of Sections 330 and 329 of the Public Health Service Act. The program regulations are codified in Title 42 of the Code of Federal Regulations (CFR), Parts 51c and 56. The C/MHC programs are designed to promote the development and operation of community-based primary health care service systems in medically underserved areas for medically underserved populations.

The list of areas for which a current Section 329/330 grant project period expires in FY 1996 is set forth in Appendix II. The service areas are listed by city and county. Detailed information for each service area, such as census tracts, can be obtained by contacting the appropriate PHS regional office (see Appendix I).

A project period is the total amount of time for which a grant has been programmatically approved. For purposes of this notice, grant awards

will be made for a one year budget period and up to a five year project period.

Dated: May 22, 1995.

Ciro V. Sumaya,

Administrator.

Appendix I—Regional Office Staff

Region I: Robin Lawrence, D.D.S., Acting Director, Division of Health Services Delivery, DHHS—Region I, JFK Federal Building #1401, Boston, MA 02203, (617) 565–1456

Region II: Ronald Moss, Director, Division of Health Services Delivery, DHHS—Region II, JFK Federal Building, 26 Federal Plaza, New York, NY 10278, (212) 264–2664

Region III: Bruce Riegel, Director, Division of Health Services Delivery, DHHS—Region III, 3535 Market Street, Philadelphia, PA 19104, (215) 596–1885

Region IV: Marlene Lockwood, Acting Director, Division of Health Services Delivery, DHHS—Region IV, 101 Marietta Tower, Atlanta, GA 30323, (404) 331–0250

Region V: Deborah Willis, M.D., Acting Director, Division of Health Services Delivery, DHHS—Region IV, 105 West Adams Street, 17th Floor, Chicago, IL 60603, (312) 353–1711

Region VI: Frederick Pintz, M.D., Director, Division of Health Services Delivery, DHHS—Region VI, 1200 Main Tower Building, Dallas, TX 75202, (214) 767–6547

Region VII: C. Ray Maddox, Director, Division of Health Services Delivery, DHHS—Region VII, Federal Office Building, 601 East 12th Street, Kansas City, MO 64106, (816) 426–5226

Region VIII: Barbara Bailey, Director, Division of Health Services Delivery, DHHS—Region VIII, Federal Office Building, 1961 Stout Street, Denver, CO 80294, (303) 844–3203

Region IX: Gordon Soares, Director, Division of Health Services Delivery, DHHS—Region IX, 50 United Nations Plaza, San Francisco, CA 94102, (415) 556–3610

Region X: Douglas Woods, Director, Division of Health Services Delivery, DHHS—Region X, Blanchard Plaza, 2201 Sixth Avenue, Seattle, WA 98121, (206) 615–2491

REGION/STATE/SERVICE AREA

	Number of grants	Grant expiration date
Region 01		
Connecticut:	3	
City: Washington		12/31/95
County: Windham		
City: Washington		12/31/95
County: Tolland		
City: Hartford		01/31/96
County: Hartford		
Maine:	6	
City: Ashland		03/31/96
County: Aroostook		
City: Brooks		03/31/96
County: Waldo		
City: Harrington		03/31/96
County: Washington		
City: Manchester		03/31/96
County: Kennebec		
City: Manchester		03/31/96
County: Androscoggin		
City: Manchester		03/31/96
County: Aroostook		
City: Manchester		03/31/96
County: Hancock		
City: Manchester		03/31/96
County: Oxford		
City: Manchester		03/31/96
County: Penobscot		
City: Manchester		03/31/96
County: Waldo		
City: Manchester		03/31/96
County: Washington		
City: Bucksport		03/31/96
County: Hancock		
City: Lubec		12/31/95
County: Washington		
City: Albion		05/31/96
County: Kennebec		
City: Belgrade Lakes		05/31/96
County: Kennebec		
City: Madison		05/31/96
County: Somerset		
City: Richmond		05/31/96
County: Sagadahoc		
City: Coopers Mills		05/31/96
County: Lincoln		
City: Waterville		05/31/96
County: Kennebec		
City: Rangeley		05/31/96
County: Franklin		
City: Rangeley		05/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Kennebec		
City: Rangeley		05/31/96
County: Knox		
City: Rangeley		05/31/96
County: Lincoln		
City: Rangeley		05/31/96
County: Sagadahoc		
City: Rangeley		05/31/96
County: Somerset		
City: Rangeley		05/31/96
County: Waldo		
City: Eagle Lake		03/31/96
County: Aroostook		
City: St Francis		03/31/96
County: Aroostook		
City: Kezar Falls		05/31/96
County: Cumberland		
City: Kezar Falls		05/31/96
County: Oxford		
City: Kezar Falls		05/31/96
County: York		
Massachusetts:	4	
City: Dorchester		09/29/96
County: Suffolk		
City: Boston		03/31/96
County: Suffolk		
City: Provincetown		01/31/96
County: Barnstable		
City: Lynn		01/31/96
County: Essex		
New Hampshire:	2	
City: Littleton		06/30/96
County: Coos		
City: Littleton		06/30/96
County: Grafton		
City: Littleton		06/30/96
County: Caledonia		
City: Littleton		06/30/96
County: Orange		
City: Raymond		05/31/96
County: Rockingham		
City: Newmarket		05/31/96
County: Rockingham		
City: Newmarket		05/31/96
County: Strafford		
Rhode Island:	3	
City: Providence		11/30/95
County: Providence		
City: Providence		11/30/95
County: Fox Point		
City: Providence		11/30/95
County: Olneyville		
City: Providence		11/30/95
County: Smith Hill		
City: Providence		11/30/95
County: South Side		
City: Providence		11/30/95
County: West End		
City: Woonsocket		01/31/96
County: Providence		
City: Hope Valley		11/30/95
County: Washington		

Region: 02

New Jersey:	6	
City: Trenton		03/31/96
County: Mercer		
City: Hammonton		01/31/96
County: Atlantic		
City: Pleasantville		01/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Atlantic		
City: Salem		01/31/96
County: Salem		
City: Salem		01/31/96
County: Atlantic		
City: Salem		01/31/96
County: Camden		
City: Salem		01/31/96
County: Cumberland		
City: Plainfield		05/31/96
County: Union		
City: Vineland		12/31/95
County: Cumberland		
City: Bridgeton		12/31/95
County: Cumberland		
City: Bridgeton		12/31/95
County: Salem		
City: Camden		09/29/96
County: Camden		
City: Paterson		12/31/95
County: Passaic		
New York:	16	
City: Buffalo		12/31/95
County: Erie		
City: Albany		03/31/96
County: Albany		
City: Albany		03/31/96
County: Rensselaer		
City: Syracuse		03/31/96
County: Onondaga		
City: Albion		12/31/95
County: Orleans		
City: Brockport		12/31/95
County: Monroe		
City: Brockport		12/31/95
County: Genesee		
City: Brockport		12/31/95
County: Orleans		
City: New York City		11/30/95
County: New York		
City: Rochester		12/31/95
County: Monroe		
City: Newburgh		05/31/96
County: Orange		
City: Pulaski		12/31/95
County: Oswego		
City: Rochester		12/31/95
County: Monroe		
City: New York City		11/30/95
County: Kings		
City: Cincinnatus		11/30/95
County: Cortland		
City: Marathon		11/30/95
County: Cortland		
City: De Ruyter		11/30/95
County: Madison		
City: Cortland		11/30/95
County: Cortland		
City: Cortland		11/30/95
County: Chenango		
City: Cortland		11/30/95
County: Madison		
City: Hammond		06/30/96
County: St. Lawrence		
City: Lafargeville		06/30/96
County: Jefferson		
City: Theresa		06/30/96
County: Jefferson		
City: Theresa		06/30/96
County: St. Lawrence		
City: New York City		03/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: New York		
City: New York City		03/31/96
County: Kings		
City: New York City		03/31/96
County: Queens		
City: Peekskill		01/31/96
County: Westchester		
City: Beacon		01/31/96
County: Dutchess		
City: Goshen		01/31/96
County: Orange		
City: Goshen		01/31/96
County: Columbia		
City: Goshen		01/31/96
County: Dutchess		
City: Goshen		01/31/96
County: Putnam		
City: Goshen		01/31/96
County: Ulster		
City: Goshen		01/31/96
County: Westchester		
City: Ossining		12/31/95
County: Westchester		
City: Tarreytown		12/31/95
County: Westchester		
City: Tarreytown		05/31/96
County: Bronx		
Puerto Rico:	10	
City: Castaner		03/31/96
County: Lares		
City: Castaner		03/31/96
County: Adjuntas		
City: Castaner		03/31/96
County: Las Marias		
City: Castaner		03/31/96
County: Maricao		
City: Castaner		03/31/96
County: Yauco		
City: Ponce		11/30/95
County: Ponce		
City: Ponce		11/30/95
County: Penuelas		
City: Cidra		01/31/96
County: Cidra		
City: Patillas		03/31/96
County: Patillas		
City: Camuy		01/31/96
County: Camuy		
City: Rincon		03/31/96
County: Rincon		
City: Ciales		01/31/96
County: Ciales		
City: Florida		12/31/95
County: Florida		
City: Barceloneta		05/31/96
County: Barceloneta		
City: Lares		03/31/96
County: Lares		
Virgin Islands:	1	
City: Charlotte Amalie		05/31/96
County: St. Thomas		
Region: 03		
Delaware:	2	
City: Dover		03/31/96
County: Kent		
City: Nassawadox		03/31/96
County: Northampton		
City: Nassawadox		03/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Kent		
City: Nassawadox		03/31/96
County: Sussex		
City: Nassawadox		03/31/96
County: Caroline		
City: Nassawadox		03/31/96
County: Dorchester		
City: Nassawadox		03/31/96
County: Kent		
City: Nassawadox		03/31/96
County: Queen Anne's		
City: Nassawadox		03/31/96
County: Somerset		
City: Nassawadox		03/31/96
County: Talbot		
City: Nassawadox		03/31/96
County: Wicomico		
City: Nassawadox		03/31/96
County: Worcester		
City: Nassawadox		03/31/96
County: Accomack		
City: Wilmington		06/30/96
County: New Castle		
Maryland:	5	
City: Baltimore		09/29/96
County: Baltimore		
City: Baltimore		09/29/96
County: Baltimore		
City.		
City: Baltimore		03/31/96
County: Baltimore		
City.		
City: Princess Anne		05/31/96
County: Somerset		
City: Princess Anne		05/31/96
County: Wicomico		
City: Princess Anne		05/31/96
County: Worcester		
City: Brandywine		06/30/96
County: Charles		
City: Brandywine		06/30/96
County: Prince George's		
City: Broad Top		01/31/96
County: Huntingdon		
City: Broad Top		01/31/96
County: Bedford		
City: Broad Top		01/31/96
County: Fulton		
Pennsylvania:	11	
City: Shickshinny		01/31/96
County: Luzerne		
City: Falls		01/31/96
County: Wyoming		
City: Nuremburg		01/31/96
County: Luzerne		
City: Freeland		01/31/96
County: Luzerne		
City: Edwardsville		01/31/96
County: Luzerne		
City: Wilkes Barre		01/31/96
County: Luzerne		
City: Noxen		01/31/96
County: Luzerne		
City: Noxen		01/31/96
County: Schuylkill		
City: Noxen		01/31/96
County: Wyoming		
City: York		03/31/96
County: York		
City: Carmichaels		01/31/96
County: Greene		
City: California		01/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Washington		
City: Bentleyville		01/31/96
County: Washington		
City: Waynesburg		01/31/96
County: Greene		
City: Fredericktown		01/31/96
County: Washington		
City: Republic		01/31/96
County: Fayette		
City: Republic		01/31/96
County: Greene		
City: Republic		01/31/96
County: Washington		
City: Camp Hill		03/31/96
County: Cumberland		
City: Philadelphia		11/30/95
County: Philadelphia		
City: Sinnamahoning		03/31/96
County: Cameron		
City: Emporium		03/31/96
County: Cameron		
City: Coudersport		03/31/96
County: Cameron		
City: Coudersport		03/31/96
County: Potter		
City: Greensboro		03/31/96
County: Greene		
City: Rogersville		03/31/96
County: Greene		
City: Rogersville		03/31/96
County: Fayette		
City: Lancaster		03/31/96
County: Lancaster		
City: Chester		01/31/96
County: Delaware		
City: Brookhaven		01/31/96
County: Delaware		
City: Sharon		01/31/96
County: Mercer		
City: Farrell		01/31/96
County: Mercer		
City: Farrell		01/31/96
County: Lawrence		
City: Philadelphia		01/31/96
County: Philadelphia		
Virginia:	6	
City: St Charles		05/31/96
County: Lee		
City: Stoney Creek		01/31/96
County: Sussex		
City: Stoney Creek		01/31/96
County: Dinwiddie		
City: Newport News		11/30/95
County: Newport News City		
City: Newport News		11/30/95
County: Hampton City		
City: Ivor		03/31/96
County: Southampton		
City: Ivor		03/31/96
County: Isle of Wight		
City: Ewing		03/31/96
County: Lee		
City: Portsmouth		06/30/96
County: Portsmouth City		
West Virginia:	10	
City: Arnett		03/31/96
County: Wyoming		
City: Colcord		03/31/96
County: Boone		
City: Beckley		03/31/96
County: Raleigh		
City: Ravencliff		03/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Wyoming		
City: Ravencliff		03/31/96
County: Louisa		
City: Ravencliff		03/31/96
County: Boone		
City: Burton		05/31/96
County: Wetzel		
City: Blacksville		05/31/96
County: Monongalia		
City: Blacksville		05/31/96
County: Greene		
City: Milton		05/31/96
County: Cabell		
City: Harts		05/31/96
County: Lincoln		
City: Wayne		05/31/96
County: Wayne		
City: Cedar Grove		05/31/96
County: Kanawha		
City: Ft Gay		05/31/96
County: Wayne		
City: Huntington		05/31/96
County: Cabell		
City: Huntington		05/31/96
County: Kanawha		
City: Huntington		05/31/96
County: Lincoln		
City: Huntington		05/31/96
County: Logan		
City: Huntington		05/31/96
County: Mingo		
City: Huntington		05/31/96
County: Putnam		
City: Huntington		05/31/96
County: Wayne		
City: Martinsburg		03/31/96
County: Berkeley		
City: Martinsburg		03/31/96
County: Jefferson		
City: Martinsburg		03/31/96
County: Morgan		
City: Union		01/31/96
County: Monroe		
City: Gary		01/31/96
County: McDowell		
City: Man		06/30/96
County: Logan		
City: Man		06/30/96
County: McDowell		
City: Man		06/30/96
County: Mingo		
City: Man		06/30/96
County: Wyoming		
City: Rainelle		11/30/95
County: Greenbrier		
City: Rainelle		11/30/95
County: Fayette		
City: Rainelle		11/30/95
County: Nicholas		
City: Rainelle		11/30/95
County: Summers		
City: Baker		05/31/96
County: Hardy		
City: Baker		05/31/96
County: Hampshire		
City: Grantsville		05/31/96
County: Calhoun		
Region: 04		
Alabama:	6	

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
City: Eutaw		09/29/96
County: Greene		
City: Greensboro		09/29/96
County: Hale		
City: Gilbertown		09/29/96
County: Choctaw		
City: Livingston		09/29/96
County: Sumter		
City: Dempolis		09/29/96
County: Marengo		
City: Dempolis		09/29/96
County: Choctaw		
City: Dempolis		09/29/96
County: Greene		
City: Dempolis		09/29/96
County: Hale		
City: Dempolis		09/29/96
County: Lowndes		
City: Dempolis		09/29/96
County: Sumter		
City: Montgomery		01/31/96
County: Montgomery		
City: Ramer		01/31/96
County: Montgomery		
City: Midway		03/31/96
County: Bullock		
City: Hurtsboro		03/31/96
County: Russell		
City: Tuskegee		03/31/96
County: Macon		
City: Dadeville		03/31/96
County: Tallapoosa		
City: Pittsview		03/31/96
County: Russell		
City: Pittsview		03/31/96
County: Bullock		
City: Pittsview		03/31/96
County: Macon		
City: Pittsview		03/31/96
County: Tallapoosa		
City: Evergreen		11/30/95
County: Conecuh		
City: McKenzie		11/30/95
County: Butler		
City: Red Level		11/30/95
County: Covington		
City: Red Level		11/30/95
County: Butler		
City: Red Level		11/30/95
County: Conecuh		
City: McIntosh		11/30/95
County: Washington		
City: Irvington		11/30/95
County: Mobile		
City: Grand Bay		11/30/95
County: Mobile		
City: Grand Bay		11/30/95
County: Washington		
City: Trenton		05/31/96
County: Jackson		
City: Scottsboro		05/31/96
County: Jackson		
City: Section		05/31/96
County: Jackson		
City: Bryant		05/31/96
County: Jackson		
City: Flat Rock		05/31/96
County: Jackson		
Florida:	9	
City: Wewahitchka		03/31/96
County: Gulf		
City: Panacea		03/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Wakulla		
City: Carrabelle		03/31/96
County: Franklin		
City: Carrabelle		03/31/96
County: Gulf		
City: Carrabelle		03/31/96
County: Wakulla		
City: Winter Garden		01/31/96
County: Orange		
City: Groveland		01/31/96
County: Lake		
City: Apopka		01/31/96
County: Orange		
City: Apopka		01/31/96
County: Lake		
City: Naples		03/31/96
County: Collier		
City: Everglades City		03/31/96
County: Collier		
City: Immokalee		03/31/96
County: Collier		
City: Oviedo		12/31/95
County: Seminole		
City: Sanford		12/31/95
County: Seminole		
City: Dover		03/31/96
County: Hillsborough		
City: Ruskin		03/31/96
County: Hillsborough		
City: Tampa		03/31/96
County: Hillsborough		
City: Trenton		05/31/96
County: Gilchrist		
City: Trenton		05/31/96
County: Levy		
City: Dade City		11/30/95
County: Pasco		
City: Lacoochee		11/30/95
County: Pasco		
City: Zehyryhills		11/30/95
County: Pasco		
City: Tallahassee		06/30/96
County: Leon		
City: Lake City		05/31/96
County: Columbia		
Georgia:	9	
City: Morrow		05/31/96
County: Clayton		
City: Decatur		05/31/96
County: Dekalb		
City: Atlanta		05/31/96
County: Dekalb		
City: Atlanta		05/31/96
County: Clayton		
City: Atlanta		05/31/96
County: Fulton		
City: Morganton		11/30/95
County: Fannin		
City: Morganton		11/30/95
County: Union		
City: Gibson		09/29/96
County: Glascock		
City: Crawfordville		09/29/96
County: Taliaferro		
City: Warrenton		09/29/96
County: Warren		
City: Sparta		09/29/96
County: Hancock		
City: Sparta		09/29/96
County: Glascock		
City: Sparta		09/29/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Taliaferro		
City: Sparta		09/29/96
County: Warren		
City: Richland		01/31/96
County: Stewart		
City: Richland		01/31/96
County: Sumter		
City: Richland		01/31/96
County: Webster		
City: Albany		05/31/96
County: Dougherty		
City: Leesburg		05/31/96
County: Lee		
City: Newton		05/31/96
County: Baker		
City: Albany		05/31/96
County: Baker		
City: Albany		05/31/96
County: Lee		
City: Barnesville		01/31/96
County: Pike		
City: Zebulon		01/31/96
County: Pike		
City: Zebulon		01/31/96
County: Lamar		
City: Waycross		06/30/96
County: Ware		
City: Atlanta		05/31/96
County: Fulton		
City: Reidsville		05/31/96
County: Tattnall		
City: Lyons		05/31/96
County: Toombs		
City: Metter		05/31/96
County: Candler		
City: Alamo		05/31/96
County: Wheeler		
City: Ellaville		05/31/96
County: Schley		
City: Fort Valley		05/31/96
County: Peach		
City: Douglas		05/31/96
County: Coffee		
City: Douglas		05/31/96
County: Bulloch		
City: Douglas		05/31/96
County: Candler		
City: Douglas		05/31/96
County: Peach		
City: Douglas		05/31/96
County: Schley		
City: Douglas		05/31/96
County: Tattnall		
City: Douglas		05/31/96
County: Toombs		
City: Douglas		05/31/96
County: Wheeler		
City: Swainsboro		06/30/96
County: Emanuel		
Kentucky:	5	
City: Salyersville		01/31/96
County: Magoffin		
City: Grethel		01/31/96
County: Floyd		
City: Prestonsburg		01/31/96
County: Floyd		
City: Prestonsburg		01/31/96
County: Magoffin		
City: McKee		05/31/96
County: Jackson		
City: Louisville		11/30/95

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Jefferson		
City: Fairdale		11/30/95
County: Jefferson		
City: Greenville		06/30/96
County: Muhlenberg		
City: Lexington		01/31/96
County: Fayette		
Mississippi:	7	
City: Utica		11/30/95
County: Hinds		
City: Jackson		11/30/95
County: Hinds		
City: Mound Bayou		11/30/95
County: Bolivar		
City: Greenville		11/30/95
County: Washington		
City: Greenville		11/30/95
County: Bolivar		
City: Greenville		11/30/95
County: Sunflower		
City: Byhalia		03/31/96
County: Marshall		
City: Byhalia		03/31/96
County: DeSoto		
City: Byhalia		03/31/96
County: Tate		
City: Leakesville		01/31/96
County: Greene		
City: State Line		01/31/96
County: Greene		
City: Tunica		09/29/96
County: Tunica		
City: Clarksdale		09/29/96
County: Coahoma		
City: Clarksdale		09/29/96
County: Tallahatchie		
City: Clarksdale		09/29/96
County: Tate		
City: Clarksdale		09/29/96
County: Tunica		
City: Shubuta		05/31/96
County: Clarke		
City: Shubuta		05/31/96
County: Jasper		
City: Shubuta		05/31/96
County: Wayne		
City: Ashland		09/29/96
County: Benton		
City: Ashland		09/29/96
County: Alcorn		
City: Ashland		09/29/96
County: Marshall		
City: Ashland		09/29/96
County: Tippah		
City: Ashland		09/29/96
County: Union		
City: Ashland		09/29/96
County: Wayne		
North Carolina:	10	
City: Newton Grove		03/31/96
County: Sampson		
City: Newton Grove		03/31/96
County: Harnett		
City: Newton Grove		03/31/96
County: Johnston		
City: Raleigh		11/30/95
County: Wake		
City: Apex		11/30/95
County: Wake		
City: Warreton		11/30/95
County: Warren		
City: Manson		11/30/95

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Warren		
City: Manson		11/30/95
County: Vance		
City: Aurora		11/30/95
County: Beaufort		
City: Aurora		11/30/95
County: Pamlico		
City: Yanceyville		09/29/96
County: Caswell		
City: Faison		12/31/95
County: Duplin		
City: Faison		12/31/95
County: Pender		
City: Faison		12/31/95
County: Sampson		
City: Faison		12/31/95
County: Wayne		
City: Wade		01/31/96
County: Cumberland		
City: Wade		01/31/96
County: Bladen		
City: Charlotte		03/31/96
County: Mecklenburg		
City: Kinston		11/30/95
County: Lenoir		
City: Windsor		03/31/96
County: Bertie		
City: Lewiston		03/31/96
County: Bertie		
South Carolina:	4	
City: Sheldon		05/31/96
County: Beaufort		
City: Hardeeville		05/31/96
County: Jasper		
City: ST. Helena Island		05/31/96
County: Beaufort		
City: Ridgeland		05/31/96
County: Jasper		
City: Ridgeland		05/31/96
County: Beaufort		
City: Fairfax		03/31/96
County: Allendale		
City: Ehrhardt		03/31/96
County: Bamberg		
City: Ehrhardt		03/31/96
County: Allendale		
City: EhrHardt		03/31/96
County: Hampton		
City: Mcbee		09/29/96
County: Chesterfield		
City: Jefferson		09/29/96
County: Chesterfield		
City: Jefferson		09/29/96
County: Kershaw		
City: Bishopville		09/29/96
County: Lee		
City: Clio		09/29/96
County: Marlboro		
City: Society Hill		09/29/96
County: Darlington		
City: Cheraw		09/29/96
County: Chesterfield		
City: Cheraw		09/29/96
County: Darlington		
City: Cheraw		09/29/96
County: Dillon		
City: Cheraw		09/29/96
County: Lee		
City: Cheraw		09/29/96
County: Marlboro		
Tennessee:	7	

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
City: Decatur		01/31/96
County: Meigs		
City: Dayton		01/31/96
County: Rhea		
City: Benton		01/31/96
County: Polk		
City: Coalmont		01/31/96
County: Grundy		
City: Pikesville		01/31/96
County: Bledsoe		
City: Pikesville		01/31/96
County: Meigs		
City: Pikesville		01/31/96
County: Polk		
City: Pikesville		01/31/96
County: Rhea		
City: Chattanooga		11/30/95
County: Hamilton		
City: Roan Mountain		03/31/96
County: Carter		
City: Bulls Gap		03/31/96
County: Hawkins		
City: Bluff City		03/31/96
County: Sullivan		
City: Sneedville		03/31/96
County: Hancock		
City: Rogersville		03/31/96
County: Hawkins		
City: Erwin		03/31/96
County: Unicoi		
City: Mountain City		03/31/96
County: Johnson		
City: Kingston		03/31/96
County: McMinn		
City: Flag Pond		03/31/96
County: Unicoi		
City: Flag Pond		03/31/96
County: Johnson		
City: Flag Pond		03/31/96
County: Sullivan		
City: Nashville		01/31/96
County: Davidson		
City: Huntsville		05/31/96
County: Scott		
City: Oneida		05/31/96
County: Scott		
City: Robbins		05/31/96
County: Scott		
City: Robbins		05/31/96
County: Campbell		
City: Frakes		01/31/96
County: Bell		
City: Jellico		01/31/96
County: Claiborne		
City: Jacksboro		01/31/96
County: Campbell		
City: Williamsburg		01/31/96
County: Whitley		
City: Williamsburg		01/31/96
County: Bell		
City: Williamsburg		01/31/96
County: Campbell		
City: Williamsburg		01/31/96
County: Claiborne		
City: Tiptonville		01/31/96
County: Lake		
City: Ridgely		01/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Lake		
Region: 05		
Illinois:	9	
City: Tamms		05/31/96
County: Alexander		
City: Cairo		05/31/96
County: Alexander		
City: Pulaski		05/31/96
County: Pulaski		
City: Pulaski		05/31/96
County: Alexander		
City: Pulaski		05/31/96
County: Johnson		
City: Pulaski		05/31/96
County: Union		
City: Cobden		03/31/96
County: Jackson		
City: Carbondale		03/31/96
County: Jackson		
City: Grand Tower		03/31/96
County: Jackson		
City: Carterville		03/31/96
County: Williamson		
City: Carterville		03/31/96
County: Alexander		
City: Carterville		03/31/96
County: Franklin		
City: Carterville		03/31/96
County: Jackson		
City: Carterville		03/31/96
County: Perry		
City: Carterville		03/31/96
County: Union		
City: Champaign		11/30/95
County: Champaign		
City: Oquawka		12/31/95
County: Henderson		
City: Biggsville		12/31/95
County: Henderson		
City: Biggsville		12/31/95
County: Mercer		
City: Biggsville		12/31/95
County: Warren		
City: Rockford		11/30/95
County: Winnebago		
City: Decatur		05/31/96
County: Macon		
City: Chicago		09/29/96
County: Cook		
Indiana	1	
City: Kokomo		05/31/96
County: Howard		
City: Marion		05/31/96
County: Grant		
City: South Bend		05/31/96
County: St Joseph		
City: Indianapolis		05/31/96
County: Marion		
City: Bluffton		05/31/96
County: Wells		
City: Elwood		05/31/96
County: Grant		
City: Elwood		05/31/96
County: Adams		
City: Elwood		05/31/96
County: Blackford		
City: Elwood		05/31/96
County: Carroll		
City: Elwood		05/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Cass		
City: Elwood		05/31/96
County: Clinton		
City: Elwood		05/31/96
County: Delaware		
City: Elwood		05/31/96
County: Elkhart		
City: Elwood		05/31/96
County: Howard		
City: Elwood		05/31/96
County: Huntington		
City: Elwood		05/31/96
County: Jay		
City: Elwood		05/31/96
County: Kosciusko		
City: Elwood		05/31/96
County: La Porte		
City: Elwood		05/31/96
County: Madison		
City: Elwood		05/31/96
County: Marshall		
City: Elwood		05/31/96
County: Miami		
City: Elwood		05/31/96
County: Randolph		
City: Elwood		05/31/96
County: St. Joseph		
City: Elwood		05/31/96
County: Starke		
City: Elwood		05/31/96
County: Tipton		
City: Elwood		05/31/96
County: Wabash		
City: Elwood		05/31/96
County: Wells		
City: Elwood		05/31/96
County: Van Wert		
Michigan:	9	
City: Baldwin		09/29/96
County: Lake		
City: Baldwin		09/29/96
County: Newaygo		
City: Roscommon		12/31/95
County: Roscommon		
City: Houghton Lake		12/31/95
County: Roscommon		
City: Houghton Lake		12/31/95
County: Crawford		
City: Houghton Lake		12/31/95
County: Missaukee		
City: Saginaw		09/29/96
County: Saginaw		
City: Caro		09/29/96
County: Tuscola		
City: Greenville		09/29/96
County: Montcalm		
City: Linwood		09/29/96
County: Bay		
City: Saginaw		09/29/96
County: Arenac		
City: Saginaw		09/29/96
County: Bay		
City: Saginaw		09/29/96
County: Genesee		
City: Saginaw		09/29/96
County: Lapeer		
City: Saginaw		09/29/96
County: Montcalm		
City: Saginaw		09/29/96
County: Tuscola		
City: Sparta		03/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Kent		
City: Sparta		03/31/96
County: Muskegon		
City: Sparta		03/31/96
County: Newaygo		
City: Sparta		03/31/96
County: Ottawa		
City: East Jordan		03/31/96
County: Charlevoix		
City: East Jordan		03/31/96
County: Antrim		
City: Grand Rapids		03/31/96
County: Kent		
City: Algonac		05/31/96
County: St. Clair		
City: New Haven		05/31/96
County: Macomb		
City: New Haven		05/31/96
County: St. Clair		
City: Hillman		01/31/96
County: Montmorency		
City: Hillman		01/31/96
County: Alpena		
City: Hillman		01/31/96
County: Presque Isle		
City: Flint		03/31/96
County: Genesee		
City: Flint		03/31/96
County: Kalamazoo		
Minnesota:	3	
City: Ada		09/29/96
County: Norman		
City: Crookston		09/29/96
County: Polk		
City: Breckenridge		09/29/96
County: Wilkin		
City: Montevideo		09/29/96
County: Chippewa		
City: Olivia		09/29/96
County: Renville		
City: Dodge Center		09/29/96
County: Steele		
City: Moorhead		09/29/96
County: Clay		
City: Moorhead		09/29/96
County: Brown		
City: Moorhead		09/29/96
County: Chippewa		
City: Moorhead		09/29/96
County: Dodge		
City: Moorhead		09/29/96
County: Freeborn		
City: Moorhead		09/29/96
County: Grant		
City: Moorhead		09/29/96
County: Hennepin		
City: Moorhead		09/29/96
County: Kandiyohi		
City: Moorhead		09/29/96
County: Kittson		
City: Moorhead		09/29/96
County: Lac Qui Parle		
City: Moorhead		09/29/96
County: McLeod		
City: Moorhead		09/29/96
County: Marshall		
City: Moorhead		09/29/96
County: Meeker		
City: Moorhead		09/29/96
County: Nicollet		
City: Moorhead		09/29/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Norman		
City: Moorhead		09/29/96
County: Otter Tail		
City: Moorhead		09/29/96
County: Polk		
City: Moorhead		09/29/96
County: Redwood		
City: Moorhead		09/29/96
County: Renville		
City: Moorhead		09/29/96
County: Sibley		
City: Moorhead		09/29/96
County: Steele		
City: Moorhead		09/29/96
County: Wilkin		
City: Moorhead		09/29/96
County: Yellow Medicine		
City: Minneapolis		03/31/96
County: Hennepin		
Ohio:	10	
City: Freeport		01/31/96
County: Harrison		
City: Woodsfield		01/31/96
County: Monroe		
City: Barnesville		01/31/96
County: Belmont		
City: Barnesville		01/31/96
County: Guernsey		
City: Barnesville		01/31/96
County: Harrison		
City: Barnesville		01/31/96
County: Monroe		
City: Barnesville		01/31/96
County: Tuscarawas		
City: Cleveland		09/29/96
County: Cuyahoga		
City: Greenville		03/31/96
County: Darke		
City: Ripley		12/31/95
County: Brown		
City: New Richmond		12/31/95
County: Clermont		
City: Mt. Orab		12/31/95
County: Brown		
City: Peebles		12/31/95
County: Adams		
City: Georgetown		12/31/95
County: Brown		
City: Batavia		12/31/95
County: Clermont		
City: Cincinnati		12/31/95
County: Hamilton		
City: Batavia		12/31/95
County: Adams		
City: Batavia		12/31/95
County: Brown		
City: Batavia		12/31/95
County: Fayette		
City: Batavia		12/31/95
County: Highland		
City: Batavia		12/31/95
County: Meigs		
City: Batavia		12/31/95
County: Pike		
City: Batavia		12/31/95
County: Ross		
City: Batavia		12/31/95
County: Scioto		
City: Cincinnati		12/31/95
County: Hamilton		
City: Lincoln Heights		12/31/95

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Hamilton		
City: Coal Grove		05/31/96
County: Lawrence		
City: South Point		05/31/96
County: Lawrence		
City: Ironton		05/31/96
County: Lawrence		
City: Toledo		11/30/95
County: Lucas		
City: New Lexington		01/31/96
County: Perry		
City: McArthur		01/31/96
County: Vinton		
City: Chillicothe		01/31/96
County: Ross		
City: Chillicothe		01/31/96
County: Athens		
City: Chillicothe		01/31/96
County: Jackson		
City: Chillicothe		01/31/96
County: Perry		
City: Chillicothe		01/31/96
County: Pike		
City: Chillicothe		01/31/96
County: Vinton		
City: Piketon		01/31/96
County: Pike		
City: Piketon		01/31/96
County: Ross		
City: Lisbon		12/31/95
County: Columbiana		
Wisconsin:	5	
City: Marshfield		05/31/96
County: Wood		
City: Minocqua		05/31/96
County: Oneida		
City: Ladysmith		05/31/96
County: Rusk		
City: Rice Lake		05/31/96
County: Barron		
City: Park Falls		05/31/96
County: Price		
City: Park Falls		05/31/96
County: Ashland		
City: Park Falls		05/31/96
County: Chippewa		
City: Park Falls		05/31/96
County: Clark		
City: Park Falls		05/31/96
County: Iron		
City: Park Falls		05/31/96
County: Jackson		
City: Park Falls		05/31/96
County: Lincoln		
City: Park Falls		05/31/96
County: Marathon		
City: Park Falls		05/31/96
County: Portage		
City: Park Falls		05/31/96
County: Rusk		
City: Park Falls		05/31/96
County: Sawyer		
City: Park Falls		05/31/96
County: Taylor		
City: Park Falls		05/31/96
County: Wood		
City: Lakewood		01/31/96
County: Oconto		
City: Lakewood		01/31/96
County: Forest		
City: Lakewood		01/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Marinette		
City: Milwaukee		12/31/95
County: Milwaukee		
City: Wausau		06/30/96
County: Marathon		
City: Kenosha		06/30/96
County: Kenosha		
Region: 6		
Arkansas:	5	
City: Madison		11/30/95
County: Lee		
City: Wabash		11/30/95
County: Phillips		
City: Marianna		11/30/95
County: Lee		
City: Marianna		11/30/95
County: Phillips		
City: Marianna		11/30/95
County: St. Francis		
City: College Station		05/31/96
County: Pulaski		
City: Altheimer		05/31/96
County: Jefferson		
City: Redfield		05/31/96
County: Jefferson		
City: Rison		05/31/96
County: Cleveland		
City: Pine Bluff		05/31/96
County: Jefferson		
City: Pine Bluff		05/31/96
County: Cleveland		
City: Pine Bluff		05/31/96
County: Grant		
City: Pine Bluff		05/31/96
County: Pulaski		
City: Clarendon		05/31/96
County: Monroe		
City: Devalls Bluff		05/31/96
County: Monroe		
City: Brinkley		05/31/96
County: Monroe		
City: Holly Grove		05/31/96
County: Monroe		
City: Holly Grove		05/31/96
County: Prairie		
City: Strong		03/31/96
County: Union		
City: Bradley		03/31/96
County: Lafayette		
City: Lewisville		03/31/96
County: Lafayette		
City: Hampton		03/31/96
County: Calhoun		
City: Bearden		03/31/96
County: Bradley		
City: Bearden		03/31/96
County: Calhoun		
City: Bearden		03/31/96
County: Lafayette		
City: Bearden		03/31/96
County: Ouachita		
City: Bearden		03/31/96
County: Union		
City: Hope		03/31/96
County: Hempstead		
City: Wilmot		01/31/96
County: Ashley		
City: Portland		01/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Ashley		
City: Eudora		01/31/96
County: Chicot		
City: Dermott		01/31/96
County: Drew		
City: Dermott		01/31/96
County: Ashley		
City: Dermott		01/31/96
County: Chicot		
Louisiana:	4	
City: Tallulah		01/31/96
County: Madison		
City: Leesville		01/31/96
County: Vernon		
City: Natchitoches		01/31/96
County: Natchitoches		
City: Logansport		01/31/96
County: De Soto		
City: Natchitoches		01/31/96
County: De Soto		
City: Natchitoches		01/31/96
County: Madison		
City: Natchitoches		01/31/96
County: Tensas		
City: Natchitoches		01/31/96
County: Vernon		
City: Baton Rouge		01/31/96
County: East Baton Rouge		
City: Sicily Island		12/31/95
County: Catahoula		
City: St. Gabriel		06/30/96
County: Iberville		
City: St. Gabriel		06/30/96
County: Ascension		
New Mexico:	6	
City: Espanola		05/31/96
County: Rio Arriba		
City: Las Vegas		05/31/96
County: San Miguel		
City: Riberia		05/31/96
County: San Miguel		
City: Embudo		05/31/96
County: Rio Arriba		
City: Wagon Mound		05/31/96
County: Mora		
City: Las Vegas		05/31/96
County: San Miguel		
City: Roy		05/31/96
County: Harding		
City: Penasco		05/31/96
County: Taos		
City: Coyote		05/31/96
County: Rio Arriba		
City: Anton Chico		05/31/96
County: Guadalupe		
City: Truchas		05/31/96
County: Rio Arriba		
City: Espanola		05/31/96
County: Rio Arriba		
City: Espanola		05/31/96
County: Guadalupe		
City: Espanola		05/31/96
County: Mora		
City: Espanola		05/31/96
County: Rio Arriba		
City: Espanola		05/31/96
County: Santa Fe		
City: Espanola		05/31/96
County: Taos		
City: Hatch		03/31/96
County: Dona Ana		
City: Truth or Consequences		03/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Sierra		
City: Portales		01/31/96
County: Roosevelt		
City: Clovis		01/31/96
County: Curry		
City: Clovis		01/31/96
County: Roosevelt		
City: Roswell		01/31/96
County: Chaves		
City: Anthony		05/31/96
County: Dona Ana		
City: Sunland Park		05/31/96
County: Dona Ana		
City: Mesilla		05/31/96
County: Dona Ana		
City: San Miquel		05/31/96
County: Dona Ana		
City: Estancia		12/31/95
County: Torrance		
City: Cuba		12/31/95
County: Sandoval		
City: Farmington		12/31/95
County: San Juan		
City: Questa		12/31/95
County: Taos		
City: Jemez Springs		12/31/95
County: Sandoval		
City: Santa Fe		12/31/95
County: Santa Fe		
City: Carlsbad		12/31/95
County: Eddy		
City: Loving		12/31/95
County: Eddy		
City: Counseler		12/31/95
County: Sandoval		
City: Ojo Encino		12/31/95
County: Sandoval		
City: Torreon		12/31/95
County: Sandoval		
City: Reserve		12/31/95
County: Catron		
City: Reserve		12/31/95
County: Eddy		
City: Reserve		12/31/95
County: McKinley		
City: Reserve		12/31/95
County: Sandoval		
City: Reserve		12/31/95
County: San Juan		
City: Reserve		12/31/95
County: Taos		
City: Reserve		12/31/95
County: Torrance		
City: Grants		12/31/95
County: Valencia		
City: Santa Fe		05/31/96
County: Santa Fe		
Oklahoma:	3	
City: Oklahoma City		01/31/96
County: Oklahoma		
City: Oklahoma City		06/30/96
County: Oklahoma		
City: Tulsa		03/31/96
County: Tulsa		
Texas	8	
City: Dallas		05/31/96
County: Dallas		
City: Eagle Pass		05/31/96
County: Maverick		
City: Brackettville		05/31/96
County: Kinney		
City: Del Rio		05/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Val Verde		
City: Eagle Pass		05/31/96
County: Kinney		
City: Eagle Pass		05/31/96
County: Val Verde		
City: Dallas		11/30/95
County: Dallas		
City: Newton		03/31/96
County: Newton		
City: Newton		03/31/96
County: Jasper		
City: El Paso		11/30/95
County: El Paso		
City: San Elizario		11/30/95
County: El Paso		
City: Nacogdoches		05/31/96
County: Nacogdoches		
City: Pleasanton		01/31/96
County: Atascosa		
City: Houston		06/30/96
County: Harris		
Region: 07		
Iowa	3	
City: Des Moines		01/31/96
County: Polk		
City: Des Moines		01/31/96
County: Adair		
City: Des Moines		01/31/96
County: Adams		
City: Des Moines		01/31/96
County: Allamakee		
City: Des Moines		01/31/96
County: Appanoose		
City: Des Moines		01/31/96
County: Audubon		
City: Des Moines		01/31/96
County: Benton		
City: Des Moines		01/31/96
County: Black Hawk		
City: Des Moines		01/31/96
County: Boone		
City: Des Moines		01/31/96
County: Bremer		
City: Des Moines		01/31/96
County: Buchanan		
City: Des Moines		01/31/96
County: Buena Vista		
City: Des Moines		01/31/96
County: Butler		
City: Des Monies		01/31/96
County: Calhoun		
City: Des Moines		01/31/96
County: Carroll		
City: Des Monies		01/31/96
County: Cass		
City: Des Moines		01/31/96
County: Cedar		
City: Des Moines		01/31/96
County: Cerro Gordo		
City: Des Moines		01/31/96
County: Cherokee		
City: Des Moines		01/31/96
County: Chickasaw		
City: Des Moines		01/31/96
County: Clarke		
City: Des Moines		01/31/96
County: Clay		
City: Des Moines		01/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Clayton		
City: Des Moines		01/31/96
County: Clinton		
City: Des Moines		01/31/96
County: Crawford		
City: Des Moines		01/31/96
County: Dallas		
City: Des Moines		01/31/96
County: Davis		
City: Des Moines		01/31/96
County: Decatur		
City: Des Moines		01/31/96
County: Delaware		
City: Des Moines		01/31/96
County: Des Moines		
City: Des Moines		01/31/96
County: Dickinson		
City: Des Moines		01/31/96
County: Dubuque		
City: Des Moines		01/31/96
County: Emmet		
City: Des Moines		01/31/96
County: Fayette		
City: Des Moines		01/31/96
County: Floyd		
City: Des Moines		01/31/96
County: Franklin		
City: Des Moines		01/31/96
County: Fremont		
City: Des Moines		01/31/96
County: Greene		
City: Des Moines		01/31/96
County: Grundy		
City: Des Moines		01/31/96
County: Guthrie		
City: Des Moines		01/31/96
County: Hamilton		
City: Des Moines		01/31/96
County: Hancock		
City: Des Moines		01/31/96
County: Hardin		
City: Des Moines		01/31/96
County: Harrison		
City: Des Moines		01/31/96
County: Henry		
City: Des Moines		01/31/96
County: Howard		
City: Des Moines		01/31/96
County: Humboldt		
City: Des Moines		01/31/96
County: Ida		
City: Des Moines		01/31/96
County: Iowa		
City: Des Moines		01/31/96
County: Jackson		
City: Des Moines		01/31/96
County: Jasper		
City: Des Moines		01/31/96
County: Jefferson		
City: Des Moines		01/31/96
County: Johnson		
City: Des Moines		01/31/96
County: Jones		
City: Des Moines		01/31/96
County: Keokuk		
City: Des Moines		01/31/96
County: Kossuth		
City: Des Moines		01/31/96
County: Lee		
City: Des Moines		01/31/96
County: Linn		
City: Des Moines		01/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Louisa		
City: Des Moines		01/31/96
County: Lucas		
City: Des Moines		01/31/96
County: Lyon		
City: Des Moines		01/31/96
County: Madison		
City: Des Moines		01/31/96
County: Mahaska		
City: Des Moines		01/31/96
County: Marion		
City: Des Moines		01/31/96
County: Marshall		
City: Des Moines		01/31/96
County: Mills		
City: Des Moines		01/31/96
County: Mitchell		
City: Des Moines		01/31/96
County: Monona		
City: Des Moines		01/31/96
County: Monroe		
City: Des Moines		01/31/96
County: Montgomery		
City: Des Moines		01/31/96
County: Muscatine		
City: Des Moines		01/31/96
County: O'Brien		
City: Des Moines		01/31/96
County: Osceola		
City: Des Moines		01/31/96
County: Page		
City: Des Moines		01/31/96
County: Palo Alto		
City: Des Moines		01/31/96
County: Plymouth		
City: Des Moines		01/31/96
County: Pocahontas		
City: Des Moines		01/31/96
County: Polk		
City: Des Moines		01/31/96
County: Pottawattamie		
City: Des Moines		01/31/96
County: Poweshiek		
City: Des Moines		01/31/96
County: Ringgold		
City: Des Moines		01/31/96
County: Sac		
City: Des Moines		01/31/96
County: Scott		
City: Des Moines		01/31/96
County: Shelby		
City: Des Moines		01/31/96
County: Sioux		
City: Des Moines		01/31/96
County: Story		
City: Des Moines		01/31/96
County: Tama		
City: Des Moines		01/31/96
County: Taylor		
City: Des Moines		01/31/96
County: Union		
City: Des Moines		01/31/96
County: Van Buren		
City: Des Moines		01/31/96
County: Wapello		
City: Des Moines		01/31/96
County: Warren		
City: Des Moines		01/31/96
County: Washington		
City: Des Moines		01/31/96
County: Wayne		
City: Des Moines		01/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Webster		
City: Des Moines		01/31/96
County: Winnebago		
City: Des Moines		01/31/96
County: Winneshiek		
City: Des Moines		01/31/96
County: Woodbury		
City: Des Moines		01/31/96
County: Worth		
City: Des Moines		01/31/96
County: Wright		
City: Davenport		01/31/96
County: Scott		
City: Waterloo		01/31/96
County: Black Hawk		
Kansas:	1	
City: Wichita		03/31/96
County: Sedgwick		
Missouri:	4	
City: Kansas City		03/31/96
County: Jackson		
City: Kansas City		03/31/96
County: Jackson		
City: St. Louis		01/31/96
County: St. Louis City		
City: Mound City		01/31/96
County: Holt		
City: Mound City		01/31/96
County: Atchison		
City: Mound City		01/31/96
County: Gentry		
Nebraska:	1	
City: Omaha		01/31/96
County: Douglas		
Region: 08		
Colorado:	9	
City: Ft Morgan		12/31/95
County: Morgan		
City: Delta		12/31/95
County: Delta		
City: Denver		12/31/95
County: Denver		
City: Denver		12/31/95
County: Adams		
City: Denver		12/31/95
County: Alamosa		
City: Denver		12/31/95
County: Baca		
City: Denver		12/31/95
County: Bent		
City: Denver		12/31/95
County: Boulder		
City: Denver		12/31/95
County: Cheyenne		
City: Denver		12/31/95
County: Conejos		
City: Denver		12/31/95
County: Costilla		
City: Denver		12/31/95
County: Crowley		
City: Denver		12/31/95
County: Delta		
City: Denver		12/31/95
County: Kiowa		
City: Denver		12/31/95
County: Kit Carson		
City: Denver		12/31/95
County: Larimer		
City: Denver		12/31/95

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Logan		
City: Denver		12/31/95
County: Mesa		
City: Denver		12/31/95
County: Montrose		
City: Denver		12/31/95
County: Morgan		
City: Denver		12/31/95
County: Otero		
City: Denver		12/31/95
County: Phillips		
City: Denver		12/31/95
County: Prowers		
City: Denver		12/31/95
County: Pueblo		
City: Denver		12/31/95
County: Rio Grande		
City: Denver		12/31/95
County: Saguache		
City: Denver		12/31/95
County: Sedgwick		
City: Denver		12/31/95
County: Washington		
City: Denver		12/31/95
County: Weld		
City: Denver		12/31/95
County: Yuma		
City: Center		11/30/95
County: Saguache		
City: Antonito		11/30/95
County: Conejos		
City: San Luis		11/30/95
County: Costilla		
City: Alamosa		11/30/95
County: Alamosa		
City: Monte Vista		11/30/95
County: Rio Grande		
City: Del Norte		11/30/95
County: Rio Grande		
City: Del Norte		11/30/95
County: Alamosa		
City: Del Norte		11/30/95
County: Conejos		
City: Del Norte		11/30/95
County: Costilla		
City: Del Norte		11/30/95
County: Mineral		
City: Del Norte		11/30/95
County: Saguache		
City: Denver		12/31/95
County: Denver		
City: Pueblo		05/31/96
County: Pueblo		
City: Rocky Ford		12/31/95
County: Otero		
City: Rocky Ford		12/31/95
County: Bent		
City: Las Animas		12/31/95
County: Bent		
City: Rocky Ford		12/31/95
County: Crowley		
City: Black Hawk		05/31/96
County: Gilpin		
City: Black Hawk		05/31/96
County: Boulder		
City: Colorado Springs		12/31/95
County: El Paso		
City: Lafayette		01/31/96
County: Boulder		
City: Thornton		01/31/96
County: Adams		
City: Thornton		01/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Boulder		
City: Delta		06/30/96
County: Delta		
City: Delta		06/30/96
County: Montrose		
City: Montrose		06/30/96
County: Montrose		
Montana:	3	
City: Billings		01/31/96
County: Yellowstone		
City: Billings		01/31/96
County: Big Horn		
City: Billings		01/31/96
County: Carbon		
City: Billings		01/31/96
County: Carter		
City: Billings		01/31/96
County: Custer		
City: Billings		01/31/96
County: Daniels		
City: Billings		01/31/96
County: Dawson		
City: Billings		01/31/96
County: Fallon		
City: Billings		01/31/96
County: Garfield		
City: Billings		01/31/96
County: McCone		
City: Billings		01/31/96
County: Powder River		
City: Billings		01/31/96
County: Prairie		
City: Billings		01/31/96
County: Richland		
City: Billings		01/31/96
County: Roosevelt		
City: Billings		01/31/96
County: Rosebud		
City: Billings		01/31/96
County: Sheridan		
City: Billings		01/31/96
County: Stillwater		
City: Billings		01/31/96
County: Sweet Grass		
City: Billings		01/31/96
County: Treasure		
City: Billings		01/31/96
County: Valley		
City: Billings		01/31/96
County: Wibaux		
City: Billings		03/31/96
County: Yellowstone		
City: Helena		06/30/96
County: Lewis and Clark		
South Dakota:	3	
City: Lake Preston		11/30/95
County: Kingsbury		
City: Howard		11/30/95
County: Miner		
City: Howard		11/30/95
County: Clark		
City: Howard		11/30/95
County: Hamlin		
City: Howard		11/30/95
County: Kingsbury		
City: Howard		11/30/95
County: Lake		
City: Clark		11/30/95
County: Clark		
City: Madison		11/30/95
County: Lake		
City: Sioux Falls		12/31/95

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Minnehaha		
City: Wessington Springs		01/31/96
County: Jerauld		
City: Wessington Springs		01/31/96
County: Aurora		
City: Wessington Springs		01/31/96
County: Sanborn		
Utah:	1	
City: Green River		05/31/96
County: Emery		
City: Green River		05/31/96
County: Grand		
City: Moab		05/31/96
County: Grand		
Wyoming:	2	
City: Worland		01/31/96
County: Washakie		
City: Worland		01/31/96
County: Big Horn		
City: Worland		01/31/96
County: Fremont		
City: Worland		01/31/96
County: Park		
City: Guernsey		01/31/96
County: Platte		
City: Guernsey		01/31/96
County: Goshen		
Region: 09		
Arizona:	6	
City: Maricopa		05/31/96
County: Pinal		
City: Casa Grande		05/31/96
County: Pinal		
City: Nogales		05/31/96
County: Santa Cruz		
City: Patagonia		05/31/96
County: Santa Cruz		
City: Tucson		12/31/95
County: Pima		
City: Surprise		11/30/95
County: Maricopa		
City: Queen Creek		11/30/95
County: Maricopa		
City: Buckeye		11/30/95
County: Maricopa		
City: Phoenix		09/29/96
County: Maricopa		
City: Greenvalley		01/31/96
County: Pima		
California:	12	
City: East Palo Alto		03/31/96
County: San Mateo		
City: Salinas		12/31/95
County: Monterey		
City: Salinas		12/31/95
County: Alameda		
City: San Ysidro		12/31/95
County: San Diego		
City: San Joaquin		06/30/96
County: Fresno		
City: Oakland		03/31/96
County: Alameda		
City: Lost Hills		03/31/96
County: Kern		
City: Buttonwillow		03/31/96
County: Kern		
City: Wasco		03/31/96
County: Kern		
City: Laytonville		05/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Mendocino		
City: Ukiah		06/30/96
County: Mendocino		
City: Ukiah		11/30/95
County: Los Angeles		
City: San Diego		12/31/95
County: San Diego		
City: San Diego		03/31/96
County: Los Angeles		
City: Fresno		01/31/96
County: Fresno		
Hawaii:	2	
City: Waianae		01/31/96
County: Honolulu		
City: Honolulu		06/30/96
County: Honolulu		
Nevada:	3	
City: Hawthorne		05/31/95
County: Eureka		
City: Hawthorne		05/31/95
County: Washoe		
City: Hawthorne		05/31/95
County: Landers		
City: Hawthorne		05/31/95
County: Nye		
City: Las Vegas		03/31/96
County: Clark		
City: Reno		06/30/96
County: Washoe		
Region: 10		
Alaska:	2	
City: Anchorage		05/31/96
County: Anchorage Borough		
City: Fairbanks		06/30/96
County: Fairbanks North Star Borough		
Idaho:	4	
City: Nampa		03/31/96
County: Canyon		
City: Homedale		03/31/96
County: Owyhee		
City: Marsing		03/31/96
County: Owyhee		
City: Nampa		03/31/96
County: Ada		
City: Nampa		03/31/96
County: Owyhee		
City: Nampa		03/31/96
County: Malheur		
City: American Falls		05/31/96
County: Power		
City: Lava Hot Springs		05/31/96
County: Bannock		
City: Aberdeen		05/31/96
County: Bingham		
City: Pocatello		05/31/96
County: Bannock		
City: Soda Springs		05/31/96
County: Caribou		
City: Soda Springs		05/31/96
County: Bannock		
City: Soda Springs		05/31/96
County: Bingham		
City: Soda Springs		05/31/96
County: Power		
City: Downey		05/31/96
County: Bannock		
City: Nyssa		01/31/96
County: Malheur		
City: Payette		01/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Payette		
City: Vale		01/31/96
County: Malheur		
City: Ontario		01/31/96
County: Malheur		
City: Ontario		01/31/96
County: Gem		
City: Ontario		01/31/96
County: Payette		
City: Ontario		01/31/96
County: Washington		
City: Ontario		01/31/96
County: Malheur		
City: Emmett		01/31/96
County: Gem		
City: Twin Falls		01/31/96
County: Twin Falls		
City: Burley		01/31/96
County: Cassia		
City: Buhl		01/31/96
County: Twin Falls		
City: Jackpot		01/31/96
County: Elko		
City: Jackpot		01/31/96
County: Cassia		
City: Jackpot		01/31/96
County: Gooding		
City: Jackpot		01/31/96
County: Jerome		
City: Jackpot		01/31/96
County: Lincoln		
City: Jackpot		01/31/96
County: Minidoka		
City: Jackpot		01/31/96
County: Twin Falls		
Oregon:	4	
City: Salem		11/30/95
County: Polk		
City: Salem		11/30/95
County: Marion		
City: Salem		11/30/95
County: Yamhill		
City: Portland		11/30/95
County: Multnomah		
City: Gresham		11/30/95
County: Multnomah		
City: Hood River		01/31/96
County: Hood River		
City: Hood River		01/31/96
County: Wasco		
City: Hood River		01/31/96
County: Klickitat		
City: Klamath Falls		06/30/96
County: Klamath		
Washington:	8	
City: Copalis Beach		05/31/96
County: Grays Harbor		
City: Neilton		05/31/96
County: Grays Harbor		
City: Aberdeen		05/31/96
County: Grays Harbor		
City: Aberdeen		05/31/96
County: Jefferson		
City: Aberdeen		05/31/96
County: Pacific		
City: Aberdeen		05/31/96
County: Wahkiakum		
City: Springdale		01/31/96
County: Stevens		
City: Northport		01/31/96
County: Stevens		
City: Orient		01/31/96

REGION/STATE/SERVICE AREA—Continued

	Number of grants	Grant expiration date
County: Ferry		
City: Loon Lake		01/31/96
County: Ferry		
City: Chewelah		01/31/96
County: Stevens		
City: Spokane		01/31/96
County: Spokane		
City: Spokane		01/31/96
County: Ferry		
City: Spokane		01/31/96
County: Pend Oreille		
City: Spokane		01/31/96
County: Stevens		
City: Tacoma		05/31/96
County: Pierce		
City: Sumner		05/31/96
County: Pierce		
City: Othello		11/30/95
County: Adams		
City: Othello		11/30/95
County: Franklin		
City: Othello		11/30/95
County: Grant		
City: Seattle		01/31/96
County: King		
City: Grandview		03/31/96
County: Yakima		
City: Walla Walla		03/31/96
County: Yakima		
City: Hermiston		03/31/96
County: Umatilla		
City: Yakima		03/31/96
County: Yakima		
City: Grandview		03/31/96
County: Yakima		
City: Grandview		03/31/96
County: Morrow		
City: Grandview		03/31/96
County: Umatilla		
City: Grandview		03/31/96
County: Columbia		
City: Grandview		03/31/96
County: Walla Walla		
City: Toppenish		03/31/96
County: Yakima		
City: Pasco		05/31/96
County: Franklin		
City: Pasco		05/31/96
County: Benton		
City: Pasco		05/31/96
County: King		
City: Everett		06/30/96
County: Snohomish		

Notification of Expiring Project Periods for Health Care for the Homeless and Health Care Services for Homeless Children Programs

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that a total of 120 Health Care for the Homeless (HCH) grantees and 10 Health Care Services for Homeless Children grantees will reach the end of their project periods during fiscal year (FY) 1996. Assuming the availability of sufficient appropriated funds in FY 1996, it is the intent of HRSA to continue to support health services to the homeless populations in these areas/locations given the continued need for cost-effective, community-based primary care services for these medically underserved populations within these geographic areas.

This notice provides interested parties the opportunity to gather information and decide whether to pursue Federal funding as a HCH program grantee. During this process, communication with Regional Office staff is essential (see Appendix I). A subsequent notice will be published in the **Federal Register** to announce the availability of funds for FY 1996 and provide detailed information on the grant review criteria.

DUE DATES: Current grant expiration dates vary by grantee throughout FY

1996. Applications for competing continuation grants are normally due 120 days prior to the expiration of the current grant award.

SUPPLEMENTARY INFORMATION: The HCH programs are carried out currently under the authority of section 340 of the Public Health Service Act. The HCH program is designed to increase the homeless population's access to cost-effective, case managed, and integrated primary care and substance abuse services provided by existing community-based programs/providers. In addition, the Health Care Services for Homeless Children's program will provide comprehensive primary health services to homeless children and to children at imminent risk of homelessness.

The list of areas in which a current homeless project period expires in FY 1996 is set forth in Appendix II. The areas listed include the city. Further information including the census tract, if applicable, can be obtained by contacting the appropriate PHS regional office (see Appendix I).

A project period is the total amount of time for which a grant has been programmatically approved. For purposes of this notice, grant awards will be made for a one year budget period and up to a five year project period.

Dated: May 22, 1995.

Ciro V. Sumaya,

Administrator.

Appendix I—Regional Office Staff

Region I: Robin Lawrence, D.D.S., Acting Director, Division of Health Services Delivery, DHHS—Region I, John F. Kennedy Federal Building #1401, Boston, MA 02203, (617) 565–1463

Region II: Ronald Moss, Director, Division of Health Services Delivery, DHHS—Region II, 26 Federal Plaza, New York, NY 10278, (212) 264–2664

Region III: Bruce Riegel, Director, Division of Health Services Delivery, DHHS—Region III, 3535 Market Street, Philadelphia, PA 19104, (215) 596–1885

Region IV: Marlene Lockwood, Acting Director, Division of Health Services Delivery, DHHS—Region IV, 101 Marietta Tower, Atlanta, GA 30323, (404) 331–0250

Region V: Deborah Willis, M.D., Acting Director, Division of Health Services Delivery, DHHS—Region V, 105 West Adams Street, 17th Floor, Chicago, IL 60603, (312) 353–1711

Region VI: Frederick Pintz, M.D., Director, Division of Health Services Delivery, DHHS—Region VI, 1200 Main Tower, Dallas, TX 75202, (214) 767–6547

Region VII: Ray Maddox, Director, Division of Health Services Delivery, DHHS—Region VII, 601 East 12th Street, Kansas City, MO 64106, (816) 426–5226

Region VIII: Barbara Bailey, Director, Division of Health Services Delivery, DHHS—Region VIII, 1961 Stout Street, Denver, CO 80294, (303) 844–3203

Region IX: Gordon Soares, Director, Division of Health Services Delivery, DHHS—Region IX, 50 United Nations Plaza, San Francisco, CA 94102, (415) 556–3610

Region X: Douglas Woods, Director, Division of Health Services Delivery, DHHS—Region X, 2201 Sixth Avenue, Seattle, WA 98121, (206) 615–2491

APPENDIX II.—LISTING OF HCH GRANTEES SORTED BY REGION, STATE, AND CITY

City	Project Period Ending Date
State of:	
AK	
Anchorage	10/31/95
Total number of Grantees in the State of: AK	1
State of:	
AL	
Birmingham	10/31/95
Birmingham	10/31/95
Mobile	11/30/95
Total Number of Grantees in the State of: AL	3
State of:	
AZ	
Phoenix	10/31/95
Tucson	12/31/95
Total Number of Grantees in the State of: AZ	2
State of:	
CA	
Alvison	03/31/96
Belmont	10/31/95
Belmont	10/31/95
Lamont	03/31/96
Martinez	10/31/95
Nipoma	10/31/95
Oakland	10/31/95
Oakland	10/31/95
Sacramento	10/31/95
San Diego	12/31/95
San Fernando	11/30/95
San Francisco	10/31/95
Santa Barbara	10/31/95
Santa Cruz	10/31/95
Total Number of Grantees in the State of: CA	14
State of:	
CO	
Colorado Springs	12/31/95
Denver	10/31/95

APPENDIX II.—LISTING OF HCH GRANTEES SORTED BY REGION, STATE, AND CITY—Continued

City	Project Period Ending Date
Denver	10/31/95
Total Number of Grantees in the State of: CO	3
State of:	
CT	
Bridgeport	01/31/96
Danielson	12/31/95
Hartford	12/31/96
New Haven	10/31/95
Total Number of Grantees in the State of: CT	4
State of:	
DC	
Washington	10/31/95
Total Number of Grantees in the State of: DC	1
State of:	
FL	
Clearwater	10/31/95
Fort Lauderdale	10/31/95
Miami	10/31/95
Total Number of Grantees in the State of: FL	3
State of:	
GA	
Atlanta	10/31/95
Total Number of Grantees in the State of: GA	1
State of:	
HI	
Honolulu	10/31/95
Total Number of Grantees in the State of: HI	1
State of:	
IA	
Davenport	01/31/96
Des Moines	10/31/95
Waterloo	01/31/96
Total Number of Grantees in the State of: IA	3
State of:	
ID	
Nampa	03/31/96
Total Number of Grantees in the State of: ID	1
State of:	
IL	
Chicago	10/31/95
Rockford	11/30/95
Total Number of Grantees in the State of: IL	2
State of:	
IN	
Indianapolis	10/31/95
Indianapolis	10/31/95
Total Number of Grantees in the State of: IN	2
State of:	
KS	
Wichita	03/31/96
Total Number of Grantees in the State of: KS	1
State of:	
KY	
Lexington	01/31/96
Louisville	11/30/95
Total Number of Grantees in the State of: KY	2

APPENDIX II.—LISTING OF HCH GRANTEES SORTED BY REGION, STATE, AND CITY—Continued

City	Project Period Ending Date
State of:	
LA	
New Orleans	10/31/95
Total Number of Grantees in the State of: LA	1
State of:	
MA	
Boston	10/31/95
Springfield	10/31/95
Worcester	10/31/95
Total Number of Grantees in the State of: MA	3
State of:	
MD	
Baltimore	10/31/95
Baltimore	10/31/95
Total Number of Grantees in the State of: MD	2
State of:	
ME	
Portland	10/31/95
Total Number of Grantees in the State of: ME	1
State of:	
MI	
Algonac	10/31/95
Battle Creek	10/31/95
Detroit	10/31/95
Flint	03/31/96
Grand Rapids	10/31/95
Kalamazoo	01/31/96
Lansing	10/31/95
Total Number of Grantees in the State of: MI	7
State of:	
MN	
Minneapolis	10/31/95
St. Paul	01/31/96
St. Paul	01/31/96
Total Number of Grantees in the State of: MN	3
State of:	
MO	
Kansas City	03/31/96
St. Louis	01/31/96
Total Number of Grantees in the State of: MO	2
State of:	
MS	
Jackson	11/30/95
Total Number of Grantees in the State of: MS	1
State of:	
MT	
Billings	03/31/96
Total Number of Grantees in the State of: MT	1
State of:	
NC	
Durham	10/31/95
Raleigh	11/30/95
Total Number of Grantees in the State of: NC	2
State of:	
ND	
Fargo	10/31/95
Total Number of Grantees in the State of: ND	1

APPENDIX II.—LISTING OF HCH GRANTEES SORTED BY REGION, STATE, AND CITY—Continued

City	Project Period Ending Date
State of:	
NE	
Omaha	01/31/96
Total Number of Grantees in the State of: NE	1
State of:	
NH	
Manchester	10/31/95
Total Number of Grantees in the State of: NH	1
State of:	
NJ	
Jersey City	03/31/96
Newark	10/31/95
Trenton	03/31/96
Total Number of Grantees in the State of: NJ	3
State of:	
NM	
Albuquerque	10/31/95
Albuquerque	10/31/95
Total Number of Grantees in the State of: NM	2
State of:	
NV	
Las Vegas	03/31/96
Total Number of Grantees in the State of: NV	1
State of:	
NY	
Mount Vernon	12/31/95
New York	10/31/95
New York	10/31/95
New York	10/31/95
New York	10/31/95
New York	10/31/95
New York	11/30/95
Peekskill	01/31/96
White Plains	10/31/95
Total Number of Grantees in the State of: NY	9
State of:	
OH	
Cincinnati	12/31/95
Cleveland	10/31/95
Columbus	10/31/95
Dayton	10/31/95
Ironton	10/31/95
Toledo	11/30/95
Total Number of Grantees in the State of: OH	6
State of:	
OK	
Oklahoma City	01/31/96
Tulsa	10/31/96
Total Number of grantees in the State of: OK	2
State of:	
OR	
Eugene	10/31/95
Portland	11/30/95
Salem	11/30/95
Total Number of Grantees in the State of: OR	3
State of:	
PA	
Erie	10/31/95
Philadelphia	10/31/95
Pittsburgh	01/31/96
Wilkes-Barre	01/31/96

APPENDIX II.—LISTING OF HCH GRANTEES SORTED BY REGION, STATE, AND CITY—Continued

City	Project Period Ending Date
Total Number of Grantees in the State of: PA	4
State of:	
PR	
Santruce	10/31/95
Total Number of Grantees in the State of: PR	1
State of:	
RI	
Providence	10/31/95
Woonsocket	01/31/96
Total Number of grantees in the State of: RI	2
State of:	
SC	
Charleston	10/31/95
Eastover	10/31/95
Total Number of Grantees in the State of: SC	2
State of:	
SD	
Rapid City	10/31/95
Total Number of Grantees in the State of: SD	1
State of:	
TN	
Chattanooga	10/31/95
Memphis	10/31/95
Nashville	10/31/95
Nashville	10/31/95
Total Number of Grantees in the State of: TN	4
State of:	
TX	
Dallas	10/31/95
Houston	10/31/95
Houston	10/31/95
Lubbock	06/30/95
Plainview	10/31/95
San Antonio	03/31/96
San Antonio	03/31/96
Total Number of Grantees in the State of: TX	7
State of:	
UT	
Salt Lake City	12/31/95
Total Number of Grantees in the State of: UT	1
State of:	
VA	
Newport News	11/30/95
Richmond	10/31/95
Total Number of grantees in the State of: VA	2
State of:	
VT	
Burlington	10/31/95
Total Number of grantees in the State of: VT	1
State of:	
WA	
Seattle	01/31/96
Seattle	03/31/96
Spokane	10/31/95
Tacoma	10/31/95
Total Number of Grantees in the State of: WA	4
State of:	
WI	
Green Bay	10/31/95
Milwaukee	10/31/95

APPENDIX II.—LISTING OF HCH GRANTEES SORTED BY REGION, STATE, AND CITY—Continued

City	Project Period Ending Date
Total Number of Grantees in the State of: WI	2
State of:	
WV	
Huntington	10/31/95
Total Number of Grantees in the State of: WV	1
State of:	
WY	
Casper	10/31/95
Cheyenne	10/31/95
Total Number of Grantees in the State of: WY	2
Total Number of Grantees: 130.	

[FR Doc. 95–12829 Filed 5–24–95; 8:45 am]

BILLING CODE 4160–15–P

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Meeting

Notice is hereby given of the meeting of the National Cholesterol Education Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute on Tuesday, June 6, 1995, from 9 a.m. to 3 p.m. at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland, 20814 (301) 897–9400.

The entire meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National Cholesterol Education Program. Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants, and meeting summary, contact: Dr. James I. Cleeman, Coordinator, National Cholesterol Education Program, Office of Prevention, Education and Control; National Heart, Lung, and Blood Institute; National Institutes of Health, 31 Center Drive MSC 2480; Bethesda Maryland 20892, (301) 496–1051.

Dated: May 12, 1995.

Claude Lenfant,

Director, NHLBI.

[FR Doc. 95–12817 Filed 5–24–95; 8:45 am]

BILLING CODE 4140–01–P

National Heart, Lung, and Blood Institute; Notice of Meeting

Notice is hereby given of the meeting of the National Asthma Education and Prevention Program Coordinating Committee, sponsored by the National Heart, Lung, and Blood Institute on Monday, June 19, 1995, from 9 a.m. to 3 p.m. at the Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, Maryland, 20814 (301) 897–9400.

The entire meeting is open to the public. The Coordinating Committee is meeting to define the priorities, activities, and needs of the participating groups in the National Asthma Education and Prevention Program. Attendance by the public will be limited to space available.

For detailed program information, agenda, list of participants, and meeting summary, contact: Mr. Robinson Fulwood, Coordinator, National Asthma Education and Prevention Program, Office of Prevention, Education and Control; National Heart, Lung, and Blood Institute; National Institutes of Health, Building 31, Room 4A–05, 31 Center Drive MSC 2480, Bethesda, Maryland 20892, (301) 496–0554.

Dated: May 13, 1995.

Claude Lenfant,

Director, NHLBI.

[FR Doc. 95–12818 Filed 5–24–95; 8:45 am]

BILLING CODE 4140–01–P

Public Health Service

Office of the Assistant Secretary for Health; Notice on Availability of Funds and Request for a Cooperative Agreement to Prevent Cancer in Minority Populations

AGENCY: Office of Minority Health, Office of the Assistant Secretary for Health, PHS, DHHS.

ACTION: Notice of extension of application deadline for request for applications and eligibility clarification.

The Notice of Availability of Funds published May 1, 1995, (60 FR 21366) had a due date for application receipt of May 31, 1995. This notice extends the deadline date to June 26, 1995.

Eligible applicants were restricted to public and private non-profit teaching hospitals in North Philadelphia. This notice clarifies that the hospital itself does not have to be physically located in North Philadelphia, however, the teaching hospital's catchment area should be North Philadelphia.

ADDRESSES/CONTACTS: Applications must be prepared on Form PHS 5161–1 (Revised July 1992 and approved by OMB under Control Number 09370189). Application kits and technical assistance on budget and business aspects of the application may be obtained from Ms. Carolyn A. Williams, Grants Management Officer, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, MD, 20852, (telephone 301/594–0758) or by Internet E-mail cwilliams@oash.ssw.dhhs.gov. Completed applications are to be submitted to the same address.

Technical assistance on the programmatic content for the Cooperative Agreement to Prevent Cancer in Minority Populations may be obtained from Mr. John Walker, III, Project Officer. He can be reached at the Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, MD 20852, (telephone 301/594–0769) or by Internet E-mail jwalker@oash.ssw.dhhs.gov.

In addition, OMH Regional Minority Health Consultants (RMHCc) are available to provide technical assistance. A listing of the RMHCs and how they may be contacted is provided in the grant application kit. Applicants also can contact the OMH Resource Center at 1–800–444–6472 for health information and generic information on preparing grant applications.

DEADLINE: To receive consideration, grant applications must be received by

the Grants Management Officer by June 26, 1995. Applications will be considered as meeting the deadline if they are either:

(1) Received at the above address on or before the deadline date, or (2) Sent to the above address on or before the deadline date and received in time for orderly processing. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing. Applications submitted by facsimile transmission will *not* be accepted. Applications which do not meet the deadline will be considered late and will be returned to the applicant unread.

Dated: May 19, 1995.

Clay E. Simpson, Jr.,

Acting Deputy Assistant Secretary for Minority Health.

[FR Doc. 95–12848 Filed 5–25–95; 8:45 am]

BILLING CODE 4160–17–M

National Toxicology Program; National Toxicology Program (NTP) Board of Scientific Counselors' Meeting; Review of Draft NTP Technical Reports

Pursuant to Public Law 92–463, notice is hereby given of the next meeting of the NTP Board of Scientific Counselors' Technical Reports Review Subcommittee on June 20 and 21, 1995, in the Conference Center, Building 101, South Campus, National Institute of Environmental Health Sciences (NIEHS), 111 Alexander Drive, Research Triangle Park, North Carolina. The meeting will begin at 8:30 a.m. on both days and is open to the public. The primary agenda topic is the peer review of draft Technical Reports of long-term toxicology and carcinogenesis studies and one short-term toxicity study from the National Toxicology Program.

Additionally, on June 21, a series of presentations will be made concerning the toxicologic findings from collaborative prechronic inhalation studies on carbon disulfide. There will be a presentation titled ''Update on the New Diet (NTP–2000) for Rats and Mice in NTP Toxicology and Carcinogenesis Studies''.

Tentatively scheduled to be peer reviewed on June 20 and 21 are draft Technical Reports of six two-year studies, listed alphabetically, along with supporting information in the attached table. Similar information is given for the short-term report on 1,4-butanediol. All studies were done using Fischer 344 rats and B6C3F1 mice, while one two-year study also employed Sencar mice. The order of review is given in the far right column of the table. Copies of the draft Reports may be obtained, as available, from: Central Data Management, MD A0–01, P.O. Box 12233, Research Triangle Park, NC 27709 (919/541–3419).

In addition to the traditional two-year study results, the studies with butyl benzyl phthalate, t-butylhydroquinone, salicylazosulfapyridine, and scopolamine hydrobromide trihydrate included groups run under mild dietary restrictions. A separate report (see table) will deal with the effects of dietary restrictions on the results of these four studies, and will draw some conclusions about the usefulness of this approach to performing toxicology and carcinogenesis studies.

Persons wanting to make a formal presentation regarding a particular Technical Report must notify the Executive Secretary by telephone, by FAX, or by mail no later than June 14, 1995, and provide a written copy in advance of the meeting so copies can be made and distributed to all Subcommittee members and staff and made available at the meeting for attendees. Written statements should supplement and may expand on the oral presentation. *Oral presentations should be limited to no more than five minutes.*

The program would welcome receiving toxicology and carcinogenesis information from completed, ongoing, or planned studies by others, as well as current production data, human exposure information, and use patterns for any of the chemicals listed in this announcement. Please contact Central Data Management at the address given above, and they will relay the information to the appropriate staff scientist.

The Executive Secretary, Dr. Larry G. Hart, P.O. Box 12233, Research Triangle Park, North Carolina 27709 (telephone 919/541–3971; FAX 919/541–0719) will furnish a final agenda and a roster of Subcommittee members prior to the meeting. Summary minutes subsequent to the meeting will be available upon request.

Attachment

Dated: May 15, 1995.

Kenneth Olden,

Director, National Toxicology Program.

SUMMARY DATA FOR TECHNICAL REPORTS AND SHORT-TERM TOXICITY REPORTS SCHEDULED FOR REVIEW AT THE MEETING OF THE BOARD OF SCIENTIFIC COUNSELORS' TECHNICAL REPORTS REVIEW SUBCOMMITTEE JUNE 20–21, 1995

Chemical CAS No.	Report No.	Primary uses	Route/exposure levels	Review order
Long-Term Studies:				
Butyl Benzyl Phthalate 85–68–7	TR–458	Plasticizer for PVC-based flooring products. Also used in biodegradable tampon ejectors, organic intermediate.	Dosed-Feed (NIH–07): Male Rats: 0, .3%, .6%, or 1.2%; 60/group, Female Rats: 0, .6%, 1.2%, or 2.4%; 60/group.	3
T-Butylhydroquinone 1948–33–0	TR–459	Antioxidant in vegetable fats and oils. Intermediate.	Dosed-Feed (NIH–07): Rats & Mice: 0, 0.125, 0.25, or 0.5% in feed; 70 Rats, 60 Mice.	2
Codeine 76–57–3	TR–455	Antitussive, analgesic, chemical intermediate, naturally occurring.	Dosed-Feed (NIH–07 (Powdered)): Rats: 0, 400, 800, or 1600, Mice: 0, 750, 1500, or 3000 ppm; 60/group.	6
1,2-Dihydro-2,2,4-Trimethylquinoline (Monomer) 147–47–7.	TR–456	Monomer polymerized for use as a rubber antioxidant.	Topical (Acetone): Rats: 0, 60, or 100 mg/kg, Mice: 0, 6, or 10 mg/kg (core), Rats: 0, 36, 60, or 100 mg/kg Mice: 0, 3.6, 6.0, or 10.0 mg/kg.	7
Effect of Dietary Restriction on Toxicology and Carcinogenesis Studies in F344/N Rats and B6C3F$_1$Mice.	TR–460	Feed Restriction Studies	.....	5

SUMMARY DATA FOR TECHNICAL REPORTS AND SHORT-TERM TOXICITY REPORTS SCHEDULED FOR REVIEW AT THE MEETING OF THE BOARD OF SCIENTIFIC COUNSELORS' TECHNICAL REPORTS REVIEW SUBCOMMITTEE JUNE 20–21, 1995—Continued

Chemical CAS No.	Report No.	Primary uses	Route/exposure levels	Review order
Salicylazosulfapyridine 599–79–1.	TR–457	Treatment of granulomatous Colitis (vet.); antibacterial.	Gavage (Corn Oil): Rats: 84, 168, or 337.5 mg/kg; 70/group Mice: 675, 1350, or 2700 mg/kg; 60/group.	1
Scopolamine Hydrobromide Trihydrate 6533–68–2.	TR–445	Anticholinergic; treatment of motion sickness.	Gavage (Deionized water): Rats & Mice: 0,1,5, or 25 mg/kg; 70/group. Diet Restriction: Mice: 0 or 25 mg/kg; 70/group.	4
Short-Term Study:				
1,4-Butanediol 110–63–4	TOX–54	Chemical intermediate for tetrahydrofuran, monomer for polybutylene terephthalate resins; intermediate in polyester resins, used in production of 1,4-butanediol dimethanesulfonate.	Review of metabolism and disposition studies and prediction of lack of carcinogenicity in long-term studies.	8

[FR Doc. 95–12819 Filed 5–24–95; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF INTERIOR

Bureau of Land Management

[CA–067–1050–00]

Proposed Closure and Restrictions on Public Land in Imperial County, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of closure to camping and vehicular traffic and designation for day use only of certain public lands in the Tumco Historic Townsite of Imperial County, CA.

SUMMARY: In accordance with title 43 Code of Federal Regulations, section 8364.1, notice is hereby given that all roads and lands in the below listed area will be closed to camping and vehicular traffic. Additionally, the area will be designated for day use only. The affected area is managed by the El Centro Resource Area of the Bureau of Land Management and is known as the Historic Townsite of Tumco. The closure area includes T. 15 S., R. 20 E., section 1, SW¼; section 12, N½; and those portions of section 2, SE¼, and section 11, NE¼, SBBM, that are east of the designated fence line. The closure is necessary to prevent undue degradation of National Register of Historic Places eligible cultural resources. An official parking area will be established adjacent to the townsite and a self-guided walking tour developed.

The action does not apply to BLM operation and maintenance vehicles, law enforcement vehicles and other vehicles specifically authorized by the authorized officer of BLM.

DATES: The closure becomes effective June 30, 1995 and remains in effect until revoked by the authorized officer.

FOR FURTHER INFORMATION CONTACT: Patricia Weller, Archaeologist, of the El Centro Resource Area, phone (619–337–4424).

G. Ben Koski, Area Manager,

El Centro Resource Area.

[FR Doc. 95–12862 Filed 5–24–95; 8:45 am]

BILLING CODE 4310–40–P

[CO–050–1220–00]

Emergency Road Closure

AGENCY: Bureau of Land Management, Interior.

ACTION: Emergency closure of road.

SUMMARY: Notice is hereby given that lands administered by BLM adjacent to and including the Phantom Canyon Road, (Fremont County Road 67) will be temporarily closed from approximately Mile Post 4.5 to approximately Mile Post 15 to motorized vehicle use. This notice is in accordance with 43 CFR 8364.1(a), Closure and Restriction orders. This closure is in cooperation with the Fremont County road closure and is to facilitate the replacement of a bridge on County Road 67. The closure is necessary for the safety of the public, the construction crews working in the area and to prevent vandalism at the work site.

DATES: This closure is in effect from May 15, 1995 and will remain in effect until the reopening of the Phantom Canyon Road by the Fremont County Road Dept.

ADDRESSES: Comments can be directed to the Area Manager, Royal Gorge Resource Area or District Manager, Canon City District, 3170 East Main, Canon City, CO 81212.

FOR FURTHER INFORMATION CONTACT: Jack H. Hagan, District Law Enforcement Ranger at (719) 275–0631.

SUPPLEMENTARY INFORMATION: These restrictions do not apply to Emergency, Law Enforcement, Federal, State, County and other authorized personnel who are in the area for official or emergency purposes and who are expressly authorized by BLM or county officials. Any person who fails to comply with this closure order will be subject to the penalties as defined in 18 USC 3571.

Adrian Neisius,

Associate District Manager.

[FR Doc. 95–12863 Filed 5–24–95; 8:45 am]

BILLING CODE 4310–JB–M

[OR120–6650–04 G5–124]

Closure Notice for Motor Vehicles on Certain Designated Roads

AGENCY: Bureau of Land Management, U.S. Department of Interior.

ACTION: Closure of certain roads.

SUMMARY: Notice is hereby given that certain roads which will have barriers or will be gated in: T.21 S., R.7 W.; T.22 S., R.7 W.; T.22 S., R.8 W.; T.28 S., R.10 W.; and T.29 S., R.10 W., Williamette Meridian in the Coos Bay District, within Coos and Douglas Counties. Roads will be closed to access by motorized vehicles in accordance with the Management Framework Plan (MFP) as analyzed in the South Coast-Curry Timber Management Environmental Impact Statement (BLM, 1981), (*SCCFEIS*) and its Record of Decision (BLM, 1983) as supplemented by the

Final Supplemental Environmental Impact Statement on Management of Habitat for Late Successional and Old Growth Forest Related Species Within the Range of the Northern Spotted Owl and its Record of Decision (Interagency, 1994). Closure is for an indefinite period (15 years or longer) beginning on or about 1 June, 1995, when roads will have barriers or gates installed. Closures may be reversed by the BLM. Acceptable reasons for reopening include the following: fire (prescribed or suppression), emergency, rescue, forestry management on lands administered by a private party (including but not limited to thinning, fertilization, stand exams, reforestation and harvesting activities on private lands and as authorized by the Area Manager on BLM administered lands), salvage sales on BLM administered lands (authorized by the Area Manager or their agent on a case-by-case basis), small forest products sales on BLM administered lands (authorized by the Area Manager or their agent on a case-case basis) and wildlife/fisheries monitoring and research. *Recreational use of motor vehicles by all parties within the closed areas is prohibited.* This does not affect non motorized forms of travel. The reason for this order is to implement the Northwest Forest Plan as it relates to road density management and is designed primarily to enhance big game habitat, reduce sedimentation, and reduce maintenance costs.

Copies of the environmental assessment for this proposal and maps of the roads affected are available from the Coos Bay District office, at the address below.

All persons authorized to enforce state game laws may enforce this closure. Oregon State Police and the Coos County Sheriff's Department are hereby authorized to enforce state and federal laws and regulations on federal properties affected in this notice.

This closure order is in accordance with the provisions of Pub. L. 93–452, the Sikes Act (88 Stat. 1369), (16 U.S.C. 670 et. seq.) and Pub. L. 94–579, the Federal Land Policy and Management Act of 1976 (90 stat. 2743), (43 U.S.C. 1701), 43 CFR, Subpart 8364 and BLM Manual Handbook, State Office—Oregon H–2812–1–Logging Road Right-of-way.

Any person who fails to comply with the provisions of this order may be subject to penalties outlined in 43 CFR 8360.0–7 or as ordered through the Oregon judicial system.

The following is a list of road closures identified by this order, by resource area and road number. The location of the gate or barrier will be at or near the beginning of each road.

Umpqua Resource Area (Paradise Creek Watershed)

Road Number

21 07 31.02
21 07 31.06
21 07 31.08
21 07 36.00
22 08 01.00
22 08 01.02
22 08 01.03
22 08 03.00

un-numbered spur roads in T. 21 S., R.7 W., Will. Mer. within Sections 19 and 31 and three un-numbered spur roads in T. 22 S., R.8 W., Section 11, Will. Mer.

Myrtlewood Resource Area (Sandy Creek Watershed)

Road Number

28 10 27.1
28 10 34.6
28 10 35.0
29 10 01.0
29 10 01.2
29 10 02.2 B
29 10 02.3
29 10 03.1
29 10 09.5
29 10 09.6
29 10 09.7
29 10 11.3
29 10 14.3
29 10 14.5
29 10 15.3
29 10 16.2
29 10 21.0
29 10 21.2 A
29 10 23.0

and the un-numbered spur roads in T. 29 S., R.10 W. within Sections: 2, 3, 11, 15, 16, 21, and 23, Will. Mer.

ADDRESSES: Detailed information concerning this notice, including the environmental analysis, is available for review at the Bureau of Land Management's Coos Bay District Office, 1300 Airport Lane, North Bend, OR 97459–2000.

DATES: On or before June 26, 1995, interested parties may submit comments to the Coos Bay District Manager at the above address. Objections will be evaluated by the District Manager Director who may sustain, vacate or modify this action. In the absence of any objection, this action will become the final determination of the Bureau of Land Management.

FOR FURTHER INFORMATION CONTACT: Steve Fowler, Coos Bay District Office, (503) 756–0100.

Dated: May 18, 1995.

Cary Osterhaus,

Acting District Manager.

[FR Doc. 95–12861 Filed 5–24–95; 8:45 am]

BILLING CODE 4310–33–P

[WY–920–41–5700; WYW130331]

Proposed Reinstatement of Terminated Oil and Gas Lease

May 17, 1995.

Pursuant to the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), a petition for reinstatement of oil and gas lease WYW130331 for lands in Weston County, Wyoming, was timely filed and was accompanied by all the required rentals accruing from the date of termination.

The lessee has agreed to the amended lease terms for rentals and royalties at rates of $5.00 per acre, or fraction thereof, per year and 16⅔ percent, respectively.

The lessee has paid the required $500 administrative fee and $125 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease WYW130331 effective September 1, 1994, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Pamela J. Lewis,

Supervisory Land Law Examiner.

[FR Doc. 95–12864 Filed 5–24–95; 8:45 am]

BILLING CODE 4310–22–M

[ID–942–7130–00–7660]

Idaho: Filing of Plats of Survey; Idaho

The plats, three (3) of the following described land were officially filed in the Idaho State Office, Bureau of Land Management, Boise, Idaho, effective 9:00 a.m., May 15, 1995.

The supplemental plats, three (3), of partially unsurveyed T. 48 N., R. 5 E., Boise Meridian, Idaho, prepared to create tracts 63–67 in unsurveyed section 6, tracts 68–72 in unsurveyed sections 16 and 17, and tracts 73–83 in unsurveyed sections 8 and 9, was accepted, May 15, 1995.

These supplemental plats were prepared to meet certain administrative needs of the Bureau of Land Management.

All inquiries concerning the survey of the above described land must be sent to the Chief, Branch of Cadastral Survey, Idaho State Office, Bureau of Land Management, 3380 Americana Terrace, Boise, Idaho, 83706.

Dated: May 15, 1995.

Duane E. Olsen,

Chief Cadastral Surveyor for Idaho.

[FR Doc. 95–12867 Filed 5–24–95; 8:45 am]

BILLING CODE 4310–GG–M

[UT–068–05–5700–11; UTU–71889]

Notice of Realty Action; Recreation and Public Purposes (R&PP) Act Classification for Conveyance (Patent) of Public Lands in Grand County, Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, UTU–71889, Recreation and Public Purposes (R&PP) Act Classification for Conveyance (Patent) of Public Lands in Grand County, Utah.

SUMMARY: Notice is given that the following public lands in Grand County, Utah have been examined and found suitable for classification for conveyance (patent) to the Grand County Solid Waste Management Special Service District No. 1 (District) under the provisions of the Recreation and Public Purposes Act, as amended and supplemented (43 U.S.C. 869 *et seq.*). The District proposes to use the lands for a regional sanitary landfill site.

Salt Lake Meridian, Utah

T. 23 S., R. 19 E.

Sec. 14, S½NW¼.

The above described land aggregates 80.00 acres more or less.

The lands are not needed for Federal purposes. Conveyance is consistent with current BLM land use planning and would be in the public interest.

A plan amendment was completed on March 10, 1995 that made these public lands available for disposal under the Recreation and Public Purposes Act for a regional sanitary landfill site.

The patent, when issued, will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.

2. The provision that the patentee shall comply with all Federal and State laws applicable to the disposal, placement, or release of hazardous substances.

3. A right-of-way will be reserved for ditches and canals constructed by the authority of the United States (Act of August 30, 1890, 26 Stat, 391; 43 U.S.C. 945).

4. All minerals, including oil and gas, shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.

5. The conveyance of the land will be subject to all valid existing rights, reservations, and privileges of record. Existing rights, reservations, and privileges of record include, but are not limited to:

a. Oil and gas lease UTU–66023.

b. Any other reservations the Authorized Officer determines appropriate to ensure public access and proper management of Federal lands and interests therein.

6. The Grand County Solid Waste Management Special Service District No. 1, its successors or assigns, assumes all liability for and shall defend, indemnify, and save harmless the United States and its officers, agents, representatives, and employees (hereinafter referred to in this clause as the United States), from all claims, loss, damage, actions, causes of action, expense, and liability (hereinafter referred to in this clause as claims) resulting from, brought for, or on account of, any personal injury, threat of personal injury, or property damage received or sustained by any person or persons (including the patentee's employees) or property growing out of, occurring, or attributable directly or indirectly, to the disposal of solid waste on, or the release of hazardous substances from the land described above, regardless of whether such claims shall be attributable to: (1) the concurrent, contributory, or partial fault, failure, or negligence of the United States, or (2) the sole fault, failure, or negligence of the United States.

7. Provided, that the title shall revert to the United States upon a finding, after notice and opportunity for a hearing, that the patentee has not substantially developed the lands in accordance with the approved plan of development on or before the date five years after the date of conveyance. No portion of the land shall under any circumstance revert to the United States if any such portion has been used for solid waste disposal or for any other purpose which may result in the disposal, placement, or release of any hazardous substance.

8. If, at any time, the patentee transfers to another party ownership of any portion of the land not used for the purpose(s) specified in the application and approved plan of development, the patentee shall pay the Bureau of Land Management the fair market value, as determined by the authorized officer, of the transferred portion as of the date of transfer, including the value of any improvements thereon.

9. The above described land has been conveyed for utilization as a regional sanitary landfill. Upon closure, the site may contain small quantities of commercial and household hazardous waste as determined in the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901), and defined in 40 CFR 261.4 and 261.5. Although there is no indication these materials pose any significant risk to human health or the environment, future land uses should be limited to those which do not penetrate the liner or final cover of the landfill unless excavation is conducted subject to applicable State and Federal requirements.

Publication of this notice in the **Federal Register** constitutes notice to the grazing permittee, Dan Jorgensen, that his grazing lease is directly effected by this action. Specifically, the subject lands are presently used for livestock grazing, involving the Big Flat-Ten Mile Cattle Allotment. Mr. Jorgensen (Grazing Record # 436318-cattle) holds the grazing privileges for the 80.00 acre parcel. The estimated permitted grazing capacity of these lands is 5 AUMs, however, there would be no reduction in the permittee's grazing preference as a result of this action. The land (acreage) will have to be excluded from the allotment effective upon issuance of the patent. There are no authorized range improvements on the subject lands.

Upon publication of this notice in the **Federal Register**, the lands will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for conveyance under the Recreation and Public Purposes Act and leasing under the mineral leasing laws.

DATES: On or before July 10, 1995, interested persons may submit comments regarding the proposed conveyance or classification of the lands to the Moab District Manager, Bureau of Land Management, 82 East Dogwood Drive, Suite M, Moab, Utah 84532.

CLASSIFICATION COMMENTS: Interested parties may submit comments involving the suitability of the land for a regional sanitary landfill. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

APPLICATION COMMENTS: Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not

directly related to the suitability of the land for a regional sanitary landfill.

Any adverse comments will be reviewed by the State Director. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice in the **Federal Register**.

SUPPLEMENTARY INFORMATION: Detailed information concerning this action may be obtained from Mary von Koch, Realty Specialist, Grand Resource Area, 82 E. Dogwood, Suite G, Moab, Utah 84532, (801) 259–2128 or Brad Groesbeck, District Realty Specialist, Moab District Office, 82 East Dogwood Drive, Suite M, Moab, Utah 84532, (801) 259–2115.

Dated: May 12, 1995.

Katherine Kitchell,

District Manager.

[FR Doc. 95–12865 Filed 5–24–95; 8:45 am]

BILLING CODE 4310–DQ–P

[CO–034–95–1220–00]

Designation Order; Establishment of a Camping Moratorium on Public Lands Within San Miguel County, CO

AGENCY: Bureau of land Management, Montrose District, Uncompahgre Basin Resource Area, Montrose, Colorado.

ACTION: Implementation of a moratorium on overnight camping on public lands administered by the Bureau of Land Management as a San Miguel River Special Recreation Management Area (SRMA) in San Miguel County, Colorado.

SUMMARY: Notice is given that overnight camping is prohibited on BLM Public Lands along County Road M–59 in the San Miguel River Special Recreation Management Area. The area closed to camping is bounded to the south by Deep Creek, located approximately 7 miles east of the town of Telluride on the San Miguel River and to the north by the town of Sawpit located approximately four (4) miles downstream of Deep Creek. This camping moratorium applies only to overnight camping use on BLM-administered lands along County Road M–59, and does not affect day use of the public lands within this area or overnight camping use on other BLM-administered lands within the Special Recreation Management Area.

DATES: This camping moratorium will be effective May 26, 1995, and continue until such time that the San Miguel River Management Plan is completed.

SUPPLEMENTARY INFORMATION: This camping moratorium is being established to assist the Bureau in reducing problems associated with the camping in this problem area while it prepares a management plan for the river corridor. The moratorium will help reduce the incidences of long-term occupancy trespass being conducted under the guise of camping on public lands within the San Miguel River Special Recreation Management Area.

The camping moratorium is also necessary to prevent excessive impacts to soil, vegetation and other resources caused by long-term camping and inappropriate vehicle use. The moratorium applies to all public land users except those who have obtained prior approval from the authorized officer, and those who are specifically allowed a longer stay under terms of a Special Recreation Permit.

CFR Title 43, Chapter II, Part 8360, Subpart 8364 provides BLM authority for establishing this closure to camping.

8360.0–7 PENALTIES. Violations of any regulations in this part by a member of the public are punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

FOR FURTHER INFORMATION CONTACT: Additional information concerning this camping moratorium for public lands administered by the BLM in San Miguel County in the state of Colorado may be obtained from Karen Tucker, Recreation Planner, Uncompahgre Basin Resource Area, Montrose District, 2505 South Townsend Ave., Montrose, Colorado 80401, (970) 249–6047.

Dated: May 15, 1995.

Jamie E. Connell,

Acting District Manager.

[FR Doc. 95–12866 Filed 5–24–95; 8:45 am]

BILLING CODE 4310–JB–M

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

PRT–774024

Applicant: Dr. Beltran and Dr. Honeycutt, Texas A & M University College Station, TX.

The applicant requests a permit to import tissue samples of Spanish lynx (*Felis pardalis*) and ocelot (*Felis pardalis*) previously collected and accessioned in museums or with universities for scientific research.

PRT–802571

Applicant: Mr. Paul H. Snider, Elk Grove, CA.

The applicant requests a permit to import one male bontebok (*Damaliscus pygargus dorcas*) culled from the captive herd maintained by F.W.M. Bowker, Jr., Grahamstown, Republic of South Africa for the purpose of enhancement of the species.

PRT–802572

Applicant: Mrs. Renee Snider, Elk Grove, CA.

The applicant requests a permit to import one male bontebok (*Damaliscus pygargus dorcas*) culled from the captive herd maintained by F.W.M. Bowker, Jr., Grahamstown, Republic of South Africa for enhancement of the species.

PRT–802564

Applicant: Mr. T. Darrell Albright, Roswell, GA.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from the captive herd maintained by Mr. Andrew Austin, ''Spitzkop'', Grahamstown, Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–802636

Applicant: Parker Creek Ranch, San Antonio, TX.

The applicant requests a permit to authorize interstate and foreign commerce, export, and cull of excess male barasingha (*Cervus duvauceli*), red lechwe (*Kobus leche*), Eld's brow-antlered deer (*Cervus eldi*), dama gazelle (*Gazella dama* spp.) and Arabian oryx (*Oryx leucoryx*) from his captive herd for the purpose of enhancement of survival of the species.

PRT–802637

Applicant: Wyo-Braska Natural History Museum, Gering, NE.

The applicant requests a permit to import a mounted sport-hunted trophy of one male wood bison (*Bison bison athabascae*) from North West Territories, Canada for the purpose of enhancement of the survival of the species through conservation education.

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 19, 1995.

Caroline Anderson,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 95–12806 Filed 5–24–95; 8:45 am]

BILLING CODE 4310–55–P

Minerals Management Service

Change in Location of Workshop on Proposed Policy Options for Outer Continental Shelf (OCS) Natural Gas and Oil Resource Management

AGENCY: Minerals Management Service, Interior.

SUMMARY: The Minerals Management Service (MMS) was to hold a workshop on proposed policy options for Outer Continental Shelf natural gas and oil resource management at its Gulf of Mexico Regional Office located in Jefferson, Louisiana, on June 12–13, 1995. Because of the recent floods, the venue has been changed. The workshop will now be held at the Westin Canal Place, 100 Rue Iberville, New Orleans, Louisiana 70130.

REGISTRATION: 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 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 will 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, 8:30 a.m. to 5:00 p.m. Central Time.

ADDRESSES: The Westin Canal Place, 100 Rue Iberville, New Orleans, Louisiana 70130—(504) 566–7006 or 1–(800) 228–3000. Contact person: Barney Congdon, (504) 736–2595.

FOR FURTHER INFORMATION 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 19, 1995.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 95–12840 Filed 5–24–95; 8:45 am]

BILLING CODE 4310–MR–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–352]

Andean Trade Preference Act: Effect on the U.S. Economy and on Andean Drug Crop Eradication

AGENCY: International Trade Commission.

ACTION: Notice of opportunity to submit comments in connection with 1994 annual report.

EFFECTIVE DATE: May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Thomas F. Jennings (202–205–3260), Trade Reports Division, Office of Economics, U.S. International Trade Commission, Washington, D.C. 20436.

Background: Section 206 of ATPA (19 U.S.C. 3204) requires that the Commission submit annual reports to the Congress regarding:

(1) the actual economic effect of ATPA on the U.S. economy generally as well as on specific industries which produce articles that are like, or directly competitive with, articles being imported under the Act;

(2) the probable future effect of ATPA on the U.S. economy generally and on industries affected by the Act; and

(3) the estimated effect of ATPA on drug-related crop eradication and crop substitution efforts of beneficiary countries.

Section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) provides the Commission with general authority to conduct factfinding investigations with respect to trade and tariff matters. Notice of institution of the investigation and the schedule for such reports was published in the **Federal Register** of March 10, 1994 (59 FR 11308). The Commission's second annual report on ATPA, covering calendar year 1994, is to be submitted by September 30, 1995.

Written Submissions: The Commission does not plan to hold a public hearing in connection with the preparation of this report. However, interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of section 201 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary of the Commission. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest practical date and should be received no later than July 14, 1995.

Address all submissions to Office of the Secretary, U.S. International Trade Commission, 500 E St., S.W., Washington, D.C. 20436. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

Issued: May 22, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–12877 Filed 5–24–95; 8:45 am]

BILLING CODE 7020–02–P

[Investigation No. 332–227]

Annual Report on the Impact of the Caribbean Basin Economic Recovery Act on U.S. Industries and Consumers

AGENCY: International Trade Commission.

ACTION: Notice of opportunity to submit comments in connection with 1994 annual report.

EFFECTIVE DATE: May 19, 1995

FOR FURTHER INFORMATION CONTACT: Thomas Jennings (202–205–3260), Trade Reports Division, Office of Economics, U.S. International Trade Commission, Washington, D.C. 20436.

Background: Section 215(a) of the Caribbean Basin Economic Recovery Act (CBERA) (19 U.S.C. 2704(a)) requires that the Commission submit annual reports to the Congress and the President on the impact of the act on

industries and consumers in the United States. Section 215(b) of the CBERA requires the Commission to assess the actual effect of the act on the United States economy generally as well as on appropriate domestic industries and to assess the probable future effects of the act. Section 215(c)(2) of the CBERA requires that the Commission provide an opportunity for the public, either orally or in writing, or both, to submit to the Commission information relating to matters that will be addressed in the reports. The Commission instituted the present investigation under section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)) on March 21, 1986, for the purpose of gathering and presenting such information on the CBERA. Section 332(b) of the Tariff Act of 1930 provides the Commission with general authority to conduct factfinding investigations with respect to trade and tariff matters. Notice of institution of the investigation and the schedule for such reports was published in the **Federal Register** of May 14, 1986 (51 FR 17678). The tenth report, covering calendar year 1994, is to be submitted by September 30, 1995.

Written Submissions: The Commission does not plan to hold a public hearing in connection with the tenth annual report. However, interested persons are invited to submit written statements concerning the matters to be addressed in the report. Commercial or financial information that a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked ''Confidential Business Information'' at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons in the Office of the Secretary to the Commission. To be assured of consideration by the Commission, written statements relating to the Commission's report should be submitted at the earliest practical date and should be received no later than July 14, 1995.

Address all submissions to the Secretary to the Commission, U.S. International Trade Commission, 500 E St., SW., Washington, D.C. 20436. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

Issued: May 22, 1995.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95–12878 Filed 5–24–95; 8:45 am]

BILLING CODE 7020–02–P

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32549 (Sub-No. 15)]

Grainbelt Corporation—Trackage Rights Over Burlington Northern Railroad Company Between Snyder, OK, and Quanah, TX

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 24; notice of acceptance of responsive application filed by Grainbelt Corporation.

SUMMARY: The Commission is accepting for consideration the application filed by Grainbelt Corporation (GNBC) for the modification of certain trackage rights over lines of Burlington Northern Railroad Company (BN) between Snyder, OK, and Quanah, TX. This application is responsive to the primary application filed by BN and its corporate parent, Burlington Northern Inc. (BNI), and The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) and its corporate parent, Santa Fe Pacific Corporation (SFP), by which primary applicants BNI, BN, SFP, and Santa Fe seek approval for BNI's acquisition of, control of, and merger with SFP, the resulting common control of BN and Santa Fe by the merged company, the consolidation of BN and Santa Fe railroad operations, and the merger of BN and Santa Fe.

DATES: The effective date of this decision is May 25, 1995. Comments regarding the GNBC responsive application must be filed with the Commission by June 9, 1995. Rebuttal in support of the GNBC responsive application must be filed by June 19, 1995. Briefs (not to exceed 50 pages) must be filed by June 29, 1995.

ADDRESSES: An original and 20 copies of all documents must refer to Finance Docket No. 32549 (Sub-No. 15) and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32549 (Sub-No. 15), Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, D.C. 20423. Parties are encouraged also to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

In addition, one copy of all documents in this proceeding must be served, by first class mail, on: the Secretary of the Department of Transportation; the Attorney General of the United States; Administrative Law Judge Jacob Leventhal, Federal Energy Regulatory Commission, Office of Hearings, 825 North Capitol Street, N.E., Washington, D.C. 20426; Betty Jo Christian, Esq., Steptoe & Johnson, 1330 Connecticut Avenue, N.W., Washington, D.C. 20036–1795 (representing primary applicants BNI and BN); Erika Z. Jones, Esq., Mayer, Brown & Platt, 2000 Pennsylvania Avenue, N.W., Suite 6500, Washington, D.C. 20006 (representing primary applicants SFP and Santa Fe); and William P. Quinn, Esq., Gollatz, Griffin & Ewing, P.C., 213 W. Miner St., P.O. Box 796, West Chester, PA 19381–0796 (representing responsive applicant GNBC).

Furthermore, one copy of all documents in this proceeding must be served, by first class mail, on all persons designated parties of record [POR] on the Commission's service list, served on May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Julia Farr, (202) 927–5352. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: By this responsive application, GNBC seeks modification of overhead trackage rights it holds over an approximately 60-mile BN line between Snyder, OK, and Quanah, TX. The trackage rights were granted to GNBC in conjunction with its purchase of a rail line from BN in 1987. GNBC requests that the trackage rights be amended to allow for interchanges with other carriers at Altus, OK and at Quanah. GNBC states that this would allow for interchange with GNBC's sister corporation, Farmrail Corporation (FMRC) at Altus, and with Southern Pacific Transportation Company (SP) at Quanah. GNBC states that it expects that a commonly controlled BN/Santa Fe would provide facilities in Altus and Quanah which would allow for the direct interchange between GNBC and other carriers. Furthermore, GNBC requests the right to provide local service to industries located at and in the vicinity of Altus.

GNBC's responsive application substantially complies with the applicable regulations, and it has therefore been accepted for consideration by the Commission.

The responsive application and exhibits are available for inspection in the Public Docket Room at the offices of the Commission in Washington, D.C. In addition, they may be obtained upon request from GNBC's representative named above.

This responsive application is consolidated for disposition with the

Finance Docket No. 32549 primary application (and all embraced proceedings). Service of an initial decision will be waived, and determination of the merits of the responsive application will be made in the first instance by the entire Commission. 49 U.S.C. 11345(f).

Interested persons may participate formally by submitting written comments regarding the responsive application, subject to the filing and service requirements specified above. Such comments (referred to as ''responses'' in the procedural schedule) should indicate the exact proceeding designation and should be filed with the Commission by June 9, 1995. Comments shall include the following: the commenter's position in support of or in opposition to the proposed transaction; any and all evidence, including verified statements, in support of or in opposition to the proposed transaction; and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may also file statements, also subject to the filing and service requirements specified above. Persons must state specifically whether they intend to participate actively in the proceeding or whether they wish only to be advised of all decisions issued by the Commission. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Because GNBC's responsive application contains proposed conditions to approval of the primary application in Finance Docket No. 32549, the Commission will entertain no requests for affirmative relief to this proposal. Parties may only participate in direct support of or direct opposition to GNBC's responsive application as filed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: May 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–12888 Filed 5–24–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32549 (Sub-No. 13)]

Houston Lighting and Power Company; Trackage Rights Over Lines of The Atchison, Topeka and Santa Fe Railway Company in Texas

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 22; Notice of acceptance of responsive application filed by Houston Lighting and Power Company.

SUMMARY: The Commission is accepting for consideration the application filed by Houston Lighting and Power Company (HL&P) for trackage rights over lines of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) between Rosenberg, TX, and Smithers Lake, TX, and/or between Sealy, TX, and Smithers Lake, TX. This application is responsive to the primary application filed by Burlington Northern Railroad Company (BN) and its corporate parent, Burlington Northern Inc. (BNI), and Santa Fe and its corporate parent, Santa Fe Pacific Corporation (SFP), by which primary applicants BNI, BN, SFP, and Santa Fe seek approval for BNI's acquisition of, control of, and merger with SFP, the resulting common control of BN and Santa Fe by the merged company, the consolidation of BN and Santa Fe railroad operations, and the merger of BN and Santa Fe.

DATES: The effective date of this decision is May 25, 1995. Comments regarding the HL&P responsive application must be filed with the Commission by June 9, 1995. Rebuttal in support of the HL&P responsive application must be filed by June 19, 1995. Briefs (not to exceed 50 pages) must be filed by June 29, 1995.

ADDRESSES: An original and 20 copies of all documents must refer to Finance Docket No. 32549 (Sub-No. 13) and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32549 (Sub-No. 13), Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423. Parties are encouraged also to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

In addition, one copy of all documents in this proceeding must be served, by first class mail, on: The Secretary of the Department of Transportation; the Attorney General of the United States; Administrative Law Judge Jacob Leventhal, Federal Energy Regulatory Commission, Office of Hearings, 825 North Capitol Street, NE., Washington, DC 20426; Betty Jo Christian, Esq., Steptoe & Johnson, 1330 Connecticut Avenue, NW., Washington, DC 20036–1795 (representing primary applicants BNI and BN); Erika Z. Jones, Esq., Mayer, Brown & Platt, 2000 Pennsylvania Avenue, NW., Suite 6500, Washington, DC 20006 (representing primary applicants SFP and Santa Fe); and C. Michael Loftus, Esq., Slover & Loftus, 1224 Seventeenth Street, NW., Washington, DC 20036 (representing responsive applicant HL&P).

Furthermore, one copy of all documents in this proceeding must be served, by first class mail, on all persons designated parties of record [POR] on the Commission's service list, served on May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Julia Farr, (202) 927–5352. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: By this responsive application, HL&P seeks trackage rights over certain lines of Santa Fe between Rosenberg, TX, and Smithers Lake, TX, and/or between Sealy, TX, and Smithers Lake, TX. Specifically, HL&P seeks overhead trackage rights on behalf of a rail carrier(s) unaffiliated with the primary applicants over a 47.2-mile Santa Fe line for the movement of coal trains between milepost 94.6, at Sealy, TX, and Smithers Lake, TX, where HL&P's coal-fired electric generating facility known as the W.A. Parish Electric Generating Station (Parish Station) is located. HL&P also seeks, instead of or in addition to its first request, overhead trackage rights on behalf of a rail carrier(s) unaffiliated with the primary applicants over an 18.8-mile Santa Fe line for the movement of coal trains between milepost 66.2, at Rosenberg, TX, and Smithers Lake, TX, where the Parish Station is located. HL&P asserts that the requested trackage rights would serve to maintain existing rail competition that would be eliminated if the Commission approves the proposed BN/Santa Fe merger.

HL&P's responsive application substantially complies with the applicable regulations,[1] and it has therefore been accepted for consideration by the Commission.

The responsive application and exhibits are available for inspection in the Public Docket Room at the offices of the Commission in Washington, DC. In addition, they may be obtained upon request from HL&P's representative named above.

[1] HL&P states that it recognizes that, because it is not an ''applicant carrier'' as defined by 49 CFR 1180.3(b), applicant carriers who may receive such requested trackage rights as a result of this responsive application will necessarily have to resolve carrier-specific, trackage rights issues in a ''follow-up proceeding.'' (HLP–12, at 3–4.)

This responsive application is consolidated for disposition with the Finance Docket No. 32549 primary application (and all embraced proceedings). Service of an initial decision will be waived, and determination of the merits of the responsive application will be made in the first instance by the entire Commission. 49 U.S.C. 11345(f).

Interested persons may participate formally by submitting written comments regarding the responsive application, subject to the filing and service requirements specified above. Such comments (referred to as ''responses'' in the procedural schedule) should indicate the exact proceeding designation and should be filed with the Commission by June 9, 1995. Comments shall include the following: The commenter's position in support of or in opposition to the proposed transaction; any and all evidence, including verified statements, in support of or in opposition to the proposed transaction; and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may also file statements, also subject to the filing and service requirements specified above. Persons must state specifically whether they intend to participate actively in the proceeding or whether they wish only to be advised of all decisions issued by the Commission. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Because HL&P's responsive application contains proposed conditions to approval of the primary application in Finance Docket No. 32549, the Commission will entertain no requests for affirmative relief to this proposal. Parties may only participate in direct support of or direct opposition to HL&P's responsive application as filed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: May 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–12886 Filed 5–24–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32549 (Sub-No. 17)]

Keokuk Junction Railway—Trackage Rights and Terminal Access on Certain Lines of Burlington Northern Railroad Company in Iowa, Missouri, and Illinois

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 26; Notice of acceptance of responsive application filed by Keokuk Junction Railway.

SUMMARY: The Commission is accepting for consideration the application filed by Keokuk Junction Railway (KJRY) for trackage rights and terminal access over certain lines of Burlington Northern Railroad Company (BN) in Iowa, Missouri, and Illinois. This application is responsive to the primary application filed by BN and its corporate parent, Burlington Northern Inc. (BNI), and The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) and its corporate parent, Santa Fe Pacific Corporation (SFP), by which primary applicants BNI, BN, SFP, and Santa Fe seek approval for BNI's acquisition of, control of, and merger with SFP, the resulting common control of BN and Santa Fe by the merged company, the consolidation of BN and Santa Fe railroad operations, and the merger of BN and Santa Fe.

DATES: The effective date of this decision is May 25, 1995. Comments regarding the KJRY responsive application must be filed with the Commission by June 9, 1995. Rebuttal in support of the KJRY responsive application must be filed by June 19, 1995. Briefs (not to exceed 50 pages) must be filed by June 29, 1995.

ADDRESSES: An original and 20 copies of all documents must refer to Finance Docket No. 32549 (Sub-No. 17) and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32549 (Sub-No. 17), Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, D.C. 20423. Parties are encouraged also to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

In addition, one copy of all documents in this proceeding must be served, by first class mail, on: the Secretary of the Department of Transportation; the Attorney General of the United States; Administrative Law Judge Jacob Leventhal, Federal Energy Regulatory Commission, Office of Hearings, 825 North Capitol Street, N.E., Washington, D.C. 20426; Betty Jo Christian, Esq., Steptoe & Johnson, 1330 Connecticut Avenue, N.W., Washington, D.C. 20036–1795 (representing primary applicants BNI and BN); Erika Z. Jones, Esq., Mayer, Brown & Platt, 2000 Pennsylvania Avenue, N.W., Suite 6500, Washington, D.C. 20006 (representing primary applicants SFP and Santa Fe); and Robert A. Wimbish, Esq., Rea, Cross & Auchincloss, Suite 420, 1920 N Street, N.W., Washington, D.C. 20036 (representing responsive applicant KJRY).

Furthermore, one copy of all documents in this proceeding must be served, by first class mail, on all persons designated parties of record [POR] on the Commission's service list, served on May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Julia Farr, (202) 927–5352. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: By this responsive application, KJRY seeks trackage rights and terminal access over certain BN lines in Iowa, Missouri, and Illinois.

The sought trackage rights (for which KJRY envisions compensation of not more than $0.40 per car mile) are: (1) unrestricted local trackage rights on BN's Hannibal Subdivision between MP 177.9 at Keokuk, IA, and MP 136.9 at West Quincy, MO, a distance of 41 miles, with full right of interchange at West Quincy with the primary applicants, Norfolk Southern Railway (NS), and Southern Pacific Transportation Company (SPT); and (2) overhead trackage rights on BN's Hannibal Subdivision from MP 136.9 at West Quincy to MP 94.1 at Louisiana, MO, a distance of 42.8 miles, in order to interchange with NS at Hannibal, MO, and with Gateway Western Railway at Louisiana, MO. KJRY indicates, however, that it will not exercise the overhead trackage rights south of West Quincy, as long as (a) NS retains trackage rights through West Quincy to Quincy, IL, and continues to be able to interchange with KJRY at either location as mutually convenient, and (b) SPT and KJRY have a mutually satisfactory interchange at West Quincy.

The sought terminal access consists of three requirements to be imposed on BN: (1) A requirement that BN sell to KJRY at net liquidated value (or going concern value, whichever is appropriate) all BN terminal tracks and facilities in Keokuk including yard trackage, buildings, and the Mooar Line (KJRY envisions that it will assume all industrial switching in Keokuk currently provided by BN, and that it will enter into a long-term contract with the primary applicants on switch rates and service); (2) a requirement that BN absorb KJRY's switch charges at a level no higher than BN's current switch charges in Keokuk, subject to

inflationary adjustments; and (3) a requirement that BN grant reciprocal switching access rights to KJRY at Quincy, IL, limited to traffic originating or terminating on KJRY's lines.

KJRY's responsive application substantially complies with the applicable regulations, and it has therefore been accepted for consideration by the Commission.

The responsive application and exhibits are available for inspection in the Public Docket Room at the offices of the Commission in Washington, D.C. In addition, they may be obtained upon request from KJRY's representative named above.

This responsive application is consolidated for disposition with the Finance Docket No. 32549 primary application (and all embraced proceedings). Service of an initial decision will be waived, and determination of the merits of the responsive application will be made in the first instance by the entire Commission. 49 U.S.C. 11345(f).

Interested persons may participate formally by submitting written comments regarding the responsive application, subject to the filing and service requirements specified above. Such comments (referred to as ''responses'' in the procedural schedule) should indicate the exact proceeding designation and should be filed with the Commission by June 9, 1995. Comments shall include the following: the commenter's position in support of or in opposition to the proposed transaction; any and all evidence, including verified statements, in support of or in opposition to the proposed transaction; and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may also file statements, also subject to the filing and service requirements specified above. Persons must state specifically whether they intend to participate actively in the proceeding or whether they wish only to be advised of all decisions issued by the Commission. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Because KJRY's responsive application contains proposed conditions to approval of the primary application in Finance Docket No. 32549, the Commission will entertain no requests for affirmative relief to this proposal. Parties may only participate in direct support of or direct opposition to KJRY's responsive application as filed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: May 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–12890 Filed 5–24–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32549 (Sub-No. 18)]

Seagraves, Whiteface and Lubbock Railroad Co.—Trackage Rights Over Lines of The Atchison, Topeka and Santa Fe Railway Company Between Lubbock and Sweetwater, TX, and Other Conditions

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 27; Notice of acceptance of responsive application filed by Seagraves, Whiteface and Lubbock Railroad Co.

SUMMARY: The Commission is accepting for consideration the application filed by Seagraves, Whiteface and Lubbock Railroad Co. (SWGR) for trackage rights over lines of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) between Lubbock and Sweetwater, TX, and other conditions. This application is responsive to the primary application filed by Burlington Northern Railroad Company (BN) and its corporate parent, Burlington Northern Inc. (BNI), and Santa Fe and its corporate parent, Santa Fe Pacific Corporation (SFP), by which primary applicants BNI, BN, SFP, and Santa Fe seek approval for BNI's acquisition of, control of, and merger with SFP, the resulting common control of BN and Santa Fe by the merged company, the consolidation of BN and Santa Fe railroad operations, and the merger of BN and Santa Fe.

DATES: The effective date of this decision is May 25, 1995. Comments regarding the SWGR responsive application must be filed with the Commission by June 9, 1995. Rebuttal in support of the SWGR responsive application must be filed by June 19, 1995. Briefs (not to exceed 50 pages) must be filed by June 29, 1995.

ADDRESSES: An original and 20 copies of all documents must refer to Finance Docket No. 32549 (Sub-No. 18) and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32549 (Sub-No. 18), Interstate Commerce Commission, 1201 Constitution Avenue, NW., Washington, DC 20423. Parties are encouraged also to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

In addition, one copy of all documents in this proceeding must be served, by first class mail, on: the Secretary of the Department of Transportation; the Attorney General of the United States; Administrative Law Judge Jacob Leventhal, Federal Energy Regulatory Commission, Office of Hearings, 825 North Capitol Street, NE., Washington, DC 20426; Betty Jo Christian, Esq., Steptoe & Johnson, 1330 Connecticut Avenue, NW., Washington, DC 20036–1795 (representing primary applicants BNI and BN); Erika Z. Jones, Esq., Mayer, Brown & Platt, 2000 Pennsylvania Avenue, NW., Suite 6500, Washington, DC 20006 (representing primary applicants SFP and Santa Fe); and Robert A. Wimbish, Esq., Rea, Cross & Auchincloss, Suite 420, 1920 N Street, NW., Washington, DC 20036 (representing responsive applicant SWGR).

Furthermore, one copy of all documents in this proceeding must be served, by first class mail, on all persons designated parties of record [POR] on the Commission's service list, served on May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Julia Farr, (202) 927–5352. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: By this responsive application, SWGR seeks unrestricted overhead trackage rights on Santa Fe's Lubbock and Slaton Subdivisions between Lubbock and Sweetwater, TX, a distance of 67 miles, with unrestricted interchange rights with Union Pacific Railroad Company at Sweetwater. SWGR also seeks the following additional conditions: (a) The elimination of Santa Fe's $75 per car each way reciprocal switch charge for each railcar interchanged between SWGR and BN at Santa Fe's Lubbock rail yard; (b) the continuation of revenue divisions on movements over BN lines; (c) the enforcement of current contractual obligations between SWGR and BN and between SWGR and Santa Fe; and (d) a requirement that a commonly controlled BN/Santa Fe provide SWGR with the same car supply that BN and Santa Fe each provide today.

SWGR's responsive application substantially complies with the applicable regulations, and it has therefore been accepted for consideration by the Commission.

The responsive application and exhibits are available for inspection in the Public Docket Room at the offices of

the Commission in Washington, DC In addition, they may be obtained upon request from SWGR's representative named above.

This responsive application is consolidated for disposition with the Finance Docket No. 32549 primary application (and all embraced proceedings). Service of an initial decision will be waived, and determination of the merits of the responsive application will be made in the first instance by the entire Commission. 49 U.S.C. 11345(f).

Interested persons may participate formally by submitting written comments regarding the responsive application, subject to the filing and service requirements specified above. Such comments (referred to as ''responses'' in the procedural schedule) should indicate the exact proceeding designation and should be filed with the Commission by June 9, 1995. Comments shall include the following: the commenter's position in support of or in opposition to the proposed transaction; any and all evidence, including verified statements, in support of or in opposition to the proposed transaction; and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may also file statements, also subject to the filing and service requirements specified above. Persons must state specifically whether they intend to participate actively in the proceeding or whether they wish only to be advised of all decisions issued by the Commission. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Because SWGR's responsive application contains proposed conditions to approval of the primary application in Finance Docket No. 32549, the Commission will entertain no requests for affirmative relief to this proposal. Parties may only participate in direct support of or direct opposition to SWGR's responsive application as filed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: May 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–12891 Filed 5–24–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32549 (Sub-No. 14)]

Southwestern Public Service Company and Tuco Inc.—Trackage Rights Over Lines of Burlington Northern Railroad Company and The Atchison, Topeka and Santa Fe Railway Company

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 23; Notice of acceptance of responsive application filed by Southwestern Public Service Company and Tuco Inc.

SUMMARY: The Commission is accepting for consideration the application filed by Southwestern Public Service Company and Tuco Inc. (SPS/TUCO) for trackage rights over lines of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe), and to the extent appropriate or necessary, the lines of Burlington Northern Railroad Company (BN). This application is responsive to the primary application filed by BN and its corporate parent, Burlington Northern Inc. (BNI), and Santa Fe and its corporate parent, Santa Fe Pacific Corporation (SFP), by which primary applicants BNI, BN, SFP, and Santa Fe seek approval for BNI's acquisition of, control of, and merger with SFP, the resulting common control of BN and Santa Fe by the merged company, the consolidation of BN and Santa Fe railroad operations, and the merger of BN and Santa Fe.

DATES: The effective date of this decision is May 25, 1995. Comments regarding the SPS/TUCO responsive application must be filed with the Commission by June 9, 1995. Rebuttal in support of the SPS/TUCO responsive application must be filed by June 19, 1995. Briefs (not to exceed 50 pages) must be filed by June 29, 1995.

ADDRESSES: An original and 20 copies of all documents must refer to Finance Docket No. 32549 (Sub-No. 14) and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32549 (Sub-No. 14), Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, D.C. 20423. Parties are encouraged also to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

In addition, one copy of all documents in this proceeding must be served, by first class mail, on: the Secretary of the Department of Transportation; the Attorney General of the United States; Administrative Law Judge Jacob Leventhal, Federal Energy Regulatory Commission, Office of Hearings, 825 North Capitol Street, N.E., Washington, D.C. 20426; Betty Jo Christian, Esq., Steptoe & Johnson, 1330 Connecticut Avenue, N.W., Washington, D.C. 20036–1795 (representing primary applicants BNI and BN); Erika Z. Jones, Esq., Mayer, Brown & Platt, 2000 Pennsylvania Avenue, N.W., Suite 6500, Washington, D.C. 20006 (representing primary applicants SFP and Santa Fe); and C. Michael Loftus, Esq., Slover & Loftus, 1224 Seventeenth Street, N.W., Washington, D.C. 20036 (representing responsive applicant SPS/TUCO).

Furthermore, one copy of all documents in this proceeding must be served, by first class mail, on all persons designated parties of record [POR] on the Commission's service list, served on May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Julia Farr, (202) 927–5352. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: By this responsive application, SPS/TUCO seeks overhead trackage rights on behalf of a rail carrier(s) unaffiliated with the primary applicants over approximately 441 miles of lines of Santa Fe (and to the extent appropriate or necessary, the lines of BN) for the movement of coal trains between Pueblo, CO, and SPS' coal-fired, electric generating facilities known as the Tolk Station, located near Muleshoe or Mill, TX, via Amarillo, TX, and Hereford, TX, with the right to serve SPS' coal-fired, electric generating facilities known as the Harrington Station, located at Amarillo, TX.

SPS/TUCO's responsive application substantially complies with the applicable regulations,[1] and it has therefore been accepted for consideration by the Commission.

The responsive application and exhibits are available for inspection in the Public Docket Room at the offices of the Commission in Washington, D.C. In addition, they may be obtained upon request from SPS/TUCO's representative named above.

This responsive application is consolidated for disposition with the Finance Docket No. 32549 primary application (and all embraced proceedings). Service of an initial decision will be waived, and determination of the merits of the responsive application will be made in the first instance by the entire Commission. 49 U.S.C. 11345(f).

Interested persons may participate formally by submitting written comments regarding the responsive

[1] SPS/TUCO recognizes that, because it is not an ''applicant carrier'' as defined by 49 CFR 1180.3(b), applicant carriers who may receive such requested trackage rights as a result of this responsive application will necessarily have to resolve carrier-specific, trackage rights issues in a ''follow-up proceeding.'' (SPST–11, at 3–4.)

application, subject to the filing and service requirements specified above. Such comments (referred to as ''responses'' in the procedural schedule) should indicate the exact proceeding designation and should be filed with the Commission by June 9, 1995. Comments shall include the following: the commenter's position in support of or in opposition to the proposed transaction; any and all evidence, including verified statements, in support of or in opposition to the proposed transaction; and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may also file statements, also subject to the filing and service requirements specified above. Persons must state specifically whether they intend to participate actively in the proceeding or whether they wish only to be advised of all decisions issued by the Commission. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Because SPS/TUCO's responsive application contains proposed conditions to approval of the primary application in Finance Docket No. 32549, the Commission will entertain no requests for affirmative relief to this proposal. Parties may only participate in direct support of or direct opposition to SPS/TUCO's responsive application as filed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: May 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–12887 Filed 5–24–95; 8:45 am]

BILLING CODE 7035–01–P

[Finance Docket No. 32549 (Sub-No. 16)]

Western Fuels Service Corp.—Trackage Rights Over The Atchison, Topeka and Santa Fe Railway Company Between Denver, CO, and Holcomb, KS

AGENCY: Interstate Commerce Commission.

ACTION: Decision No. 25; notice of acceptance of responsive application filed by Western Fuels Service Corp.

SUMMARY: The Commission is accepting for consideration the application filed by Western Fuels Service Corp. (WFSC) for trackage rights over lines of The Atchison, Topeka and Santa Fe Railway Company (Santa Fe) in Colorado and Kansas. This application is responsive to the primary application filed by Burlington Northern Railroad Company (BN) and its corporate parent, Burlington Northern Inc. (BNI), and Santa Fe and its corporate parent, Santa Fe Pacific Corporation (SFP), by which primary applicants BNI, BN, SFP, and Santa Fe seek approval for BNI's acquisition of, control of, and merger with SFP, the resulting common control of BN and Santa Fe by the merged company, the consolidation of BN and Santa Fe railroad operations, and the merger of BN and Santa Fe.

DATES: The effective date of this decision is May 25, 1995. Comments regarding the WFSC responsive application must be filed with the Commission by June 9, 1995. Rebuttal in support of the WFSC responsive application must be filed by June 19, 1995. Briefs (not to exceed 50 pages) must be filed by June 29, 1995.

ADDRESSES: An original and 20 copies of all documents must refer to Finance Docket No. 32549 (Sub-No. 16) and be sent to the Office of the Secretary, Case Control Branch, Attn: Finance Docket No. 32549 (Sub-No. 16), Interstate Commerce Commission, 1201 Constitution Avenue, N.W., Washington, D.C. 20423. Parties are encouraged also to submit all pleadings and attachments on a 3.5-inch diskette in WordPerfect 5.1 format.

In addition, one copy of all documents in this proceeding must be served, by first class mail, on: the Secretary of the Department of Transportation; the Attorney General of the United States; Administrative Law Judge Jacob Leventhal, Federal Energy Regulatory Commission, Office of Hearings, 825 North Capitol Street, N.E., Washington, D.C. 20426; Betty Jo Christian, Esq., Steptoe & Johnson, 1330 Connecticut Avenue, N.W., Washington, D.C. 20036–1795 (representing primary applicants BNI and BN); Erika Z. Jones, Esq., Mayer, Brown & Platt, 2000 Pennsylvania Avenue, N.W., Suite 6500, Washington, D.C. 20006 (representing primary applicants SFP and Santa Fe); and Peter Glaser, Esq., Doherty, Rumble and Butler, P.C., 1625 M Street, N.W., Washington, D.C. 20036 (representing responsive applicant WFSC).

Furthermore, one copy of all documents in this proceeding must be served, by first class mail, on all persons designated parties of record [POR] on the Commission's service list, served on May 19, 1995.

FOR FURTHER INFORMATION CONTACT: Julia Farr, (202) 927–5352. [TDD for the hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: By this responsive application, WFSC seeks trackage rights over approximately 326 miles of Santa Fe's lines between Denver, CO, and Holcomb, KS, from the BN Yard at Denver, CO (BN MP 541.2) to the Santa Fe Yard at Pueblo, CO (Santa Fe MP 733.4) to the Sunflower Electric Station (also known as Holcomb Station) at Holcomb, KS (Santa Fe MP 407.4). WFSC is a wholly owned subsidiary of Western Fuels Association, Inc. (WFA), a non-profit fuel supply cooperative corporation whose member-owners are municipally and cooperatively owned electric utilities located in the Rocky Mountain West, the Midwest, the Southwest, and Louisiana. Sunflower Electric Station is a coal-burning electric generating facility owned by Sunflower Electric Power Corporation, a WFA member. The trackage rights sought by WFSC are intended to be used for the transportation of coal moving to Sunflower Electric Station.

WFSC's responsive application substantially complies with the applicable regulations, and it has therefore been accepted for consideration by the Commission. WFSC maintains, and we agree, that the trackage rights sought in its responsive application constitute a minor transaction. *See* 49 CFR 1180.2(b) (a transaction is minor if it does not involve the control or merger of two or more class I railroads and if it clearly will not have any anticompetitive effects).

The responsive application and exhibits are available for inspection in the Public Docket Room at the offices of the Commission in Washington, D.C. In addition, they may be obtained upon request from WFSC's representative named above.

This responsive application is consolidated for disposition with the Finance Docket No. 32549 primary application (and all embraced proceedings). Service of an initial decision will be waived, and determination of the merits of the responsive application will be made in the first instance by the entire Commission. 49 U.S.C. 11345(f).

Interested persons may participate formally by submitting written comments regarding the responsive application, subject to the filing and service requirements specified above. Such comments (referred to as ''responses'' in the procedural schedule) should indicate the exact proceeding

designation and should be filed with the Commission by June 9, 1995. Comments shall include the following: The commenter's position in support of or in opposition to the proposed transaction; any and all evidence, including verified statements, in support of or in opposition to the proposed transaction; and specific reasons why approval would or would not be in the public interest. Interested persons who do not intend to participate formally in the proceeding but who desire to comment may also file statements, also subject to the filing and service requirements specified above. Persons must state specifically whether they intend to participate actively in the proceeding or whether they wish only to be advised of all decisions issued by the Commission. Failure to state an intention to participate as an active party will result in the person being placed in the latter category.

Because WFSC's responsive application contains proposed conditions to approval of the primary application in Finance Docket No. 32549, the Commission will entertain no requests for affirmative relief to this proposal. Parties may only participate in direct support of or direct opposition to WFSC's responsive application as filed.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Decided: May 17, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,

Secretary.

[FR Doc. 95–12889 Filed 5–24–95; 8:45 am]

BILLING CODE 7035–01–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Clean Air Act

In accordance with Department policy, 28 C.F.R. 50.7, notice is hereby given that a proposed consent decree in *United States v. Barsotti's Inc.* Civil Action No. C–95–20310 RMW (PVG), was lodged on May 10, 1995 with the United States District Court for the Northern District of California. The compliant seeks civil penalties and injunctive relief for violations of the Clean Air Act and National Emission Standards for Hazardous Air Pollutants (''NESHAP'') for asbestos. 40 C.F.R. Part 61, Subpart M (1991). The compliant alleges that Barsotti violated the Asbestos NESHAP's Standard for Demolition and Renovation, 40 C.F.R. 61.145, during the renovation of Pacific Gas and Electric Co.'s Moss Landing Power Plant in Moss Landing, California in September 1992. Barsotti violated 40 C.F.R. 61.145(b) by: (1) Failing to adequately wet the regulated asbestos-containing material (''RACM'') during the stripping operation, (2) failing to keep the RACM wet prior to disposal and (3) failing to carefully lower the RACM to the ground to prevent releases of asbestos. The consent decree requires Barsotti to pay a penalty of $68,000, which will be shared equally with the Monterey Unified Air Pollution Control District, and requires Barsotti to implement an asbestos management program and an asbestos training program if it should engage in future asbestos abatement activities.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. Barsotti's, Inc.* DOJ Ref. #90–5–21–1905.

The proposed consent decree may be examined at the Office if the United States Attorney Nothern District of California, 450 Golden Gate avenue, San Francisco, CA 94102; Office of the Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94102; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A Copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $5.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95–12868 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–10–M

Notice of Lodging of Consent Decree Pursuant to the Clean Water Act

In accordance with Departmental policy, 28 CFR 50.7, 38 Fed. Reg. 19029, notice is hereby given that on May 16, 1995, a proposed Consent Decree in *United States v. James River Paper Company,* Civil Action No. 95–258–JD was lodged with the United States District Court for the District of New Hampshire resolving the matters alleged in a complaint filed simultaneously with the Consent Decree. The proposed Consent Decree concerns alleged violations by James River of Sections 309(b) and (d) of the Clean Water Act (''CWA''), 33 U.S.C. 1319(b) and (d), Sections 3008(a) and (g) of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6928(a) and (g), Section 109(c) of the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9609(c), and Section 325(b)(3) of the Emergency Planning and Community Right-to-Know Act (''EPCRA''), 42 U.S.C. 11045(b)(3), at pulp and paper mills operated by James River in Gorham and Berlin, New Hampshire.

The CWA violations alleged in the complaint include: violations of the federal pretreatment standards and National Prohibited Discharge Standard; the unauthorized discharge of pollutants without a permit; and the discharge of pollutants in excess of levels allowed under a permit. The RCRA violation alleged in the complaint includes the disposal of hazardous waste without a permit. Finally, the CERCLA and EPCRA violations alleged in the complaint include the failure to timely report the spill of sulfuric acid at the pulp mill.

Under the terms of the Consent Decree, the defendant will pay a civil penalty of $200,000 to the United States and will be required to comply with the Clean Water Act. In addition, the defendant will be required to install equipment at the pulp mill necessary to reduce certain sulfur emissions from wastewater effluent.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, U.S. Department of Justice, Washington, D.C. 20530, and should refer to *United States v. James River Paper Company*, D.J. Ref. 90–5–1–1–4123.

The proposed Consent Decree may be examined at the Region I Office of the Environmental Protection Agency, One Congress Street, Boston, Massachusetts, and at the office of the United States Attorney, District of New Hampshire, 55 Pleasant Street, Concord, New Hampshire, c/o Gretchen L. Witt, Assistant U.S. Attorney. Copies of the Consent Decree may also be examined at the Consent Decree Library, 1120 G.

Street, N.W., 4th Floor, Washington, D.C. 20005 (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $6.00 (25 cents per page reproduction cost) made payable to Consent Decree Library.

Joel M. Gross,

Acting Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 95–12869 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1933—Advanced Lead-Acid Battery Consortium

Notice is hereby given that, on August 26, 1994, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Advanced Lead-Acid Battery Consortium (''ALABC''), a discrete program of the International Lead Zinc Research Organization, Inc. (''ILZRO''), has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Delco Remy Division of GM Corporation, Anderson, IN; and Global & Yuasa Battery Company Ltd., Changwon, Kyungnam, KOREA have become members to the ALABC.

No other changes have been made in either membership or planned activity of the group research project. Membership remains open and ALABC intends to file additional written notification disclosing any changes in membership.

On June 15, 1992, the ALABC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 29, 1992 (57 FR 33522).

The last notification was filed with the Department on May 31, 1994. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 23, 1994 (59 FR 32462).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95–12870 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Curagen Corporation and Soane Technologies, Inc.

Notice is hereby given that, on February 9, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), CuraGen Corporation and Soane Technologies, Inc. have filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are CuraGen Corporation, Branford, CT; and Soane Technologies, Inc., Hayward, CA. The general area of planned activity is to develop, and subsequently commercialize, a prototype microfabricated device for analysis of DNA, and more particularly, the characterization of complex genetic disorders.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95–12871 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Joint Development Venture Called ''Versit''

Notice is hereby given that, on January 26, 1995, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), a Joint Development Venture called ''versit'' has filed written notifications on behalf of Siemens Rolm Communications Inc.; AT&T Corp.; International Business Machines Corporation; and Apple Computer, Inc., simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties to the venture are: Siemens Rolm Communications Inc., Santa Clara, CA; AT&T Corp., Basking Ridge, NJ; International Business Machines Corporation, Somers, NY; and Apple Computer, Inc., Cupertino, CA.

The Joint Development Venture called ''versit'' was formed pursuant to an Agreement effective on November 21, 1994. The venture's objectives are to define, develop and promote open specifications that will enable interoperability among diverse and competing communications and computing products and network services and to make such specifications available to all interested parties.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95–12872 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Open Software Foundation, Inc.

Notice is hereby given that, on July 20, 1994, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Open Software Foundation, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the identities of the new, non-voting members of OSF are as follows: AGIP, S.p.A., Milano, ITALY: ASCII Corporation, Tokyo, JAPAN; ASK Group, Inc., Alameda, CA; Defense Research Agency, electronics Division, Worcester, ENGLAND; Dynamic Software AB-Dynasoft, Stockholm, SWEDEN; Electricite de France/Gaz de France, Issy Les Moulneaux, FRANCE; Fraunhofer Institute IAO, Stuttgart, GERMANY; Information exchange Steering Committee, Canberra, AUSTRALIA; Institute for Defense Analyses, Alexandria, VA; Just System Corporation, Tokus, JAPAN; Market Vision, New York, NY; NASA/Goddard Space Flight Center, Greenbelt, MD; Naval Research Laboratory, Washington, D.C.; Northern Telecom Limited, Ottawa, CANADA; Object Management Group, Framingham, MA; Openvision, Inc., Pleasanton, CA; Pyramid Technology, San Jose, CA; QA Training Limited, Gloucestershire, ENGLAND; Samsung Group, Kihung-Eup, KOREA; Sandia National Laboratories, Albuquerque, NM; Singalab PTE Ltd., Chadwick, SINGAPORE; Tecsiel S.p.A., Napoli, ITALY; World Bank, Washington, D.C.; Bull Worldwide

Information Systems, Massy CEDEX, FRANCE; and International Computers Limited, Bracknell, Berks, ENGLAND.

New Allied Sponsors of OSF, i.e., a group of affiliated members which share a single vote, are NEC Corporation, Tokyo, JAPAN; Siemens Nixdorf Informationssysteme AG, Munchen, GERMANY; Silicon Graphics Computer Systems, Mountain View, CA; Sony Corporation, Tokyo, JAPAN; and Transarc Corporation, Pittsburgh, PA.

The previous notification filed on May 11, 1994 is hereby corrected to show a change in address as follows: Persetel (Pty) Ltd., Sandton, Johannesburg, SOUTH AFRICA; USAF ESD, Hanscom AFB, MA; and University of Bilkent, Ankara, TURKEY; and to add Unilever PLC/NV, London, ENGLAND as a member of OSF.

No other changes have been made in either membership or planned activity of the group research project. Membership in this group research project remains open, and OSF intends to file additional written notifications disclosing all changes in membership.

On May 11, 1994, OSF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to Section 6(b) of the Act on August 31, 1994 (59 Fed. Reg. 45009).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95–12873 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993; SI Diamond Technology, Inc.

Notice is hereby given, that on March 21, 1995, pursuant to the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), SI Diamond Technology, Inc., for itself and on behalf of its members, has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: SI Diamond Technology, Inc., Houston, TX; and Supertex, Inc., Sunnyvale, CA. The purpose of this joint venture is to develop and demonstrate diamond diode field emission display process technology needed for production of a 10'', full color, VGA, flat panel display. The activities of this Joint Venture project will be partially funded by an award from the Advanced Technology Program, National Institute of Standards and Technology, Department of Commerce.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 95–12874 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–01–M

Drug Enforcement Administration

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on February 17, 1994, Calbiochem-Novabiochem Corporation, 10394 Pacific Center Court, Attn: Receiving Inspector, San Diego, California 92121–4340, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Tetrahydrocannabinols (7370)	I
Mescaline (7381)	I
Amphetamine (1100)	II
Phencyclidine (7471)	II
Phenylacetone (8501)	II
Cocaine (9041)	II

The firm plans to import small quantities of the listed controlled substances to make reagents for distribution to the biomedical research commodity.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than June 26, 1995.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–43746 (September 23, 1975), all applicants for registration to import basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated May 18, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–12782 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–09–M

Importer of Controlled Substances; Notice of Registration

By Notice dated April 25, 1994, and published in the **Federal Register** on May 4, 1994, (59 FR 23081), Cambridge Isotope Lab, 50 Frontage Road, Andover, Massachusetts 01810, made application to the Drug Enforcement Administration (DEA) to be registered as an importer of the basic classes of controlled substances listed below:

Drug	Schedule
Dimethyltryptamine (7435)	I
Amphetamine (1100)	II
Methamphetamine (1105)	II
Phencyclidine (7471)	II
Cocaine (9041)	II
Codeine (9050)	II
Benzoylecgonine (9180)	II
Methadone (9250)	II
Morphine (9300)	II
Fentanyl (9801)	II

No comments or objections have been received. Therefore, pursuant to Section 1008(a) of the Controlled Substances Import and Export Act and in accordance with Title 21, Code of

Federal Regulations, Section 1311.42, the above firm is granted registration as an importer of the basic classes of controlled substances listed above.

Dated: May 18, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–12779 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Registration

By Notice dated October 20, 1994, and published in the **Federal Register** on October 28, 1994, (59 FR 54219), Hoffman-LaRoche, Inc., 340 Kingsland Street, Nutley, New Jersey 07110, made application to the Drug Enforcement Administration (DEA) to be registered as a bulk manufacturer of Levorphanol (9220), a basic class of controlled substance listed in Schedule II.

No comments or objections have been received. Therefore, pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations, Section 1301.54(e), the Deputy Assistant Administrator, Office of Diversion Control, hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: May 17, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–12780 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Correction

In the **Federal Register** (FR Doc. 95–8920) Vol. 60, No. 70 at page 18618, dated April 12, 1995, the listing of controlled substances should have included Oxycodone (9143), Hydromorphone (9150), Diphenoxylate (9170) and Noroxymorphone (9668) for Mallinckrodt Chemical, Inc., Mallinckrodt & Second Streets, St. Louis, Missouri 63147.

Dated: May 17, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–12778 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–09–M

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on January 18, 1995, North Pacific Trading Company, 1505 SE Gideon Street, Portland, Oregon 97202, made application to the Drug Enforcement Administration to be registered as an importer of Marihuana (7360) a basic class of controlled substance in Schedule I.

This application is exclusively for the importation of marihuana seed which will be rendered non-viable and used as bird seed.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1305.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justices, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than June 26, 1995.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43747–46 (September 23, 1975), all applicants for registration to import basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311. 42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: May 18, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–12783 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–09–M

Importer of Controlled Substances; Application Withdrawal for Nycomed Incorporated

By letter dated April 17, 1995, Nycomed Inc., 33 Riverside Avenue, Rensselaer, New York 12144, withdrew their request to be registered as an importer of Meperidine (9230).

Therefore, the Notice dated February 14, 1995, in **Federal Register** (FR Doc. 95–3627), Vol. 60, No. 30 at page 8414 is hereby withdrawn.

Dated: May 17, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–12781 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–09–M

Importation of Controlled Substances; Notice of Application

Pursuant to Section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(i)), the Attorney General shall, prior to issuing a registration under this Section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a regulation under Section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on March 22, 1995, Research Biochemicals, Limited Partnership, One Strathmore Road, Natick, Massachusetts 01760, made application to the Drug Enforcement Administration to be registered as an importer of the basic classes of controlled substances listed below;

Drug	Schedule
Methaqualone (2565)	I
Ibogaine (7260)	I
Tetrahydrocannabinois (7370)	I
Bufotenie (7433)	I
Dimethyltryptamine (7435)	I
Etorphine (except HC1) (9056)	I
Methylphenidate (1724)	II
Etorphine Hydrochloride (9059)	II
Diphenoxylate (9170)	II

Drug	Schedule
Metazocine (9240)	II
Methadone (9250)	II
Fentanyl (9801)	II

The firm plans to import small quantities of the controlled substances to manufacture laboratory reference standards and neurochemicals.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of these basic classes of controlled substances may file written comment son or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than June 26, 1995.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745–46 (September 23, 1975), all applicants for registration to import basic classes of any controlled substances in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: May 17, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–12784 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–09–M

Manufacturer of Controlled Substances; Notice of Application

Pursuant to Section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on March 22, 1995, Roche Diagnostic Systems Inc., 1080 U.S. Highway 202, Somerville, New Jersey 08876, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Lysergic acid diethylamide (7315)	I
Tetrahydrocannabinols (7370)	I
Phencyclidine (7471)	II
Methadone (9250)	II
Morphine (9300)	II

The firm plans to manufacture very small quantities of the listed controlled substances which will be incorporated in drug of abuse detection kits.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than June 26, 1995.

Dated May 18, 1995.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 95–12785 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–09–M

Immigration and Naturalization Service

[INS No. 1723–95; AG Order No. 1967–95]

RIN 1115–AC30

Extension of Designation of Rwanda Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends, until June 6, 1996, the Attorney General's designation of Rwanda under the Temporary Protected Status program provided for in section 244A of the Immigration and Nationality Act, as amended (''the Act''). Accordingly, eligible aliens who are nationals of Rwanda, or who have no nationality and who last habitually resided in Rwanda, may re-register for Temporary Protected Status and extension of employment authorization. This re-registration is limited to persons who already have registered or will register for the initial period of Temporary Protected Status, which ends on June 6, 1995. In addition during the extension period, some aliens may be eligible for late initial registration pursuant to 8 CFR 240.2(f)(2).

EFFECTIVE DATE: This extension of designation is effective on June 7, 1995, and will remain in effect until June 6, 1996. Re-registration procedures become effective May 25, 1995, and will remain in effect until June 23, 1995.

FOR FURTHER INFORMATION CONTACT: Ronald Chirlin, Senior Immigration Examiner, Immigration and Naturalization Service, Room 3214, 325 I Street, NW., Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Under section 244A of the Act, as amended by section 302(a) of Pub. L. 101–649 and section 304(b) of Pub. L. 102–232 (8 U.S.C. 1254a), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designated by the Attorney General, or who have no nationality and who last habitually resided in that state. The Attorney General may designate a state upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or certain other extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

Effective on June 7, 1994, the Attorney General designated Rwanda for Temporary Protected Status for a period of 12 months, 59 FR 29440. This notice extends the designation of Rwanda under the Temporary Protected Status program for an additional 12 months, in accordance with sections 244A(b)(3) (A) and (C) of the Act.

This notice also describes the procedures with which eligible aliens who are nationals of Rwanda, or who have no nationality and who last habitually resided in Rwanda, must comply in applying for continuation of Temporary Protected Status.

In addition to timely re-registrations and late re-registration authorized by this notice's extension of Rwanda's Temporary Protected Status designation, late initial registrations are possible for some Rwandans under 8 CFR 240.2(f)(2). Such late initial registrants must have been ''continuously physically present'' in the United States since June 7,1994, and must have had a valid immigrant or non-immigrant status during the original registration period.

An application for Employment Authorization, Form I–765, must always

be filed as part of either a re-registration or as part of a late initial registration together with the Application for Temporary Protected Status, Form I–821. The appropriate filing fee must accompany Form I–765 unless a properly documented fee waiver request is submitted to the Immigration and Naturalization Service or the applicant does not request employment authorization. The Form I–765 is necessary for data gathering purposes.

Notice of Extension of Designation of Rwanda Under the Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244A of the Immigration and Nationality Act, as amended, (8 U.S.C. 1254a), and pursuant to sections 244A(b)(3) (A) and (C) of the Act, I have had consultations with the appropriate agencies of the Government concerning (a) the conditions in Rwanda; and (b) whether permitting nationals of Rwanda, and aliens having no nationality who last habitually resided in Rwanda, to remain temporarily in the United States is contrary to the national interest of the United States. As a result, I determine that the conditions for the original designation of Temporary Protected Status for Rwanda continue to be met. Accordingly, it is ordered as follows:

(1) The designation of Rwanda under section 244A(b) of the Act is extended for an additional 12-month period from June 7, 1995, to June 6, 1996.

(2) I estimate that there are approximately 200 nationals of Rwanda, and aliens having no nationality who last habitually resided in Rwanda, who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) A national of Rwanda, or an alien having no nationality who last habitually resided in Rwanda, who received a grant of Temporary Protected Status during the initial period of designation from June 7, 1994, to June 6, 1995, must comply with the re-registration requirements contained in 9 CFR 240.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Rwanda, or an alien having no nationality who last habitually resided in Rwanda, who previously has been granted Temporary Protected Status, must re-register by filing a new Application for Temporary Protected Status, Form I–821, together with an Application for Employment Authorization, Form I–765, within the 30-day period beginning on May 25, 1995 and ending on June 23, 1995, in order to be eligible for Temporary Protected Status during the period from June 7, 1995, until June 6, 1996. Late re-registration applications will be allowed for ''good cause'' pursuant to 8 CFR 240.17(c).

(5) There is no fee for the Form I–821 filed as part of the re-registration application. The fee prescribed in 8 CFR 103.7(b)(1), currently seventy dollars ($70), will be charged for the Form I–765, filed by an alien requesting employment authorization pursuant to the provisions of paragraph (4) of this notice. An alien who does not request employment authorization must nonetheless file Form I–821 together with Form I–765, but in such cases both Form I–821 and Form I–765 should be submitted without fee.

(6) Pursuant to section 244A(b)(3)(A) and (C) of the Act, the Attorney General will review, at last 60 days before June 6, 1996, the designation of Rwanda under the Temporary Protected Status program to determine whether the conditions for designation continue to be met. Notice of that determination, including the basis for the determination,will be published in the **Federal Register.**

(7) Information concerning the Temporary Protected Status program for nationals of Rwanda, and aliens having no nationality who last habitually resided in Rwanda, will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: May 17, 1995.

Janet Reno,

Attorney General.

[FR Doc. 95–12793 Filed 5–24–95; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Glass Ceiling Commission; Open Meeting

SUMMARY: Pursuant to Title II of the Civil Rights Act of 1991 (Pub. L. 102–166) and Section 9 of the Federal Advisory Committee Act (FACA) (Pub. L. 92–462, 5 U.S.C. App. II) a Notice of establishment of the Glass Ceiling Commission was published in the **Federal Register** on March 30, 1992 (57 FR 10776). Pursuant to section 10(a) of FACA, this is to announce a meeting of the Commission which is to take place on Friday, June 2, 1995 and Saturday, June 3, 1995. The purpose of the Commission is to, among other things, focus greater attention on the importance of eliminating artificial barriers to the advancement of minorities and women to management and decisionmaking positions in business. The Commission has the practical task of: (a) Conducting basic research into practices, policies, and manner in which management and decisionmaking positions in business are filled; (b) conducting comparative research of businesses and industries in which minorities and women are promoted or are not promoted; and (c) recommending measures to enhance opportunities for and the elimination of artificial barriers to the advancement of minorities and women to management and decisionmaking positions.

TIME AND PLACE: The meeting will be held on June 2, 1995, 9:00 AM–12:00 Noon, 1:00 PM–6:00 PM and again on Saturday, June 3, 1995, 9:00 AM–1:00 PM (Eastern Standard Time), at the Kingsmill Resort, 1010 Kingsmill Road, Williamburg, Virginia.

The Commission will meet to discuss and decide the recommendations for Report Two.

Individuals with disabilities should contact Ms. René A. Redwood at (202) 219–7342 if special accommodations are needed.

FOR FURTHER INFORMATION CONTACT: René A. Redwood, Executive Director, The Glass Ceiling Commission, c/o U.S. Department of Labor, 200 Constitution Avenue, N.W., Room C–2313, Washington, D.C. 20210. Telephone (202) 219–7342.

Due to an oversight, we are unable to provide more notice of this meeting.

Signed at Washington, D.C. this 22nd day of May, 1995.

Howard S. Hankerson,

Research Director, Glass Ceiling Commission.

[FR Doc. 95–12998 Filed 5–24–95; 8:45 am]

BILLING CODE 4510–23–M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations

will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address show below, not later than June 5, 1995.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 5, 1995.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C. this 15th day of May, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (union/workers/firm)	Location	Date received	Date of petition	Petition No.	Articles produced
American Standard Apparel (Wkrs)	Mifflinburg, PA	05/15/95	04/28/95	31,006	T-Shirts, Active Wear, etc.
GE Control Products (GECP) (Wkrs)	Carroll, IA	05/15/95	04/25/95	31,007	Range and Minute Timers.
Magnox Inc. (Wkrs)	Pulaski, VA	05/15/95	04/21/95	31,008	Magnetic Iron Oxide.
Mel Coat (ILGWU)	Weehawken, NJ	05/15/95	04/26/95	31,009	Women's Coats.
Gist-Brocades Food Ingredients (IBT)	East Brunswick, NJ	05/15/95	05/01/95	31,010	Fresh Yeast and Dry Yeast.
R & H Well Service, Inc. (Wkrs)	Midland, TX	05/15/95	04/10/95	31,011	Services for Oil Industry.
Rogerson Aircraft Corp. (Wkrs)	Port Angeles, WA	05/15/95	04/25/95	31,012	Aircraft Parts and Subassemblies.
Marie Coat (ILGWU)	Clifton, NJ	05/15/95	05/02/95	31,013	Women's Coats.
Sabrina Coat (ILGWU)	Paterson, NJ	05/15/95	05/02/95	31,014	Women's Coats.
Casual Coat (ILGWU)	Paterson, NJ	05/15/95	05/02/95	31,015	Women's Coats.
American Design (ILGWU)	Passaic, NJ	05/15/95	05/02/95	31,016	Women's Coats.
Q & T Coat (ILGWU)	Paterson, NJ	05/15/95	05/02/95	31,017	Women's Coats.
Dietrich Industries Inc. (Co.)	Blairsville, PA	05/15/95	04/17/95	31,018	Galvanized Bldg. Products.
E.R.A. Coat (ILGWU)	Paterson, NJ	05/15/95	05/02/95	31,019	Women's Coats.
Boeing Wichita (IAMAW)	Wichita, KS	05/15/95	05/03/95	31,020	Fuselages (Aircraft).
Crowntuft Div. of Kellwood Co. (Co.)	Calhoun, GA	05/15/95	05/01/95	31,021	Chenille Robes.
Gynotech (Co.)	Middlesex, NJ	05/15/95	05/04/95	31,022	Cervical Dilators.
Hilo Coast Processing Co (Wkrs)	Pepeekeo, HI	05/15/95	05/03/95	31,023	Cane Sugar.
Legends Manufacturing, Inc (Wkrs)	Throop, PA	05/15/95	04/20/95	31,024	Ladies' Dresses.
McDonnell Douglas Aerospace (IAM)	Monrovia, CA	05/15/95	04/18/95	31,025	Avionics.
Hubbell-Bell, Inc. (IBEW)	Fogelsville, PA	05/15/95	02/05/95	31,026	Electrical Fittings.
UMC Petroleum Corp. (Wkrs)	Denver, CO	05/15/95	05/01/95	31,027	Oil and Gas Exploration.
Zwickel, Inc. (Wkrs)	Philadelphia, PA	05/15/95	04/24/95	31,028	Warm-Up Suits, Fleecewear.
Osram Sylvania, Inc. (Wkrs)	Camillus, NY	05/15/95	04/24/95	31,029	Credit Union.
Ulster Scientific, Inc. (Wkrs)	New Paltz, NY	05/15/95	05/03/95	31,030	Diabetic Products.
Larry Mahan Western Industries Inc. (Wkrs).	El Paso, TX	05/15/95	05/04/95	31,031	Boots.
ITT Automotive Structural (Co.)	Roscommon, MI	05/15/95	05/05/95	31,032	Wench Line.
Atlantic Bouquet (Wkrs)	Secaucus, NJ	05/15/95	04/25/95	31,033	Flower Wholesalers.
Briggs & Stratton Corporation (UPIU)	Wauwatosa, WI	05/15/95	05/05/95	31,034	Small Gasoline Engines.
Clo-Shure of Rhode Island, Inc. (Co.)	Warwick, RI	05/15/95	04/26/95	31,035	Various Metal Stampings.
Clo-Shure of Rhode Island, Inc. (Co.)	New York, NY	05/15/95	04/26/95	31,036	Various Metal Stampings.
Fioretti, Inc. (Wkrs)	Pittston, PA	05/15/95	05/05/95	31,037	Women's Apparel.

[FR Doc. 95–12852 Filed 5–24–95; 8:45 am]
BILLING CODE 4510–30–M

Notice of Determinations Regarding Eligibility to Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of May, 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,992; General Electric, Murfreesboro, TN

TA–W–30,881; Electro-Scan, Inc., Garfield, NJ

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

TA–W–30,847; Arizona Public Service Corp., Palo Verde Nuclear Power Plant, Phoenix AZ

U.S. imports of electricity were negligible during the period under investigation.

TA–W–30,867; Butterick Co., Inc., New York, NY

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,994; Cable Manufacturing & Assembly Co., Inc., Rockaway, NJ

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,862; Bourns, Inc., Pressure Products, Riverside, CA

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–30,945; Graphic Vinyl Products, Inc., Newark, NJ

The investigation revealed that criterion (1) and criterion (2) have not been met. A significant number of proportion of the workers did not become totally or partially separated as required for certification. Sales or production did not decline during the relevant period as required for certification.

Affirmative Determinations for Worker Adjustment Assistance

TA–W–30,885; Saratoga Resources, Inc., including Lobo Operating, Inc, & Lobo Energy, Inc., Houston, TX

A certification was issued covering all workers separated on or after February 27, 1994.

TA–W–31,004; J & R Creations, Inc., Hoboken, NJ

A certification was issued covering all workers separated on or after April 26, 1994.

TA–W–30,977; Hudson Valley Tree, Inc., Evansville, IN

A certification was issued covering all workers separated on or after April 20, 1994.

TA–W–30,976; Hudson Valley Tree, Inc., Newburgh, NY

A certification was issued covering all workers separated on or after April 20, 1994.

TA–W–30,857; APC Corp., Hawthorne, NJ

A certification was issued covering all workers separated on or after April 15, 1994.

TA–W–30,859; Edgecombe Manufacturing, Tarboro, NC

A certification was issued covering all workers separated on or after March 13, 1994.

TA–W–30,860; Wilson Apparel, Wilson, NC

A certification was issued covering all workers separated on or after March 13, 1994.

TA–W–30,928; Marty Sculpture, Inc., Milton, VT

A certification was issued covering all workers separated on or after March 13, 1994.

TA–W–30,938; Ametek, Inc., U.S. Gauge Div., Sellersville, PA

A certification was issued covering all workers separated on or after April 15, 1994.

TA–W–30,874; The Texwipe Co., Upper Saddle River, NJ

A certification was issued covering all workers separated on or after March 14, 1994.

TA–W–30,850; Haggar Clothing Co., Robstown Manufacturing Co, Robstown, TX

A certification was issued covering all workers separate on or after March 16, 1994.

TA–W–30,795, Hyperion Power Technologies/Titan Transformer, Watertown, MA

A certification was issued covering all workers separated on or after February 20, 1994.

TA–W–30,922; Boskovich Farms, Inc., Moreno Valley, CA (Perris & Hemet Areas)

A certification was issued covering all workers separated on or after April 7, 1994.

TA–W–31,035 & TA–31,036; Clo-Shure of Rhode Island, Inc., New York, NY and Warwick, RI

A certification was issued covering all workers separated on or after April 26, 1994.

TA–W–30,873; Joshua Meier Corp, (formerly Located in North Bergen, NJ), Hasbrouck, NJ

A certification was issued covering all workers separated on or after February 20, 1994.

TA–W–30,966; Organik Technologies/ Bug Sky Washington, Tacoma, WA

A certification was issued covering all workers separated on or after March 1, 1994.

TA–W–30,856; Reliance Electric Co., Ashtabula, OH

A certification was issued covering all workers separated on or after March 14, 1994.

TA–W–30,865; Ohio Coil Service, A Subsidiary of General Electric Co., Newcomerstown, OH

A certification was issued covering all workers separated on or after March 15, 1994.

TA–W–30,838; Black Box Corp. of PA, Lawrence, PA

A certification was issued covering all workers separated on or after March 3, 1994.

TA–W–30,868; Kodalux Preocessing Service Qualex, Inc., Findlay, OH

A certification was issued covering all workers separated on or after March 15, 1994.

TA–W–30.937; Kingston Oil Corp., Winfield, TN

A certification was issued covering all workers separated on or after April 5, 1994.

TA–W–30,953; Strattec Security Corp., Formerly Briggs & Stratton Technologies Div. (Including Leased Workers From Briggs & Stratton Corp), Glendale, WI

A certification was issued covering all workers separated on or after April 11, 1994.

TA–W–30,848; Halo Lighting—Div. of Cooper Lighting, Elk Grove Village, IL

A certification was issued covering all workers separated on or after March 7, 1994.

TA–W–30,998; Studley Products, Inc., Newark, NJ

A certification was issued covering all workers separated on or after May 8, 1995.

TA–W–31,003; Garan, Inc., Adamsville, TN

A certification was issued covering all workers separated on or after April 24, 1995.

TA–W–30,831; National Semiconductor, South Portland, ME

A certification was issued covering all workers separated on or after May 17, 1995.

TA–W–30,886; Ametek, Inc., US Gauge Div., Allentown, PA

A certification was issued covering all workers separated on or after October 7, 1995.

TA–W–30,876; Anchor Hocking Packaging Co., Glassboro, NJ

A certification was issued covering all workers separated on or after March 21, 1994.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a) Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the

Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the months of May, 1995.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(A) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(B) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased.

(C) That the increase in imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(2) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

NAFTA–TAA–00422; General Electric Co., Rome, GA

The investigation revealed that criteria (3) and (4) were not met. There was no shift in production of General Electric Co., Rome, GA to Mexico or Canada during the period under investigation, nor did the subject firm import from Mexico or Canada any articles that are like or directly competitive with medium transformers.

NAFTA–TAA–00424; Astronautics Corp of America, Plants #1 and #4, Milwaukee, WI

The investigation revealed that criteria (3) and (4) were not met. A survey of the major customers of Astronautics Corp of America revealed that customers either did not import aircraft instruments components from Canada or Mexico.

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–00417; Redpath Apparel Group, Falfurrias, TX

A certification was issued covering all workers at Redpath Apparel Group, Falfurrias, TX separated on or after March 22, 1994.

NAFTA–TAA–00423; Central Products Co., Linden, NJ

A certification was issued covering all workers at Central Products Co., Linden, NJ separated on or after April 3, 1994.

NAFTA–TAA–00415; APC Corp., Hawthorne, NJ

A certification was issued covering all workers at APC Corp., Hawthorne, NJ separated on or after March 30, 1994.

NAFTA–TAA–00427; Boskovich Farms, Inc., Hemat/Perris Areas, Moreno Valley, CA

A certification was issued covering all workers at Boskovich Farms, Inc., Hemat/Perris Areas, Moreno Valley, CA separated on or after March 10, 1994.

I hereby certify that the aforementioned determinations were issued during the months of May, 1995. Copies of these determinations are available for inspection in Room C–4318, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: May 18, 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–12854 Filed 5–24–95; 8:45 am]

BILLING CODE 4510–30–M

[TA–W–30,829]

Lockheed Fort Worth Company, a Division of Lockheed Corporation, Department 73, Fort Worth, Texas; Notice of Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on March 20, 1995 in response to a worker petition which was filed on behalf of workers and former workers at Department 73 of Lockheed Fort Worth Company, a division of Lockheed Corporation, located in Fort Worth, Texas (TA–W–30,829).

Workers at Department 73 of Lockheed Fort Worth Company, a division of Lockheed Corporation, located in Fort Worth, Texas will be certified under a revised determination (TA–W–30,485). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, D.C. this 17th day of May 1995.

Victor J. Trunzo,

Program Manager, Policy and Reemployment Services, Office of Trade Adjustment Assistance.

[FR Doc. 95–12853 Filed 5–24–95; 8:45 am]

BILLING CODE 4510–30–M

Pension and Welfare Benefits Administration

Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Pension Education of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held from 9:30 a.m. until 12:00 noon, Tuesday, June 13, 1995, in Suite S–3215 A-B, U.S. Department of Labor Building, Third and Constitution Avenue, N.W., Washington, D.C. 20210.

This work group was formed by the Advisory Council to study issues relating to pension education for employees and employers.

The purpose of the June 13 meeting is to receive testimony from invited persons concerning the types of educational information that is needed and the individual retirement needs of employees. The work group will also take testimony and/or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter.

Individuals or representatives of organizations wishing to address the work group should submit a written request on or before June 8, 1995 to Linda R. Jackson, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5677, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Oral presentations will be limited to ten (10) minutes, but witnesses may submit an extended statement for the record.

Organizatins or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before June 8, 1995.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 95–12820 Filed 5–24–95; 8:45 am]

BILLING CODE 4510–29-M

Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C.

1142, a public meeting of the Working Group on Defined Contribution Adequacy of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held from 9:30 a.m. until 12:00 noon, Wednesday, June 14, 1995, in Suite S–3215 A–B, U.S. Department of Labor Building, Third and Constitution Avenue, N.W., Washington, D.C. 20210.

This work group was formed by the Advisory Council to study issues relating to the adequacy of defined contribution plans for employee retirement income.

The purpose of the June 14 meeting is to receive testimony from invited persons and to hold discussions concerning the following questions: (1) What constitutes an adequate retirement income?; (2) What defined contribution research and studies have been done? and (3) What further research, if any, is needed? The work group will also take testimony and/or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter.

Individuals or representatives of organizations wishing to address the work group should submit a written request on or before June 8, 1995 to Linda R. Jackson, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5677, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Oral presentations will be limited to ten (10) minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before June 8, 1995.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 95–12842 Filed 5–24–95; 8:45 am]

BILLING CODE 4510–29–M

Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Working Group on Real Estate Investment of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held from 1:00 p.m. until 3:30 noon, Tuesday, June 13, 1995, in Suite S–3215 A–B, U.S. Department of Labor Building, Third and Constitution Avenue, N.W., Washington, D.C. 20210.

This work group was formed by the Advisory Council to study issues relating to real estate investment, focusing on real estate investment advisor practices and real estate valuations.

The purpose of the June 13 meeting is to receive testimony from invited persons addressing the following questions: (1) Is current regulatory oversight of real estate investment advisors adequate?; (2) Is additional regulation needed beyond the Securities and Exchange Commission registration guidelines?; and (3) Would self-regulation of real estate investment advisors be better? The work group will hear testimony from a plan sponsor, a pension consultant dealing with real estate, a Department of Labor representative, a real estate investment manager, and a lawyer with experience in real estate fee structures.

The work group will also take testimony and/or submissions from employee representatives, employer representatives and other interested individuals and groups regarding the subject matter. Individuals or representatives of organizations wishing to address the work group should submit a written request on or before June 8, 1995 to Linda R. Jackson, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5677, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Oral presentations will be limited to ten (10) minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before June 8, 1995.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 95–12843 Filed 5–24–95; 8:45 am]

BILLING CODE 4510–29–M

Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Advisory Council on Employee Welfare and Pension Benefits Plans will be held on Wednesday, June 14, 1995, in Suite S–2508, U.S. Department of Labor Building, Third and Constitution Avenue, N.W., Washington, D.C. 20210.

The purpose of this meeting, which will begin at 1:00 p.m., is to receive status reports of the council's 1995 work groups and to invite public comment on any aspect of the administration of ERISA.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before June 8, 1995 to Linda R. Jackson, Acting Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N–5677, 200 Constitution Avenue, N.W., Washington, D.C. 20210. Individuals or representatives of organizations wishing to address the Advisory Council should forward their request to the Acting Executive Secretary or telephone on (202) 219–8753. Oral presentations will be limited to ten (10) minutes, but witnesses may submit an extended statement for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before June 8, 1995.

Signed at Washington, D.C. this 19th day of May, 1995.

Olena Berg,

Assistant Secretary, Pension and Welfare Benefits Administration.

[FR Doc. 95–12844 Filed 5–24–95; 8:45 am]

BILLING CODE 4510–29–M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Expansion Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Capstone Project Section) to the National Council on the Arts will be held on June 13, 1995 from 9:00 a.m. to 5:30 p.m. This meeting will be held in Room 714, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

Portions of this meeting will be open to the public from 9:00 a.m. to 9:45 a.m. for opening remarks and a general

program overview and from 4:30 p.m. to 5:30 p.m. for a policy discussion.

The remaining portion of this meeting from 9:45 a.m. to 4:30 p.m. is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of February 8, 1994, this session will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW., Washington, DC 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne Sabine, Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5433.

Dated: May 19, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95–12795 Filed 5–24–95; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts, Museum Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel (Overview Section) to the National Council on the Arts will be held on June 13–14, 1995, from 9:00 a.m. to 6:00 p.m. on June 13 and from 9:00 a.m. to 3:00 p.m. on June 14, This meeting will be held in room M–07 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C., 20506.

This meeting will be open to the public on a space available basis.

Any interested person may observe meetings or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW, Washington, D.C. 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Mr. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202/682–5433.

Dated: May 19, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95–12796 Filed 5–24–95; 8:45 am]

BILLING CODE 7537–01–M

National Endowment for the Arts; Visual Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Overview Section) to the National Council on the Arts will be held on June 28–29, 1995, from 9:00 a.m. to 6:00 p.m. This meeting will be held in Room 714, at the Nancy Hanks Center, 1100 Pennsylvania Avenue, N.W., Washington, D.C., 20506.

This meeting will be open to the public on a space available basis.

Any interested person may observe meetings or portions thereof, which are open to the public, and may be permitted to participate in the discussions at the discretion of the meeting chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability please contact the Office of Special Constituents, National Endowment for the Arts, 1100 Pennsylvania Avenue, NW Washington, D.C. 20506, 202/682–5532, TYY 202/682–5496, at least seven (7) prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202/682–5433.

Dated: May 19, 1995.

Yvonne M. Sabine,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 95–12794 Filed 5–24–95; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Electrical and Communications Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name and Committee Code: Special Emphasis Panel in Electrical and Communications Systems (#1196).

Date and Time: June 13, 1995/8:00 am–5:30 pm/June 14, 1995/8:00 am–5:30 pm.

Place: Room 530–Subpanel 1–June 13, 1995/Room 330–Subpanel 2–June 14, 1995, National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Chen-Ching Liu, Program Director, Power Systems, Division of Electrical and Communications Systems, Room 675, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 306–1339.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review final proposals ''Sensors and Sensor Systems for Power Systems and Other Dispersed Civil Infrastructure Systems''.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: May 22, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–12913 Filed 5–24–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel for Geosciences; Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel for Geosciences (1756).

Date: June 12–14, 1995.

Time: 7:30 a.m. to 9:00 p.m. each day.

Place: Room 360 & 365, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Maryellen Cameron, Program Director, Petrology and Geochemistry Program, Division of Earth Sciences, Room 785, National Science Foundation, Arlington, VA 22230, (703) 306–1554.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate environmental geochemistry and biochemistry proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: May 22, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–12910 Filed 5–24–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Information Robotics and Intelligent Systems; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science foundation announces the following meeting.

Name: Special Emphasis Panel in Information Robotics and Intelligent Systems (1200).

Date and Time: June 13, 1995, and June 15, 1995, 9:00 a.m. to 5:00 p.m.

Place: NSF, 4201 Wilson Blvd., Room 1150, Arlington, VA 22230.

Type of Meeting: Closed.

Contact Person: Dr. Howard Moraff, Acting Deputy Division Director, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 306–1928.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate the Programs Operations.

Reason for Closing: The proposals being reviewed included information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: May 22, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–12912 Filed 5–24–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Networking and Communications Research and Infrastructure (NCRI); Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Networking and Communications Research (#1207).

Date and Time: June 12–14, 1995; 8:30 am to 5:00 pm.

Place: Room 1175, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230

Type of Meeting: Closed.

Contact Person: Dr. Aubrey Bush, NCRI, National Science Foundation, Room 1175, Arlington, VA 22230 (703 306–1949).

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review & evaluate proposals submitted for Networking and Communications Program.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c) (4) and (6) of the Government in the Sunshine Act.

Dated: May 22, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–12911 Filed 5–24–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Physics; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Physics (#1208).

Date: June 14–16, 1995.

Place: Massachusetts Institute of Technology, Room 37–252, The Marlar Lounge, 70 Vassar Street, Cambridge, Massachusetts.

Type of Meeting: Closed.

Contact Person: Dr. David Berley, Program Manager, Laser Interferometer Gravitational Observatory, Physics Division, Room 1015, National Science Foundation, 4201 Arlington Blvd., Arlington, VA 22230. Telephone: (703) 306–1892.

Purpose of Meeting: To review the MIT subactivity of the LIGO project including the Research and Development, the Detecter Fabrication, and the Facilities Support. Evaluate the past activities and assess the proposed program through the end of the LIGO construction period (1999) with the view toward the long term operations.

Agenda: To review the MIT subactivity of the LIGO project, the past activities and the proposed program.

Reason for Closing: The Project plans being reviewed include information of a proprietary or confidential nature, including technical information; information on personnel and proprietary data for present and future subcontracts. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: May 22, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–12916 Filed 5–24–95; 8:45 am]

BILLING CODE 7555–01–M

Special Emphasis Panel in Research, Evaluation and Dissemination; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Research, Evaluation and Dissemination.

Date and Time: June 15, 1995; 8:30 a.m. to 5:00 p.m., June 16, 1995; 8:30 a.m. to 5:00 p.m.

Location: Rooms 310, 320, 360, Arlington Rennaissance Hotel, 950 North Stafford Street, Arlington, VA 22203.

Type of Meeting: Closed.

Contact Person: Dr. Nora Sabelli, Program Director, 4201 Wilson Boulevard, Room 855, Arlington, VA 22230. Telephone (703) 306–1651.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals and provide advice and recommendations as part of the selection process for proposals submitted to the Networking Infrastructure for Education Program.

Reason for Closing: Because the proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and financial data, such as salaries; and personal information concerning individuals associated with proposals, the meetings are closed to the public. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Dated: May 22, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–12914 Filed 5–24–95; 8:45 am]

BILLING CODE 7555–01–M

Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Social, Behavioral and Economic Research (#1766).

Date and Time: June 12–13, 1995; 9:00 a.m. to 5:00 p.m.

Place: Room 970, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

Type of Meeting: Closed.

Contact Person: John E. Yellen, Program Director for Archaeology, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. Telephone: (703) 306–1759.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate instrumentation development and acquisition proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: May 22, 1995.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 95–12915 Filed 5–24–95; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–295]

Commonwealth Edison Company; Notice of 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–39, issued to Commonwealth Edison Company (ComEd, the licensee), for operation of the Zion Nuclear Power Station, Unit 1, located in Lake County, Illinois.

The proposed amendment would add a provision to the Technical Specifications (TS) to permit continued operation of Zion, Unit 1, with 154 steam generator tubes in service which potentially exceed the 40 percent through-wall repair or plugging criteria. The 154 tubes were identified as possibly exceeding the repair or plugging criteria as a result of the application of a revised flaw disposition guideline for test results retained from previous Zion, Unit 1, steam generator inspections. The proposed change consists of a footnote added to the TS which states that the 154 affected steam generator tubes may remain in service until initial entry into Mode 5, Cold Shutdown, for the refueling outage that is currently scheduled to begin in September 1995.

In 10 CFR 50.91(a)(6), it specifies that the Commission may, where exigent circumstances exist, allow less than 30 days for public comment. Exigent circumstances have been found to exist for this proposed amendment. The licensee identified concerns in late 1994 associated with the methodology for the disposition of some detected indications from eddy current testing performed on Zion steam generator tubes. Revised flaw disposition guidelines were developed and applied to test results retained from previous Zion, Unit 1, steam generator inspections. The application of the revised guidelines resulted in the identification of 154 steam generator tubes which could potentially exceed the plugging or repair criteria specified in TS 4.3.1.B.4.A.6 (imperfection depth of greater than or equal to 40 percent of the nominal tube wall thickness). On May 16, 1995, the licensee determined that the uncertainty regarding compliance with TS 3.4.3.1.B required a unit shutdown in accordance with TS 3.0.3. The licensee requested and was granted a Notice of Enforcement Discretion (NOED) verbally on May 16, 1995. The written request for the NOED and a request for a license amendment was submitted on May 17, 1995. In order to restore licensee compliance with TS as quickly as possible and maintain public participation in the license amendment process as much as practical, the staff is exercising the exigent provisions of 10 CFR 50.91(a)(6).

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.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine 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 licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. The proposed changes do not involve a significant increase in the probability or consequences of occurrence of any accident previously evaluated.

The Main Steamline Break is the bounding event for secondary system depressurization. The sequence of events which are necessary precursors to the catastrophic steam line failure are external to the Steam Generators and is unaffected by the fact that Steam Generator tubes with known indications located deep within the tube sheet crevice were allowed to remain in service. There is no credible manner in which the condition of the tubes deep within the tube sheet crevice of the Steam Generator can influence the integrity of the Main Steamline.

The probability that a tube rupture will occur is not increased because the indications of interest are constrained deep within the tube sheet crevice. Due to the fact that the degradation mechanism has been characterized as inner diameter (I.D.) PWSCC and that they are located deep within the tube sheet crevice, the failure probability (i.e. tube rupture) is not increased. Thus, the probability of tube rupture for these indications is taken to the zero. With no possibility of the tubes of interest rupturing due to the indications constrained within the tube sheet area, there is no increase in the probability of occurrence that a tube rupture event will occur.

No significant increase in offsite dose consequences have been postulated for the Steamline Break transient. In order to characterize the impact of an event which would involve a limiting Main Steamline Break coincident with the maximum credible leakage from all affected tubes, a dose evaluation has been performed and compared to the typical acceptance criteria of a small fraction (~10%) of the guidelines set forth in 10 CFR 100. The evaluation performed is described in detail in Enclosure 6 [Letter from T. Simpkin (ComEd) to Document Control Desk (NRC) dated May 17, 1995] of this request and assumed the following occurrences:

—Failure of a main streamline outside of containment,
—Bounding leakage of 0.5 GPM per tube for 154 tubes, and
—The calculation assumes a 2 hour release.

When the RCS iodine limit is administratively constrained to 0.06 uCi/cc, the thyroid dose is calculated to be just under 30 Rem thyroid, which is still a small percentage of 10 CFR 100 limits. Thus, the consequences of an accident previously analyzed are not significantly increased.

2. The proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed changes do not add new or different types of plant equipment nor do they alter any plant procedures used during recovery from accidents described in the analysis. Installed equipment is not being

operated in a new or different manner. No new failure mechanisms are created by this change. Because no change is being made to the initiating mechanisms of an accident, and no equipment or procedural changes are involved, the proposed LAR does not create the possibility of a new or different kind of accident from any previously evaluated.

3. The proposed changes do not involve a significant reduction in a margin of safety.

The margin of safety for allowable tube degradation is based on a conservative allowance for eddy current uncertainty and a high confidence level that sufficient tube wall thickness remains to operate until the next scheduled inspection period with an acceptably low risk of tube failure. The indications of interest are characterized as I.D. PWSCC located at the roll transition nominally 18.25 inches deep in the tube sheet crevice. Past inspections indicate that any crack growth will be into the rolled portion of the tube. The recent operating history of Unit 1, both in the lack of primary-to-secondary leakage and the stable behavior of the tubes in service, provides confidence that sufficient structural integrity exists to support at least the additional four months of power operation. Thus, the margin of safety has not been adversely impacted.

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 15 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 15-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 15-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. 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 26, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, 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 Robert A. Capra, Director, Project Directorate III–2: 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 Michael I. Miller, Esquire; Sidley and Austin, One First National Plaza, Chicago, Illinois 60690, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated May 17, 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 Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

Dated at Rockville, Maryland, this 19th day of May 1995.

For the Nuclear Regulatory Commission.

William D. Reckley,

Project Manager, Project Directorate III–2, Division of Reactor Projects—III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 95–12850 Filed 5–24–95; 8:45 am]

BILLING CODE 7590–01–M

[Docket No. 50–366]

Georgia Power Company, et al.; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Georgia Power Company, et al. (the licensee), to withdraw its March 14, 1995, application for proposed amendment to Facility Operating License No. NPF–5 for the Edwin I. Hatch Nuclear Plant, Unit No. 2, located in Applying County, Georgia.

The proposed amendment would have revised the primary containment isolation instrumentation action in the Technical Specifications to permit the drywell and wetwell purge valves, isolated by the drywell radiation monitor signal, to be opened with one inoperable drywell radiation monitor.

The Commission had previously issued a Notice of Consideration of Issuance of Amendment published in the **Federal Register** on March 29, 1995 (60 FR 16188). However, by letter dated May 1, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated March 14, 1995, and the licensee's letter dated May 1, 1995, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513.

Dated at Rockville, Maryland, this 18th day of May 1995.

For the Nuclear Regulatory Commission.

Kahtan N. Jabbour,

Senior Project Manager, Project Directorate II–2, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 95–12851 Filed 5–24–95; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Advisory Committee on Trade Policy and Negotiations

AGENCY: Office of the United States Trade Representative.

ACTION: Notice that the June 8, 1995 meeting of the Advisory Committee on Trade Policy and Negotiation will be held from 10:00 a.m. to 2:00 p.m. The meeting will be closed to the public from 10:00 a.m. to 1:15 p.m. The meeting will be open to the public from 1:15 p.m. to 2:00 p.m.

SUMMARY: The Advisory Committee of Trade Policy and Negotiation will hold a meeting on June 8, 1995 from 10:00 a.m. to 2:00 p.m. The meeting will be closed to the public from 10:00 a.m. to 1:15 p.m. The meeting will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code, I have determined that this portion of the meeting will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States. The meeting will be open to the public and press from 1:15 p.m. to 2:00 p.m. when trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committee will not be invited to comment.

DATES: The meeting is scheduled for June 8, 1995, unless otherwise notified.

ADDRESSES: The meeting will be held at the Four Seasons Hotel, located at 2800 Pennsylvania Ave., Washington, D.C. unless otherwise notified.

FOR FURTHER INFORMATION CONTRACT: Michaelle Burstin, Director of Public Liaison, Office of the United States Trade Representative, (202) 395-6120.

Michael Kantor,

United States Trade Representative.

[FR Doc. 95-12879 Filed 5-24-95; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–35733; File No. SR–NSCC–95–05]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing of a Proposed Rule Change Modifying Procedures Relating to the Trade Comparison Service for Debt Securities

May 18, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

(''Act''),[1] notice is hereby given that on April 19 1995, the National Securities Clearing Corporation (''Commission'') the proposed rule change (File No. SR–NSCC–95–05) as described in Items I, II, and III below, which items have been prepared primarily by NSCC. On April 24, 1995, NSCC filed an amendment to the proposed rule change requesting the Commission to consider the rule filing pursuant to Section 19(b)(2)[2] of the Act rather than under Section 19(b)(3)(A)[3] of the Act as originally filed.[4] 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 purpose of the proposed rule is to modify NSCC's procedures relating to the trade comparison service for debt securities. Specifically, NSCC is proposing to expand the parameters for trade input and trade comparison for transactions in debt securities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC 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. Set forth in sections (A), (B), and (C) below, are the most significant aspects of such statements.[5]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The purpose of the proposed rule change is to expand the parameters for trade input and comparison of transactions in debt securities. The proposed rule change will increase the initial trade date comparison rate for debt securities by expanding the comparison parameters from $.05 per $1,000 of contract amount to a net $10 difference per trade for trades of $100,000 or less and to $.10 per $1,000 of contract amount for trades greater than $100,000. If approved by the Commission, NSCC expects to implement the proposed rule change during late second quarter 1995. Participants will be notified of the exact date of this change by an NSCC Important Notice.

NSCC believes the proposed rule change is consistent with the requirements of Section 17A of the Act and the rules and regulations thereunder because the rule proposal will facilitate the prompt and accurate clearance and settlement of securities transactions.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will impact or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments relating to the proposed rule change have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which NSCC consents, the Commission will:

(a) By order approve such proposed rule change or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying in the Commission's Public Reference Room, 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 NSCC. All submissions should refer to the file number SR–NSCC–95–05 and should be submitted by June 15, 1995.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 95–12805 Filed 5–24–95; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 15 U.S.C. 78s(b)(2) (1988).

[3] 15 U.S.C. 78s(b)(3)(A) (1988).

[4] Letter from John P. Barry, Associate Counsel, NSCC, to Peter Geraghty, Senior Counsel, Division of Market Regulation, Commission (April 24, 1995).

[5] The Commission has modified parts of these statements.

[6] 17 CFR 200.30–3(a)(12) (1994).

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area #2775]

Louisiana; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on May 10, 1995, and amendments thereto on May 11, I find that the following parishes in the State of Louisiana constitute a disaster area due to damages caused by severe storms, tornadoes, and flooding beginning on May 8, 1995 and continuing: Ascension, Assumption, Jefferson, LaFourche, Orleans, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Tangipahoa, and Terrebonne. Applications for loans for physical damages may be filed until the close of business on July 10, 1995, and for loans for economic injury until the close of business on February 12, 1996, at the address listed below: U.S. Small Business Administration, Disaster Area 3 Office, 4400 Amon Carter Blvd., Suite 102, Ft. Worth, TX 76155, or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the following contiguous parishes and counties may be filed until the specified date at the above location: East Baton Rouge, Iberia, Iberville, Livingston, Plaquemines, St. Helena. St. Martin, St. Mary, and Washington Parishes in Louisiana, and Amite, Hancock, Pearl River, and Pike Counties in Mississippi.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000

	Percent
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Others (including non-profit organizations) with credit available elsewhere	7.125
For Economic Injury	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 277506. For economic injury the numbers are 851900 for Louisiana and 852000 for Mississippi.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 17, 1995.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 95–12892 Filed 5–24–95; 8:45 am]

BILLING CODE 8025–01–M

[Declaration of Disaster Loan Area #2776]

Mississippi; Declaration of Disaster Loan Area

As a result of the President's major disaster declaration on May 12, 1995, I find that Hancock, Harrison, and Pearl River Counties in the State of Mississippi constitute a disaster area due to damages caused by severe storms, tornadoes, and flooding beginning on May 8, 1995 and continuing. Applications for loans for physical damages may be filed until the close of business on July 10, 1995, and for loans for economic injury until the close of business on February 12, 1996, at the address listed below: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308, or other locally announced locations. In addition, applications for economic injury loans from small businesses located in the contiguous counties of Forrest, Jackson, Lamar, Marion, and Stone in the State of Mississippi may be filed until the specified date at the above location.

The interest rates are:

	Percent
For Physical Damage:	
Homeowners with credit available elsewhere	8.000
Homeowners without credit available elsewhere	4.000
Businesses with credit available elsewhere	8.000
Businesses and non-profit organizations without credit available elsewhere	4.000
Other (including non-profit organizations) with credit available elsewhere	7.125
For Economic Injury:	
Businesses and small agricultural cooperatives without credit available elsewhere	4.000

The number assigned to this disaster for physical damage is 277606 and for economic injury the number is 852000.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 17, 1995.

Bernard Kulik,

Associate Administrator for Disaster Assistance.

[FR Doc. 95–12893 Filed 5–24–95; 8:45 am]

BILLING CODE 8025–-01–17

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Approval of Noise Compatibility Program Bishop International Airport Flint, MI

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces its findings on the noise compatibility program submitted by Bishop International Airport Authority, Michigan, under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and 14 CFR Part 150. These findings are made in recognition of the description of Federal and nonfederal responsibilities in Senate Report No. 96–52 (1980). On March 1, 1993, the FAA determined that the noise exposure maps submitted by Bishop International Airport Authority under Part 150 were in compliance with applicable requirements. On July 25, 1994, the Assistant Administrator for Airports approved the Bishop International Airport noise compatibility program.

All but one of the recommendations of the program were approved; Noise Abatement Item 1b was disapproved pending submittal of additional information. The approved program consists of two (2) noise abatement measure and five (5) land use measures.

EFFECTIVE DATE: The effective date of the FAA's approval of the Bishop International Airport noise compatibility program is July 25, 1994.

FOR FURTHER INFORMATION CONTACT: Ernest Gubry, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111, 313–487–7280. Documents reflecting this FAA action may be reviewed at this same location.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA has given its overall approval to the noise compatibility program for Bishop International Airport, effective July 25, 1994.

Under section 104(a) of the Aviation Safety and Noise Abatement Act of 1979 (hereinafter referred to as ''the Act''), an airport operator who has previously submitted a noise exposure map may submit to the FAA a noise compatibility program which sets forth the measures taken or proposed by the airport operator for the reduction of existing noncompatible land uses and prevention of additional noncompatible land uses within the area covered by the noise exposure maps. The Act requires such programs to be developed in consultation with interested and affected parties including local communities, government agencies, airport users, and FAA personnel.

Each airport noise compatibility program developed in accordance with Federal Aviation Regulations (FAR) Part 150 is a local program, not a Federal program. The FAA does not substitute its judgment for that of the airport proprietor with respect to which measures should be recommended for action. The FAA's approval or disapproval of FAR Part 150 program recommendations is measured according to the standards expressed in Part 150 and the Act, and is limited to the following determinations:

a. The noise compatibility program was developed in accordance with the provisions and procedures of FAR Part 150;

b. Program measures are reasonably consistent with achieving the goals of reducing existing noncompatible land uses around the airport and preventing the introduction of additional noncompatible land uses;

c. Program measures would not create an undue burden on interstate or foreign commerce, unjustly discriminate against types or classes of aeronautical uses, violate the terms of airport grant agreements, or intrude into areas preempted by the Federal Government; and

d. Program measures relating to the use of flight procedures can be implemented within the period covered by the program without derogating

safety, adversely affecting the efficient use and management of the navigable airspace and air traffic control systems, or adversely affecting other powers and responsibilities of the Administrator prescribed by law.

Specific limitations with respect to the FAA's approval of an airport noise compatibility program are delineated in FAR Part 150, section 150.5. Approval is not a determination concerning the acceptability of land uses under Federal, state, or local law. Approval does not by itself constitute an FAA implementing action. A request for Federal action or approval to implement specific noise compatibility measures may be required, and an FAA decision on the request may require an environmental assessment of the proposed action. Approval does not constitute a commitment by the FAA to financially assist in the implementation of the program nor a determination that all measures covered by the program are eligible for grant-in-aid funding from the FAA. Where federal funding is sought, requests for project grants must be submitted to the FAA Detroit Airports District Office in Belleville, Michigan.

Bishop International Airport Authority submitted noise exposure maps, descriptions, and other documentation produced during the noise compatibility planning study (conducted from August 1988 through September 1993) to the FAA. The Bishop International Airport noise exposure maps were determined by the FAA to be in compliance with applicable requirements on March 1, 1993. Notice of this determination was published in the **Federal Register** on March 15, 1993.

The Bishop International Airport study contains a proposed noise compatibility program comprised of actions designed for phased implementation by airport management and adjacent jurisdictions from the date of study completion to the year 1999. It was requested that the FAA evaluate and approve this material as a noise compatibility program as described in section 104(b) of the Act. The FAA began its review of the program on January 26, 1994, and was required by a provision of the Act to approve or disapprove the program within 180 days (other than the use of new flight procedures for noise control). Failure to approve or disapprove such program within the 180-day period would have been deemed to be an approval of such program.

The submitted program contained seven (7) proposed actions for noise mitigation. The FAA completed its review and determined that the procedural and substantive requirements of the Act and FAR Part 150 have been satisfied. The overall program, therefore, was approved by the Assistant Administrator for Airports effective July 25, 1994.

Outright approval was granted for all of the specific program elements with the exception of Item 1b, Development of SIDS and STARS (Standard Instrument Departure and Standard Arrival Procedures), which was disapproved pending submittal of additional information.

The approved items are:

Noise Abatement Procedures

1a. Voluntary Noise Abatement Procedures
2. Monitoring and Review of the Noise Exposure Maps/Noise Compatibility Plan Status

Land Use Measures

1. Land Acquisition and Relocation of Noise Impacted Mobile Homes
2. Easement Acquisition
3. Soundproofing and/or Climate Control for Locally Determined Qualified Compatible Residences
4. Airport Zoning/Overlay District
5. Real Estate Disclosure

These determinations are set forth in detail in a Record of Approval endorsed by the Assistant Administrator for Airports on July 25, 1994. The Record of Approval, as well as other evaluation materials and documents which comprised the submittal to the FAA, are available for review at the following locations:

Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111

Bishop International Airport Authority, Bishop International Airport, G–3425 W. Bristol Road, Flint, Michigan 48507–3183

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Belleville, Michigan, May 11, 1995.

Jack D. Roemer,

Acting Manager, Detroit Airports District Office, Great Lakes Region.

[FR Doc. 95–12900 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–13–M

Receipt of Revision to Noise Compatibility Program and Request for Review, Louisville International Airport, Louisville, KY

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration (FAA) announces that it is reviewing a proposed revision to the noise compatibility program that was submitted by the Regional Airport Authority of Louisville and Jefferson County (RAA) under the provisions of Title I of the Aviation Safety and Noise Abatement Act of 1979 (Public Law 96–193) and 14 CFR Part 150. The existing noise compatibility program was approved April 8, 1994. The proposed revision to the noise compatibility program will be approved or disapproved on or before November 13, 1995.

DATES: The effective date of the FAA's review of the revision to the noise compatibility program is May 17, 1995. The public comment period ends July 16, 1995.

FOR FURTHER INFORMATION CONTACT: Cynthia K. Wills, 2851 Directors Cove, Suite 3, Memphis, Tennessee 38131–0301; 901–544–3495. Comments on the proposed revision to the noise compatibility program should also be submitted to the above office.

SUPPLEMENTARY INFORMATION: This notice announces that the FAA is reviewing a proposed revision to the noise compatibility program for Louisville International Airport which will be approved or disapproved on or before November 13, 1995. This notice also announces the availability of this program for public review and comment.

An airport operator who has submitted noise exposure maps that are found by FAA to be in compliance with the requirements of Federal Aviation Regulations (FAR) Part 150, promulgated pursuant to Title I of the Act, may submit a noise compatibility program for FAA approval which sets forth the measures the operator has taken or proposed for the reduction of existing noncompatible uses and for the prevention of the introduction of additional noncompatible uses.

The FAA has formally received the proposed revision to the noise compatibility program for Louisville International Airport, effective May 1, 1995. It was requested that the FAA review this material and that the noise mitigation measure proposed by the airport be approved as a revision to the noise compatibility program under Section 104(b) of the Act. Preliminary review of the submitted material indicates that it conforms to the requirements for the submittal of noise compatibility programs, but that further review will be necessary prior to

approval or disapproval of the program. The formal review, limited by law to a maximum of 180 days will be completed on or before November 13, 1995.

The FAA's detailed evaluation will be conducted under the provisions of 14 CFR Part 150, § 150.33. The primary considerations in the evaluation process are whether the proposed measures may reduce the level of aviation safety, create an undue burden on interstate or foreign commerce, or be reasonably consistent with obtaining the goal of reducing existing noncompatible land uses and preventing the introduction of additional noncompatible land uses.

Interested persons are invited to comment on the proposed program with specific reference to these factors. All comments, other than those properly addressed to local land use authorities, will be considered by the FAA to the extent practicable. Copies of the noise compatibility program, and the proposed revisions to the noise compatibility program are available for examination at the following locations:

Federal Aviation Administration, 800 Independence Avenue, SW., Room 617, Washington, DC 20591

Federal Aviation Administration, Memphis Airports District Office, 2851 Directors Cove, Suite 3, Memphis, Tennessee 38131

Administrative Office, Regional Airport Authority of Louisville and Jefferson County, Louisville International Airport, Louisville, Kentucky 40209

Questions may be directed to the individual named above under the heading, **FOR FURTHER INFORMATION CONTACT**.

Issued in Memphis, Tennessee, May 17, 1995.

LaVerne F. Reid,

Manager, Memphis Airports District Office.

[FR Doc. 95–12903 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–13–M

Intent To Prepare an Environmental Impact Statement and to Conduct Second Phase Scoping on Airport Alternatives to Accommodate the Long-term Air Transportation Needs of the Minneapolis-St. Paul Region, MN

AGENCY: Federal Aviation Administration, Department of Transportation.

ACTION: Notice of intent to prepare an Environmental Impact Statement and to conduct second phase public scoping.

SUMMARY: The Federal Aviation Administration (FAA) is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared on the potential effects of alternatives to accommodate the long-term air transportation needs of the Minneapolis-St. Paul region, including a new major airport site and a comprehensive plan for expansion and improvements to the existing Minneapolis-St. Paul International Airport. To ensure that all significant issues related to the proposed action are identified, the FAA is soliciting information and comments from the public concerning this project and is advising Federal, State and local agencies and the public of the scoping process and scheduled meetings that will be conducted as part of this process.

FOR FURTHER INFORMATION CONTACT: Mr. Glen Orcutt, Airports District Office, Federal Aviation Administration, 6020—28th Avenue South, Room 102, Minneapolis, Minnesota 55450–2706 (612) 725–4221.

SUPPLEMENTARY INFORMATION: The FAA proposes to prepare an EIS on the potential consequences and possible alternatives of a new major airport site selection that would allow construction of a replacement airport for the Minneapolis-St. Paul region, a comprehensive plan for the expansion at the existing Minneapolis-St. Paul International Airport, other reasonable alternatives and the no action alternative. A First Phase Scoping Report describing the Dual Track Planning Process was prepared and made available for public and agency review on March 30, 1992. Three public meetings were held in April 1992 for public and agency comment. Responses to substantive comments were published in March 1993.

A Second Phase Scoping Document has been prepared by the Metropolitan Airports Commission (MAC), a cooperating agency in the environmental process. This Scoping Document will be circulated to Federal, State and local agencies and will be available to the public for their review and comment. The Second Phase Scoping Document describes the results of the Dual Track Planning process which was described in the First Phase Scoping Report. A state and federal Environmental Impact Statement for the Dual Track Planning is being prepared by the MAC and the FAA, respectively, The EIS will compare all reasonable alternatives required to meet the Minneapolis-St. Paul region year 2020 aviation demand, disclose their environmental consequences and ensure that mitigating measures are considered to minimize adverse environmental effects.

To ensure a full cooperative effort, the FAA as lead agency on the federal EIS, recognizes the magnitude of this proposal and extends an invitation to affected Federal, State and local agencies to participate as a cooperating agency on this project. In accepting the duties and role of a cooperating agency, the agency shall participate in the NEPA process at the earliest point, shall participate in the scoping process, shall assist in preparing those portions of the EIS in which it has the greatest technical expertise and shall make available staff support to enhance interdisciplinary capability. Agencies interested in participating as a cooperating agency are requested to respond to the FAA at the address listed at the beginning of this notice.

The environmental review of the project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amendment (42 U.S.C. 4371, *et seq.*), CEQ regulations (40 CFR 1500–1508), FAA Orders 5050.4A and 1050.1D and all applicable Federal and State regulations and local ordinances.

PUBLIC SCOPING: A scoping meeting will be conducted on June 27, 1995, at the Metropolitan Airports Commission General Offices, 6040—28th Avenue South, Minneapolis, Minnesota, beginning at 2:00 p.m. for Federal, State and local agencies. Scoping meetings for the public will be held on June 26, 1995, at the Metropolitan Airports Commission General Offices 6040—28th Avenue South, Minneapolis, Minnesota, beginning at 7:00 p.m. and again at 7:00 p.m. on June 27, 1995, at the Hastings Middle School Auditorium, 9th and Vermillion Streets, Hastings, Minnesota to allow for public input. Agencies and the public will be notified of subsequent meetings as they are scheduled. Written comments will be accepted until July 5, 1995, and may be directed to the FAA at the following address: Federal Aviation Administration, Airports District Office, MSP–ADO–600, 6020—28th Avenue South, Room 102, Minneapolis, Minnesota 55450–2706.

Issued in Des Plaines, Illinois, on May 18, 1995.

Benito De Leon,

Manager, Planning/Programming Branch, Airports Division, FAA, Great Lakes Region.

[FR Doc. 95–12901 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–13–M

Federal Aviation Administration

Request for Comment and Information; Draft Report to Congress on Potential Hazards to Aircraft by Locating Waste Disposal Sites in Vicinity of Airports

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for comment regarding Report to Congress on the potential hazards to aircraft by locating waste disposal sites in the vicinity of airports.

SUMMARY: This notice requests comment to help fulfill a requirement in Section 203 of the Airport and Airway Safety Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 (Public Law 102–581).

Section 203(b)(2) directs the Secretary of Transportation to conduct a study to determine whether a municipal solid waste facility, located within a 5-mile radius of the end of a runway, has the potential for attracting or sustaining bird movements (from feeding, watering, or roosting in the area) and poses a hazard to runways or approach and departure patterns of aircraft. The Secretary of Transportation has directed the Federal Aviation Administration (FAA) to conduct this study.

This notice solicits comments from the public on a draft report, as directed by Congress. The FAA believes a wide-range of public views will be beneficial in developing a comprehensive final Report to Congress.

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

ADDRESSES: Send all comments in triplicate to: Airport Safety and Compliance Branch, AAS–310, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Benedict D. Castellano, Manager, Airport Safety and Compliance Branch, AAS–310, Federal Aviation Administration, 800 Independence Ave., SW, Washington, DC 20591.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) maintains that there exists a potential safety hazard when a waste disposal site is located within 5,000 feet of a runway used by piston-powered aircraft and within 10,000 feet of a runway used by turbo-engine aircraft. Additionally, when a waste disposal site is located within a 5-mile radius of a runway, such site may be incompatible with aircraft operations when the site attracts or sustains hazardous bird movements from feeding, watering, or roosting areas into or across the runways and/or approach and departure paths of aircraft.

In conducting the study mandated by Congress, the FAA examined the history of birds striking aircraft and reviewed several scientific papers published on the subject of landfills and birds. A draft report has been developed which outlines Federal regulations and policies on the subject, and discusses the basis of FAA criteria for siting of landfills. The report contains FAA's findings and future concerns. It includes a recommendation for continuing the current policy to object to the establishment of waste disposal sites within the criteria specified above.

All comments received on this draft report will be fully considered in the development of the final report, to be submitted to Congress.

Issued in Washington, DC, on May 19, 1995.

Ray Uhl,

Acting Director, Office of Airport Safety and Standards.

Draft Report on the Potential Hazards to Aircraft in Locating Waste Disposal Sites in the Vicinity of Airport

Purpose

This report is submitted to Congress in response to Section 203(b)(2) of the Airport and Airway Safety, Capacity, Noise Improvement, and Intermodal Transportation Act of 1992 which directs the Secretary of Transportation to conduct a study to determine whether a municipal solid waste facility, located within a 5-mile radius of the end of a runway, has the potential for attracting or sustaining bird movements (from feeding, watering, or roosting in the area) and poses a hazard to runways or approach and departure patterns of aircraft.

Scope of Report

Because most wildlife movements are seasonally influenced, a complete study of the issues presented would require that researchers document all wildlife activity for at least 1 year. In order to produce more credible information, at least 3 years of study data would be necessary to calculate valid statistical averages. Given the limited time frame specified in the Act for completing this study, it was not considered feasible to formulate and carry out a fully scientific research project to address the issue of siting landfills near airports. Instead, this report was developed from historical data, past studies, and research on the incidents and accidents involving bird strikes and aircraft, and on the potential of solid waste disposal sites to attract and sustain bird movements.

Aircraft Bird Strikes Historical Background

It is generally agreed that birds and aircraft are not compatible even though they share the common thread of flight. Bird strikes with aircraft were recorded as early as 1912, when a Wright Flyer crashed after striking a bird off the Pacific coast. Calbraith Rodgers, the pilot who drowned in the crash, became the first aviation fatality attributed to a bird strike.

Developments over the last 80 years have brought aviation to unprecedented levels of sophistication. However, this increased level of sophistication has not provided aircraft with an immunity to damages resulting from strikes with wildlife. Modern aircraft carry more passengers at greater speeds than ever before, thus increasing the potential for catastrophe. At high speed, even small animals become damaging projectiles to large aircraft. According to V.F.E. Soloman, a noted Canadian bird hazard specialist, a 4-pound bird struck at 260 knots exerts a force of 14 tons; at 520 knots, the force becomes 57 tons.

Bird strikes have been responsible for more than 100 deaths in the United States. Some of the more notable accidents that were attributed to bird strikes included: On March 10, 1960, a Lockheed Electra departing Boston's Logan Airport struck starlings and crashed, resulting in 62 deaths. In 1973, a Learjet departing Dekalb-Peachtree Airport in Georgia struck a flock of cowbirds (small blackbirds) and ingested them into the engines. Both engines sustained compressor stalls, causing the aircraft to crash, killing all seven on board. On November 12, 1975, a DC–10 departing John F. Kennedy Airport ingested gulls on takeoff roll, aborted the takeoff, caught fire, and was completely destroyed. The accident resulted in a number of injuries, but no deaths. Fortunately, the 139 passengers, who were airline employees, were able to evacuate the burning craft quickly.

Although it has been argued that these accidents are no longer relevant and that modern aircraft have become more resistant to damage and disaster from bird strikes, this is not the case, In 1988, in Bahar Dar, Ethiopia, a Boeing–737 on takeoff struck a flock of speckled pigeons and crashed, killing 35 passengers and injuring 21 others.

The reports that followed the incidents mentioned above noted that birds had been attracted by either waste disposal operations or by trash on or about the vicinity of the airport. Following the 1973 Learjet crash, the

National Transportation Safety Board recommended that the Federal Aviation Administration (FAA) ''implement a procedure for more stringent and continued surveillance of all facilities subject to the provisions of the Airport and Airway Development Act and impose timely sanctions against operators of facilities, which receive federal aid and do not fully comply with the requirements imposed upon them by the provisions of this act.'' A provision in the Act specifies that grant recipients, to the extent reasonable, maintain compatible land uses around an airport.

Whether or not a catastrophe results, bird hazards can be responsible for unnecessary risk and expense. The FAA receives an average of 2,000 bird strike reports each year. This reporting system is voluntary and does not reflect the total number of strikes or cost estimates of damage to aircraft or the aviation industry. It is generally accepted that more than half of all strikes go unreported. Far less information is received on cost estimates. Information regarding the amount of damage is seldom reported because pilots normally fill out the strike report before the actual extent of damage is determined.

However, damage to aircraft from birds can be severe and costly. According to a recent Environmental Impact Statement (EIS) for John F. Kennedy International Airport, after ingesting 1 bird, a Boeing-747 aborted its takeoff, blew 10 tires, and damaged the brakes while stopping. The resulting damage from this one incident cost the airline $200,000. Additionally, the EIS reported that between 1979 and 1993, bird strikes caused 46 instances of engine damage, 22 instances of nonengine damage, and 51 aborted takeoffs (USDA 1994).[1]

Landfills as Attractions to Birds

A number of scientific papers have been published regarding the association of birds and waste disposal operations. It is generally accepted that large numbers of birds commonly frequent landfills in search of food. In a recent study conducted by the United States Department of Agriculture's Denver Wildlife Research Center (DWRC) for the FAA, 699,477 individual birds of 42 species were recorded at 3 landfills in 958 observation periods (Belant et al. 1994).[2] Although gulls may be found at inland landfills, they are one of the more common bird species associated with coastal landfills. Additionally, crows, starlings, blackbirds, pigeons, sparrows, and vultures have been documented as common visitors to most landfills regardless of the location (Lake 1984).[3]

Bird populations that impact human health and safety have been less understood and documented. However, in 1971 the Environmental Protection Agency (EPA) released a report that surveyed land disposal sites reporting bird aircraft hazards. In the discussion section on page 26 it stated, ''there is little doubt that improper solid waste disposal sites in many areas of the country contribute to the bird/aircraft strike hazard at airports.'' Furthermore, it was stated in the summary and conclusions that, ''analysis of judgments following two lawsuits resulting from aircraft/bird strike accidents indicated a strong possibility that both government and a disposal site owner could be liable for an accident attributed to birds if the disposal site was knowingly attracting birds and contributing to the risk of bird/aircraft collisions'' (Davidson et al. 1971).[4] Considering the reports referenced above, FAA believes there is enough information available to support the conclusion that landfills are attractive to birds and that a potential hazard will exist whenever numbers of birds are drawn into or across air traffic corridors.

The FAA has initiated research to understand, identify, and manage potentially hazardous wildlife populations better on or near airports. Actual research is being completed under a contract with DWRC. DWRC is recognized as one of the most experienced organizations in the field of nuisance wildlife management. Although wildlife hazard research is currently underway, it remains in preliminary stages. This preliminary research will establish a solid data base that will be used for later comparisons.

More research is also needed to assess the effectiveness of wildlife control techniques. It is common for operators of waste disposal facilities to include wildlife control techniques in proposals to locate or expand operations in the vicinity of airports. These techniques include the use of pyrotechnic devices, broadcast bird distress calls, and as a last resort, lethal control. Although these controls are often presented as being sufficient to offset any wildlife attraction caused by the landfill activity, there is little documentation that these controls will significantly mitigate the attractiveness of a landfill to birds over an extended period. Thus, there is no assurance that such efforts would actually alleviate a bird hazard near an airport should one arise after the landfill is constructed. There exists ample information regarding bird dependence on landfills. Conversely, there is little information documenting successful long-term mitigation of the problem.

Landfill Siting Near Airports

Locating a waste disposal site, particularly in and around urban areas, has become a very serious problem for most communities, from both physical and political viewpoints. As a result, there has been an increasing need to expand existing sites and establish new waste disposal facilities and landfills. A proposal to establish such a facility close to a populated or recreational area will, in most cases, result in considerable controversy and public opposition. Landfill proponents often consider or select sites located at the end of runways or in the vicinity of airports as solutions to these issues. These locations are often near, but outside, population centers; are noise impacted or otherwise unattractive for building development; provide readily available and inexpensive land; and generally provide a location with good road access. As a result, these sites stand a much greater chance of being accepted by the public for landfill use. Because of its concern that the attractiveness of these landfills to bird populations has a potential to impact the safety of aircraft operating to and from airports, the FAA has taken a number of actions and established policies and procedures to evaluate the impact of potential landfill sites adjacent to airports.

Federal Regulations, Policies, and Procedures

A. *Federal Aviation Regulations Part 139.* Airports which serve any scheduled or unscheduled passenger operation of an air carrier that is conducted with an aircraft having a seating capacity of more than 30 passengers are required by Federal Aviation Regulations Part 139 to have an airport operating certificate from the FAA. This certificate is only granted after the airport is inspected by an FAA airport certification inspector to ensure

[1] Final Environmental Impact Statement, Gull Hazard Reduction Program, John F. Kennedy International Airport, United States Department of Agriculture, May 1994, pp. 1–7, 1–10.

[2] Jerrold L. Bellant et al., ''Gull and Other Bird Abundance at Three Mixed Solid Waste Landfills in Northern Ohio,'' DOT Interim Report, DTFA01–91–Z–02004, (1992), p. 23.

[3] David W. Lake, ''Airport Bird Hazards Associated With Solid Waste Disposal Facilities,'' *Proceedings: Wildlife Hazards to Aircraft Conference and Training Workshop,* (1984), p. 221.

[4] George R. Davidson, Jr. et al., ''Land Disposal Sites Near Airports Reporting Bird/Aircraft Hazards,'' Open-File Report, (TSR 1.6.004/0), U.S. Environmental Protection Agency, 1971, p. 2.

that all minimum safety standards of Part 139 have been met. Under Section 139.337, all operators of certificated airports shall provide for ''the conduct of an ecological study, acceptable to the Administrator, when any of the following events occurs on or near the airport: (1) An air carrier aircraft experiences a multiple bird strike or engine ingestion. (2) An air carrier experiences a damaging collision with wildlife other than birds. (3) WIldlife of a size or in numbers capable of causing an event described in paragraph (a) (1) or (2) of this section is observed to have access to any airport flight pattern or movement area.'' Based in part on this study, FAA may require the airport operator to formulate and implement a wildlife hazard management plan.

B. *Order 5200.5A, Waste Disposal Sites On Or Near Airports.* FAA issued Order 5200.5 on October 16, 1974, to provide internal guidance regarding FAA's official position on siting landfills near airports in an effort to reduce potential airport/wildlife hazards. The current Order 5200.5A, ''Waste Disposal Sites On or Near Airports,'' and the original Order 5200.5, contain criteria concerning the establishment, elimination, or monitoring of landfills, open dumps, waste disposal sites, or other similar facilities on or in the vicinity of airports. Orders, such as 5200.5A, are internal directives that provides guidance to FAA employees. Advisory circulars are public information and may be instructive to those who receive grants from the FAA. These orders and advisory circulars have no authority over facilities located off airport property. Also, FAA has no authority to approve or redirect land use outside of the airport perimeter. For airports that receive Federal funds, the owner, operator, or grant recipient must comply with terms of the grant obligation to the extent reasonable to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations. However, in most cases landfills are located outside the airport property and are often beyond the airport owner's jurisdictional control.

Order 5200.5A sets forth the policy that waste disposal sites are incompatible with aircraft operations when located within those areas adjacent to an airport that are defined through the application of the following three criteria: (1) when located within 10,000 feet of any runway end used or planned to be used by turbine-powered aircraft; (2) within 5,000 feet of any runway end used by piston-powered aircraft; and (3) when located within a 5-mile radius of a runway end, such that it attracts or sustains hazardous bird movements from feeding, watering, or roosting areas into or across the runways and/or approach and departure paths of aircraft. Although frequent movements of birds across aircraft approach and departure paths could be a safety concern beyond the 5-mile radius, this distance was considered a reasonable limit for application of the FAA criteria. The earlier version of the FAA order had no such limit.

C. *FAA Notification Requirements.* To assist FAA in its ability to monitor the siting of landfills near airports, the Congress in 1992 enacted legislation to amend the Federal Aviation Act to allow the Secretary of Transportation to require that persons proposing to establish sanitary landfills notify the Secretary when such notice will promote safety and the efficient use or preservation of navigable airspace. A proposed FAA regulatory amendment will establish an area within a 5-mile radius from an airport for requiring such a notification.

D. *EPA Notification Requirements.* Because of safety concerns and a lack of jurisdiction, FAA actively sought the assistance of the EPA to consider airport safety concerns when processing landfill siting permits. FAA suggested that the criteria in Order 5200.5A be incorporated into EPA's revision of its solid waste disposal regulations. As a result of FAA comments, the EPA adopted a regulatory requirement in the Solid Waste Disposal Facility Criteria, 40 Code of Federal Regulations Section 258.10, that landfill owners or operators notify the affected airport and appropriate FAA office whenever they intend to expand or propose a new landfill within 5 miles of an airport. However, EPA chose not to prohibit landfill operations within the 5,000 and 10,000 foot distance criteria identified by FAA. Instead, it required operators within these areas to demonstrate to the State agency having the authority to issue the permit that the operation does not pose a bird hazard to aircraft.

Basis of FAA Criteria for Siting of Landfills

FAA believes that any open household or putrescible waste disposal activity within 5,000 feet of a runway serving piston-powered aircraft and 10,000 feet from a runway serving turbine-powered aircraft is incompatible with safe aircraft operations. Outside this criteria but within 5 miles of the runway edge, FAA will review proposed landfill locations on a case-by-case basis. Under these circumstances, if the site falls directly under the approach or departure path or has the potential to increase birds in the active airspace, FAA will generally consider the site as being incompatible with the airport. If the site were located between the 10,000-foot limit and the 5-mile limit away from the approach or departure path and would not likely attract birds across the active airspace, FAA will not consider the site incompatible. During this case-by-case evaluation, factors such as the native bird populations, local geography, and the airport traffic patters are considered.

The distance used in FAA's guidance is based on several factors. Bird strikes are voluntarily reported to FAA from ground level to several thousand feet above ground level (AGL). Most bird strikes occur below 500 feet with numbers diminishing to insignificant levels above 3,000 feet. Based on normal performance characteristics, departing aircraft should be at approximately 500 feet AGL after traveling 10,000 feet from the runway end and approaching 3,000 feet AGL at 5 miles. These distances and altitudes form the basis for the minimum criteria designated for a turbine-powered aircraft.

Criteria for piston-powered aircraft specifies a lesser distance of 5,000 feet due to different performance characteristics. These aircraft are slower and make more noise relative to a bird's ability to respond. The engine noise and slower airspeed allow the operator and bird more time to react and avoid striking each other. Additionally, piston-powered aircraft do not have engine intakes that can ingest birds.

The 5-mile area is specified in Order 5200.5A to allow FAA the opportunity to review the traffic patterns, geography, and juxtaposition of the proposed landfill site and airport. As birds do not respect minimum distances, this review provides FAA an early opportunity to comment on proposed disposal sites in critical air traffic areas immediately outside the 5,000 and 10,000 foot zones. The review also takes into account existing numbers of birds in the area and other natural, man-made, or geographical features such as refuges, water reservoirs, or coastlines that may be located across air traffic paths from the proposed disposal site. As a note of reference, the 5-mile radius is also used in other countries, such as Canada, which restricts landfill development within 8 kilometers, or 4.8 miles of an airport reference point.

Future Concerns

There are indications that bird species with the greatest potential to create wildlife hazards on airports are

increasing and that future resolutions to these hazards may become more complex. Certain species that frequent landfills, such as ring-billed gulls, are increasing in unprecedented numbers. At the same time, the public is becoming more involved in wildlife management issues. The National Environmental Policy Act may require public involvement in the solution of a wildlife-related airport safety problem. The public's involvement may be costly and time consuming, resulting in a trade-off of accepting potential hazards while possible solutions are debated.

The likelihood of bird strikes may be further exacerbated by design changes to modern aircraft, which incorporate larger inlet engines to achieve reduced noise levels. These larger, quieter engines give birds less warning and require them to avoid a larger surface area.

Findings

1. FAA believes that current data is insufficient to permit an accurate and consistent quantification of the risk created by locating landfills within 5 miles of an airport. Although a quantified risk assessment is not available, the potential hazard of bird strikes has been established in reports following aircraft accidents.

2. FAA believes that landfills constitute a potential hazard to aviation if located within 5 miles from a runway end for the following reasons:

a. Bird strikes in the vicinity of waste disposal activities located within 5 miles of an airport have been a factor in numerous accidents, some involving loss of human life.

b. Bird activity is generally recognized to occur at altitudes that brings it into the path of aircraft during approach and departure operations, the most critical time for aircraft performance.

c. Modern aircraft, with quieter engines and larger engine inlets, increase the potential for bird strikes due to the reduced warning resulting from quieter engines with greater frontal areas which combine to increase the chances of birds being struck or ingested.

d. Bird mitigation techniques, although offered as a solution, have not been proven effective over extended periods of time. In addition, future mitigation programs will become more complicated and require more time to implement, resulting in a trade-off of potential hazards.

e. Landfills are intense attractants to birds. When located in or adjacent to airspace used by aircraft, a potential hazard will result.

3. As total bird control is not possible, the best solution is to restrict actions on or in the vicinity of an active airport to reduce bird attractions.

4. The distance criteria contained in FAA Order 52.005A serve as a reasonable basis for determining the incompatibility of a landfill site with airport operations.

Recommendations

Although not a solution to all airport-related bird hazards, locating intense attractions to wildlife, such as landfills, outside the areas specified by the FAA reduces the risk of a potentially hazardous collision between aircraft and birds. Progress has been made toward this goal by the EPA. Although EPA stops short of prohibiting landfills within the 5,000 and 10,000 foot areas designated by the FAA, it does require that operators of existing municipal solid waste landfills within those areas demonstrate to the State agency that issues municipal solid waste permits that such units do not pose a bird hazard to aircraft. Additionally, proponents of new or expanded landfill sites within 5 miles of an airport must notify the affected airport and the FAA of their intentions.

In an effort to enhance aviation safety. FAA recommends that no new or expanded municipal solid waste or putrescible landfill be located within the FAA specified 5,000 and 10,000 foot criteria or in the approach/departure areas within 5 miles of an airport if deemed incompatible with safe aircraft operations.

[FR Doc. 95–12899 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–13–M

National Highway Traffic Safety Administration

Research and Development Programs Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice announces a public meeting at which NHTSA will describe and discuss specific research and development projects and request suggestions for agenda topics.

DATES AND TIMES: The National Highway Traffic Safety Administration will hold a public meeting devoted primarily to presentations of specific research and development projects on June 27, 1995, beginning at 1:30 p.m. and ending at approximately 5:00 p.m. The deadline for interested parties to suggest agenda topics is 4:15 p.m. on June 8, 1995. Questions may be submitted in advance regarding the agency's research and development projects. They must be submitted in writing by June 19, 1995, to the address given below. If sufficient time is available, questions received after the June 19 date will be answered at the meeting in the discussion period. The individual, group, or company asking a question does not have to be present for the question to be answered. A consolidated list of the questions submitted by June 19 will be available at the meeting and will be mailed to requesters after the meeting.

ADDRESSES: The meeting will be held at the Ramada Inn, near Detroit Metro Airport, 8270 Wickham Rd., Romulus, MI 48174. Suggestions for specific R&D topics as described below and questions for the June 27, 1995, meeting relating to the agency's research and development programs should be submitted to the Office of the Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, Room 6206, 400 Seventh St., SW, Washington, DC 20590. The fax number is 202–366–5930.

FOR FURTHER INFORMATION: NHTSA intends to provide detailed presentations about its research and development programs in a series of quarterly public meetings. The series started in April 1993. The purpose is to make available more complete and timely information regarding the agency's research and development programs. This tenth meeting in the series will be held on June 27, 1995.

NHTSA requests suggestions from interested parties on the specific agenda topics. NHTSA will base its decisions about the agenda, in part, on the suggestions it receives by close of business at 4:15 p.m. on June 8, 1995. Before the meeting, it will publish a notice with an agenda listing the research and development topics to be discussed. NHTSA asks that the suggestions be taken from the list below and that they be limited to six, in priority order, so that the presentations at the June 27 R&D meeting can be most useful to the audience. Please note that almost all of these topics have been discussed at the previous nine meetings to some extent and that presentations at the tenth meeting will be reports on current status, results, and plans.

Specific Crashworthiness R&D topics are:

Improved frontal crash protection problem analysis and program status,
Advanced glazing research,
Highway traffic injury studies,
Head and neck injury research,

Lower extremity injury research,
Thorax injury research,
Human injury simulation and analysis,
Crash test dummy component development,
Vehicle aggressivity and fleet compatibility,
Upgrade side crash protection,
Upgrade seat and occupant restraint systems,
Child safety research, and
Electric and alternate fuel vehicle safety.

Specific Crash Avoidance R&D topics are:

Truck crashworthiness/occupant protection,
Truck tire traction,
Portable data acquisition system for crash avoidance research,
Systems to enhance EMS response (automatic collision notification)
Vehicle motion environment,
Crash causal analysis,
Human factors guidelines for crash avoidance warning devices,
Longer combination vehicle safety,
Drowsy driver monitoring
Driver workload assessment, and
Performance guidelines for IVHS systems (approach).

Questions regarding research projects that have been submitted in writing not later than close of business on June 19, 1995, will be answered as time permits. Beginning with this tenth meeting, the time allotted to answering questions has been increased. A transcript of the meeting, copies of materials handed out at the meeting, and copies of the suggestions offered by commenters will be available for public inspection in the NHTSA's Technical Reference Section, Room 5108, 400 Seventh St., SW, Washington, DC 20590. Copies of the transcript will then be available at 10 cents a page, upon request to NHTSA's Technical Reference Section. The Technical Reference Section is open to the public from 9:30 a.m. to 4:00 p.m.

NHTSA will provide technical aids to participants as necessary, during the Research and Development Programs Meeting. Thus, any person desiring the assistance of ''auxiliary aids'' (e.g., sign-language interpreter, telecommunication devices for deaf persons (TTDs), readers, taped texts, braille materials, or large print materials and/or a magnifying device), please contact Rita Gibbons on 202–366–4862 by close of business June 21, 1995.

FOR FUTHER INFORMATION CONTACT: Rita Gibbons, Administrative Staff Assistant, Office of research and Development, 400 Seventh Street, SW, Washington, DC 20590. Telephone 202–366–4862. Fax number: 202–366–5930.

Issued: May 19, 1995.

George L. Parker,

Associate Administrator for Research and Development.

[FR Doc. 95–12832 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–59–M

Research and Special Programs Administration

[Docket No. P–94–1W; Notice 2]

Columbia Gulf Transmission Company; Transportation of Natural Gas by Pipeline, Grant of Waiver

Columbia Gulf Transmission Company (Columbia Gulf) has petitioned the Research and Special Programs Administration (RSPA) for a waiver from compliance with 49 CFR 192.612(b)(3), which requires that gas pipeline facilities in the Gulf of Mexico found to be exposed on the seabed or constituting a hazard to navigation be reburied so that the top of the pipe is 36 inches below the seabed for normal excavation or 18 inches for rock excavation.

During a DOT-required survey, Columbia Gulf discovered that a 260 foot portion of the 36-inch Bluewater Mainline 200 did not meet the 12-inch depth of cover requirements of § 192.612. At the point where coverage is not sufficient, Columbia Gulf's pipeline crosses over a Trunkline Gas Company (Trunkline) 16-inch pipeline and an Amoco Production Company (AMOCO) abandoned 4-inch pipeline. Therefore, Columbia Gulf cannot comply with the lowering requirement without first lowering or crossing below the Trunkline and Amoco pipelines. This coincidental lowering would present the potential for damage to these lines which could cause environmental pollution.

This waiver will allow Columbia Gulf to cover 813 feet along the subject pipeline segment with a concrete mesh blanket alternative to the 36-inch depth of cover requirement. The waiver will also extend the time limitation required for compliance with § 192.612 until November 30, 1995, to allow for completion of the work.

A ''concrete mesh blanket'' unit is an 8 foot x 20 foot section constructed from 160 individually cast 17 inch x 17 inch x 9 inch beveled concrete briquettes inter-connected with ¾ inch polypropelene UV stabilized line. A total of 41 (8 foot x 20 foot x 9 inch) units of ''concrete mesh blanket'' will be required to cover the 813 feet of affected pipeline. Each of the 41 units will be hydrojetted flush with the seabed and permanently anchored with six screw anchors.

The top of the 12-inch pipeline the mesh blanket is intended to cover is presently buried 6 inches below unconsolidated bottom in the Gulf of Mexico from Lat. 29°30′21.46″, Long. 92°22′54.08″ to Lat. 29°30′13.4″, Long. 92°22′53.98″; Block 15, Vermillion area, approximately 8 miles South of Pecan Island, LA. The pipeline is coated with concrete.

The use of the proposed blanket will effectively cover the pipeline to 15 inches (9″ blanket + 6″ cover). The required reburial is to 36 inches below the bottom or 18 inches below a rock bottom. Therefore this waiver is necessary to allow for the use of the concrete mesh blanket.

Columbia Gulf will also install a rock shield over the pipeline before installation of the blanket. The rock shield must be of at least ⅜ inches of thickness constructed of an appropriate material, such as ''Tuff N Nuff'' manufactured by Submar.

In response to this petition and the justification contained therein, RSPA issued a notice of petition for waiver inviting interested parties to comment (Notice 1)(60 FR 10893, Feb. 28, 1995). In that notice, RSPA explained why granting a waiver from the requirements of § 192.612 to allow placement of the concrete mesh blanket would not have a deleterious impact on safety. Comments were received from three pipeline operators and one interstate pipeline association. Each commentor endorsed the petition and recommended granting the waiver.

One commentor further recommended that RSPA also require Columbia Gulf to notify Trunkline at least 48 hours in advance so as to allow a Trunkline inspector to be present while work is in progress in the vicinity of its pipeline. RSPA agrees, and hereby requires Columbia Gulf to notify Trunkline as described.

In view of these reasons and those stated in the foregoing discussion, RSPA, by this order, finds that a waiver of compliance with § 192.612(c)(3) is consistent with pipeline safety. Accordingly, Columbia Gulf Transmission Company's petition from compliance with § 192.612(b)(3) is granted.

Authority: 49 U.S.C. 1672(d); § 1.53, and appendix A of part 106.

Issued in Washington, D.C. on May 19, 1995.

Cesar De Leon,

Acting Associate Administrator for Pipeline Safety.

[FR Doc. 95–12837 Filed 5–24–95; 8:45 am]

BILLING CODE 4910–60–P

federal register

Thursday
May 25, 1995

Part II

Department of Labor

Employment and Training Administration

Department of Education

School-to-Work Opportunities Act; Local Partnership Grants; Notice

DEPARTMENT OF LABOR

Employment and Training Administration

DEPARTMENT OF EDUCATION

RIN 1830–ZA02

School-to-Work Opportunities Act; Local Partnership Grants

AGENCIES: Department of Labor and Department of Education.

ACTION: Notice of proposed selection criteria, administrative cost cap, and definition.

SUMMARY: The Departments of Labor and Education jointly propose selection criteria to be used in evaluating applications submitted under the School-to-Work Opportunities Local Partnership (Local Partnership Grants) competition in fiscal year (FY) 1995 and succeeding years, authorized under Title III of the School-to-Work Opportunities Act of 1994 (the Act). Local Partnership Grants will enable local partnerships, that have built a sound planning and development base, to begin implementation of School-to-Work Opportunities initiatives that will become a part of a statewide School-to-Work Opportunities system. These initiatives will offer young Americans access to programs designed to prepare them for first jobs in high-skill, high-wage careers, and to increase their opportunities for further education and training. The Departments also propose a definition for the term ''administrative costs'' as well as a 10 percent cap on administrative costs incurred by local partnerships receiving grants under Title III.

DATES: Comments must be received on or before June 26, 1995.

ADDRESSES: Comments should be addressed to Maria Kniesler, National School-to-Work Office, 400 Virginia Avenue, SW., Suite 210, Washington, DC 20024. Comments may also be faxed to the National School-to-Work Office, Attention: Maria Kniesler at (202) 401–6211.

FOR FURTHER INFORMATION CONTACT: Maria Kniesler, National School-to-Work Office (202) 401–6218 (this is not a toll-free number). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Background

The Departments of Labor and Education intend to reserve funds appropriated for FY 1995 under the Act (P.L. 103–239) for a competition for Local Partnership Grants authorized under Title III of the Act. The Departments propose an administrative cost cap, a definition of the term ''administrative costs,'' and selection criteria that would be used in evaluating applications submitted in response to the FY 1995 Local Partnership Grant competition. Local partnerships are advised that applications for Local Partnership Grants must meet all of the requirements of the Act that apply to programs funded under Title III.

In accordance with section 5 of the Act, and as part of their ongoing efforts to improve their joint administration of all School-to-Work Opportunities programs authorized under the Act, including the School-to-Work Opportunities Local Partnership program, the Departments are currently in the process of considering appropriate administrative procedures. It is the intent of the Departments that whatever procedures are used will result in the most effective and efficient joint administration of all School-to-Work Opportunities programs. In response to this notice, commenters are encouraged to submit comments and suggestions on how the Departments can best achieve the efficient and effective joint administration of the School-to-Work Opportunities Local Partnership program, including comments and suggestions relating to the joint grants administration process and to the applicability of administrative regulations.

Proposed Administrative Cost Cap, Definition, and Selection Criteria

The Departments propose to apply the 10 percent cap on administrative costs contained in section 215(b)(6) of the Act to local partnerships receiving grants directly under this competition. The Departments have concluded that applying the 10 percent cap to Title III grants awarded to local partnerships by the Departments would be consistent with the Act's broader limitations on administrative costs, with the 10 percent cap imposed on partnerships receiving School-to-Work Opportunities subgrants from States, and with section 305 of Title III, which requires conformity between School-to-Work Opportunities plans of local partnerships and State School-to-Work Opportunities plans. The Departments also propose a definition of the term ''administrative costs,'' which is a term that appears in the Act but which the Act does not define, and the Departments propose to apply the selection criteria in this notice to the FY 1995 competition for Local Partnership Grants. Unless modified in the final notice for this competition, the 10 percent administrative cap, the definition of administrative costs, and selection criteria proposed herein, will be used for future Local Partnership Grants in the years succeeding FY 1995. The Departments solicit comments on the proposed 10 percent cap, the proposed definition, and the proposed selection criteria. A final notice of selection criteria will be published in the **Federal Register** after the Departments have taken into account the responses to this notice and have applied other relevant considerations.

Note: This notice of proposed selection criteria does not solicit applications. A notice inviting applications for School-to-Work Opportunities Local Partnership Grants will be published in the **Federal Register** concurrent with or immediately following publication of the notice of final selection criteria.

Definition

All definitions in the Act apply to School-to-Work Opportunities systems funded under this and future Local Partnership Grant competitions. However, the Act does not contain a definition of the term ''administrative costs.'' The Departments, therefore, propose to apply the following definition to the administration of grants under this competition:

The term ''administrative costs'' means the activities of a local partnership that are necessary for the proper and efficient performance of its duties under the Local Partnership Grant pursuant to the School-to-Work Opportunities Act and that are not directly related to the provision of services to participants or otherwise allocable to the program's allowable activities under the grant listed in section 215(b)(4) and section 215(c) of the Act. Administrative costs may be either personnel and non-personnel costs, and may be either direct and indirect. Costs of administration include those costs that are related to this grant in such categories as—

A. Costs of salaries, wages, and related costs of the grantee's staff engaged in—

- Overall system management, system coordination, and general administrative functions;
- Preparing program plans, budgets, and schedules, as well as applicable amendments;

• Monitoring of local initiatives, pilot projects, subrecipients, and related systems and processes;
• Procurement activities, including the award of specific subgrants, contracts, and purchase orders;
• Developing systems and procedures, including management information systems, for ensuring compliance with the requirements under the Act;
• Preparing reports and other documents related to the Act;
• Coordinating the resolution of audit findings;

B. Costs for goods and services required for administration of the School-to-Work Opportunities system;

C. Costs of system-wide management functions; and

D. Travel costs incurred for official business in carrying out grants management or administrative activities.

Selection Criteria

Selection Criterion 1: Comprehensive Local School-to-Work Opportunities System (40 Points)

Considerations: In applying this criterion, reviewers will consider—

A. *20 Points.* The extent to which the partnership has designed a comprehensive local School-to-Work Opportunities plan that—

• Includes effective strategies for integrating school-based and work-based learning, integrating academic and vocational education, and establishing linkages between secondary and postsecondary education;
• Is likely to produce systemic change that will have substantial impact on the preparation of all students for a first job in a high-skill, high-wage career and in increasing their opportunities for further learning;
• Ensures all students will have a range of options, including options for higher education, additional training and employment in high-skill, high-wage jobs;
• Ensures coordination and integration with existing school-to-work programs, including programs financed from State and private sources, with funds available from Federal education and training programs (such as the Job Training Partnership Act and the Carl D. Perkins Vocational and Applied Technology Education Act); and where applicable, communities designated as Empowerment Zones or Enhanced Enterprise Communities (EZ/EEC);
• Serves a geographical area that reflects the needs of the local labor market, and is able to adjust to regional structures that the State School-to-Work Opportunities plan may identify; and
• Targets occupational clusters that represent growing industries in the partnership's geographic area; and, where applicable, demonstrates that the clusters are included among the occupational clusters being targeted by the State School-to-Work Opportunities system.

B. *20 Points.* The extent to which the partnership's plan demonstrates its capability to achieve the statutory requirements and to effectively put in place the system components in Title I of the School-to-Work Opportunities Act, including—

• A work-based learning component that includes the statutory ''mandatory activities'' and that contributes to the transformation of workplaces into active learning components of the education system through an array of learning experiences such as mentoring, job-shadowing, unpaid work experiences, school-sponsored enterprises, and paid work experiences;
• A school-based learning component that provides students with high-level academic and technical skills consistent with academic standards that the State establishes for all students, including, where applicable, standards established under the Goals 2000: Educate America Act;
• A connecting activities component to provide a functional link between students' school and work activities, and between employers and educators;
• Effective processes for assessing skills and knowledge required in career majors, and issuing portable skill certificates that are benchmarked to high-quality standards such as those States will establish under the Goals 2000: Educate America Act, and for periodically assessing and collecting information on student outcomes, as well as a realistic strategy and timetable for implementing the process in concert with the State.
• A flexible School-to-Work Opportunities system that allows students participating in the local system to develop new career goals over time, and to change career majors; and
• Effective strategies for: providing staff development for teachers, worksite mentors and other key personnel; developing model curricula and innovative instructional methodologies; expanding career and academic counseling in elementary and secondary schools; and utilizing innovative technology-based instructional techniques.

Selection Criterion 2: Quality and Effectiveness of the Local Partnership (20 Points)

Considerations: In applying this criterion, reviewers will refer to section 4(11) of the Act and consider—

• Whether the partnership's plan demonstrates an effective and convincing strategy for continuing the commitment of employers and other interested parties in the local School-to-Work Opportunities system;
• The effectiveness of the partnership's plan to include private sector representatives as joint partners with educators in both the design and the implementation of the local School-to-Work Opportunities system;
• The extent to which the local partnership has developed strategies to provide a range of opportunities for employers to participate in the design and implementation of the local School-to-Work Opportunities system, including membership on councils and partnerships; assistance in setting standards, designing curricula, and determining outcomes; providing worksite experiences for teachers; helping to recruit other employers; and providing worksite learning activities for students such as mentoring, job shadowing, unpaid work experiences, and paid work experiences;
• The extent to which the roles and responsibilities of the key partners, including employers, educators, representatives of labor organizations or nonmanagerial employee representatives, community-based organizations, and other key parties are clearly defined and are likely to produce the desired changes in the way students are prepared for the future;
• The extent to which the partnership demonstrates the capacity to build a quality local School-to-Work Opportunities system;
• Whether the partnership has included methods for sustaining and expanding the partnership, as the program expands in scope and size.

Selection Criterion 3: Participation of All Students (15 Points)

Considerations: In applying this criterion, reviewers will consider—

• The extent to which the partnership has developed realistic strategies for ensuring that all students have effective and meaningful opportunities to participate in the local School-to-Work Opportunities system;
• Whether the partnership has identified potential barriers to the participation of any students, and the degree to which it proposes effective ways of overcoming these barriers;

• The degree to which the partnership has developed realistic goals and methods for assisting young women to participate in School-to-Work Opportunities programs leading to employment in high-performance, high-paying jobs, including non-traditional jobs;

• The partnership's methods for ensuring safe and healthy work environments for students; and

• The extent to which the partnership's plan provides for the participation of a significant number or percentage of students in School-to-Work Opportunities activities listed under Title I of the Act.

Selection Criterion 4: Collaboration With State (15 Points)

Considerations: In applying this criterion, reviewers will consider—

• The extent to which the local partnership has effectively consulted with its State School-to-Work Opportunities partnership, and has established realistic methods for ensuring consistency of its local strategies with the statewide School-to-Work Opportunities system being developed by that State partnership;

• Whether the local partnership has developed a sound strategy for integrating its plan, as necessary, with the State plan for a statewide School-to-Work Opportunities system;

• The extent to which the local partnership has developed effective processes through which it is able to assist and collaborate with the State in establishing the statewide School-to-Work system, and is able to provide feedback to the state on their system-building process.

• Whether the plan includes a feasible workplan that describes the steps that will be taken in order to make the local system part of the State School-to-Work Opportunities system, including a timeline that includes major planned objectives during the grant period.

Selection Criterion 5: Management Plan (10 Points)

Considerations: In applying this criterion, reviewers will consider—

• The feasibility and effectiveness of the partnership's strategy for using other resources, including private sector resources, to maintain the system when Federal resources under the School-to-Work Opportunities Act are no longer available.

• The extent to which the partnership's management plan anticipates barriers to implementation and proposes effective methods for addressing barriers as they arise.

• Whether the plan includes feasible measurable goals for the School-to-Work Opportunities system, based on performance outcomes established under section 402 of the Act, and an effective method for collecting information relevant to the local partnership's progress in meeting its goals.

• Whether the plan includes a regularly scheduled process for improving or redesigning the School-to-Work Opportunities system based on performance outcomes established under section 402 of the Act.

• The extent to which the resources requested will be used to develop information, products and ideas that will assist other States and local partnerships as they design and implement local systems.

• The extent to which the partnership will limit equipment and other purchases in order to maximize the amounts spent on delivery of services to students.

Intergovernmental Review

This program is subject to the requirements of Executive Order 12372 and the regulations in 29 CFR Part 17. The objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Departments' specific plans and actions for this program.

Executive Order 12866

This notice of proposed priority has been reviewed in accordance with Executive Order 12866. Under the terms of the order the Secretary has assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of proposed priority are those resulting from statutory requirements and those determined by the Secretary to be necessary for administering this program effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of proposed priority, the Secretary has determined that the benefits of the proposed priority justify the costs.

The Secretary has also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

To assist the Department in complying with the specific requirements of Executive Order 12866, the Secretary invites comment on whether there may be further opportunities to reduce any potential costs or increase potential benefits resulting from this proposed priority without impeding the effective and efficient administration of the program.

Invitation to Comment

Interested persons are invited to submit comments on the proposed application of the 10 percent cap on administrative costs, the proposed selection criteria, and the proposed definition of the term ''administrative costs'' contained in this notice. All comments submitted in response to this notice will be available for public inspection, during and after the comment period, in the National School-to-Work Office, 400 Virginia Avenue, S.W., Suite 210, Washington, D.C., between the hours of 8:30 a.m. and 4 p.m., Monday through Friday of each week, except Federal holidays.

(Catalog of Federal Domestic Assistance Number has not been assigned.)

Dated: May 16, 1995.

Doug Ross,

Assistant Secretary for Employment and Training, Department of Labor.

Augusta Kappner,

Assistant Secretary for Vocational and Adult Education, Department of Education.

[FR Doc. 95–12786 Filed 5–24–95; 8:45 am]

BILLING CODE 4000–01–P

federal register

Thursday
May 25, 1995

Part III

Department of Education

Urban and Rural Local Reform Initiative; Inviting Applications for New Awards for Fiscal Year 1995; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.312A]

Urban and Rural Local Reform Initiative; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1995

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application requirements, and instructions needed to apply for a grant under this competition.

Purpose of Program: To assist urban and rural local educational agencies (LEAs) with large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency in the development and implementation of comprehensive local improvement plans directed at enabling all children to reach challenging academic standards.

Eligible Applicants: Urban and rural LEAs with large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency.

Deadline for Transmittal of Applications: July 7, 1995.

Deadline for Intergovernmental Review: September 7, 1995.

Available Funds: Approximately $10.1 million.

Estimated Range of Awards: For large urban LEAs (i.e., urban LEAs administering schools with a total enrollment of 100,000 or more elementary and secondary students), the estimated range is from $200,000 to $1 million. For mid-sized urban LEAs (i.e., urban LEAs administering schools with a total enrollment of at least 50,000 but less than 100,000 elementary and secondary school students), the estimated range is from $150,000 to $750,000. For small urban LEAs (i.e., urban LEAs administering schools with a total enrollment of less than 50,000 elementary and secondary school students), the estimated range is from $100,000 to $500,000. For rural LEAs, the estimated range is from $25,000 to $250,000.

Estimated Number of Awards: 40.

Note: These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

Applicable Regulations

The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 75 (Direct Grant Programs).

(2) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(3) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(4) 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments).

(5) 34 CFR Part 81 (General Education Provisions Act—Enforcement).

(6) 34 CFR Part 82 (New Restrictions on Lobbying).

(7) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(8) 34 CFR Part 86 (Drug-Free Schools and Campuses).

Supplementary Information

(a) Background

The Goals 2000: Educate America Act (Pub. L. 103–227) (20 U.S.C. 5801 *et seq.*) (the Act) asks States and communities to reform their education systems through the development and implementation of comprehensive improvement plans based on challenging academic standards and high expectations for all students. One of the fundamental premises underlying Goals 2000 is that comprehensive, systemic reform should be promoted from the bottom up in communities, LEAs, and schools. Section 314(b) of the Goals 2000 legislation helps facilitate bottom-up reform by authorizing the Secretary to provide funding and technical assistance to urban and rural LEAs with large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency in order for the LEAs to develop and implement comprehensive local improvement plans designed to help all children reach challenging academic standards.

(b) Serving Large Numbers or Concentrations of Students Who Are Economically Disadvantaged or Who Have Limited English Proficiency

In its application, an LEA should demonstrate the standard used to determine the number or concentration of students who are economically disadvantaged or who have limited English proficiency. For example, an ''economically disadvantaged student'' could be defined as one eligible for free or reduced price lunch under the National School Lunch Act. If this measure were used by the applicant, its application would indicate the number or percentage of students receiving free or reduced price lunch.

The Secretary is particularly interested in receiving applications from urban or rural LEAs that satisfy the requirement for serving large numbers or concentrations of economically disadvantaged or limited English-proficient students by demonstrating that at least one of the following conditions is present:

(1) The number of economically disadvantaged elementary and secondary school students (as measured, for example, by students eligible for free or reduced price lunch under the National School Lunch Act) in the schools administered by the LEA totals at least 35,000.

(2) The number of economically disadvantaged elementary and secondary school students (as measured, for example, by students eligible for free or reduced price lunch under the National School Lunch Act) in the schools administered by the LEA is at least 70 percent of the total number of elementary and secondary students in those schools.

(3) The number of elementary and secondary school students who have limited English proficiency in the schools administered by the LEA totals at least 10,000.

(4) The number of elementary and secondary school students who have limited English proficiency in the schools administered by the LEA is at least 25 percent of the total number of elementary and secondary students in those schools.

LEAs that meet one or more of these four conditions will not receive competitive or absolute preference over other LEAs that serve a large number or concentration of economically disadvantaged or limited English-proficient students. The specific numbers and percentages in these examples merely illustrate some of the possible ways that an LEA might demonstrate that it serves ''large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency.'' Eligible LEAs may have fewer numbers or lower percentages of economically disadvantaged or limited English-proficient students than the specific numbers or percentages outlined above.

(c) Eligible LEAs That Serve Schools in Empowerment Zones or Enterprise Communities

The Secretary strongly encourages applications from eligible LEAs that serve schools in communities designated as Empowerment Zones or

Enterprise Communities by the Department of Housing and Urban Development and the Department of Agriculture. The emphasis in section 314(b) of the Act on coordinated planning to meet the pressing needs of urban and rural LEAs with large numbers or concentrations of limited English-proficient and economically disadvantaged students makes it ideally suited to play a key role in the Empowerment Zone and Enterprise Community program.

(d) Applications From LEAs in States Not Participating in Goals 2000

LEAs with large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency are eligible to apply for a local reform grant whether or not the State in which they are located is participating under Title III of Goals 2000.

(e) Developing and Implementing a Local Improvement Plan

In explaining how its proposed process for developing and implementing a local improvement plan would help all students, especially economically disadvantaged and limited English-proficient students, reach challenging academic standards, an applicant might demonstrate—

(1) How the local plan development and implementation would be aligned with any reform initiatives that are being undertaken by the State or LEA under the Goals 2000: Educate America Act, the Improving America's Schools Act of 1994, the School-to-Work Opportunities Act, and other reform programs;

(2) The process by which the applicant would develop and implement specific strategies to ensure that economically disadvantaged students and limited English-proficient students, as well as other students, will reach challenging content and student performance standards;

(3) The process by which other programs administered by the applicant would be effectively integrated into the local reform plan; and

(4) The process by which the applicant would ensure that individual schools will have the flexibility to develop school-based plans that address their particular needs and that are consistent with the local improvement plan or plans.

In addition, in presenting its plan of operation, an applicant might explain how the local improvement plan would be developed and implemented through broad-based outreach and collaborative processes. The Secretary encourages applicants to address issues such as the following in describing these processes:

(1) The extent to which the local plan would be developed by a broad-based panel that is representative of the diversity of the students in the community, and that includes teachers, parents, advocacy groups, school administrators, business representatives, and others, as appropriate;

(2) How the panel would conduct a grassroots outreach process to involve all segments of the community—including teachers, parents, advocacy groups, school administrators, business and community leaders, and others as appropriate—in a continuing dialogue concerning the issues that will be addressed during the development and implementation of the plan or plans; and

(3) How the plan development and implementation process would give special consideration to the input received from parents of, and other individuals and organizations working with, economically disadvantaged and limited English-proficient students.

The Secretary recognizes that LEAs share similar problems. LEAs are encouraged to work in concert with each other and with educational reform partners (e.g., business organizations, parent organizations, community-based organizations, institutions of higher education, or service providers) in developing and implementing their local reform plans.

(f) Evaluation Strategies

In devising evaluation strategies for the proposed project, the Secretary encourages applicants to consider issues such as the following:

(1) The process by which rigorous timelines and challenging performance indicators would be established for the development and implementation of comprehensive local improvement plans; and for plans already in the implementation stages, a description of indicators, timelines, and methods being used for evaluation;

(2) How effectively the overall evaluation strategies would assess the LEA's progress in developing and implementing its local improvement plan, and assess outcomes attained during the project period, especially progress toward improved student achievement in the LEA;

(3) How the LEA would document key activities in the development and implementation of the plan;

(4) How the evaluation findings would be used to provide feedback to the grantee so that appropriate modifications could be made; and

(5) How the evaluation findings would be shared with the community as well as other LEAs.

The Department of Education intends to conduct a national multi-year evaluation of projects funded under this competition. The evaluation may assess all components of the project. Grantees will be required to cooperate in the evaluation, including sharing locally collected evaluation data with the entity conducting the evaluation. The evaluation may examine items such as the following: the process by which the plan has been developed; the comprehensiveness of the plan; support for the plan; and selected outcome data (e.g., student achievement and performance documentation, attendance records). The evaluation contractor may also conduct site visits and request additional data from the grantee, as appropriate.

Application Requirements

The authorizing statute—section 314(b) of the Act—provides that the grants under this competition should be made ''in accordance with the provisions of section 309(a) that the Secretary deems appropriate.'' The Secretary has determined that a local improvement plan developed under section 314(b) must meet the requirements in sections 309(a)(3) (A) through (F), and section 309(a)(3)(H) of the Act. That is, each local improvement plan developed with funds awarded under this competition shall—

(A) Be developed by a broad-based panel that—

(i) Is appointed by the LEA and is representative of the diversity of students and community with regard to race, language, ethnicity, gender, disability, and socioeconomic characteristics and includes teachers, parents, advocacy groups, school administrators, business representatives, and others, as appropriate; and

(ii) Shall, following the selection of its members, establish the procedures regarding the operation of the panel, including the designation of the chairperson;

(B) Address districtwide education improvement, directed at enabling all students to meet the State content standards and State student performance standards, including specific goals and benchmarks, reflect the priority of the State improvement plan (for LEAs in Goals 2000 States or in States undergoing other comprehensive reform efforts) and include a strategy for—

(i) Ensuring that all students have a fair opportunity to learn;

(ii) Improving teaching and learning;

(iii) Improving governance and management;

(iv) Generating, maintaining, and strengthening parental and community involvement; and

(v) Expanding improvements throughout the LEA;

(C) Promote the flexibility of local schools in developing plans that address the particular needs of their school and community and are consistent with the local improvement plan;

(D) Describe a process of broad-based community participation in the development, implementation, and evaluation of the local improvement plan;

(E) Describe how the LEA will encourage and assist schools to develop and implement comprehensive school improvement plans that—

(i) Focus on helping all students reach State content standards and State student performance standards; and

(ii) Address relevant elements of the local improvement plan of the LEA identified in paragraph (B);

(F) Describe how the LEA will implement specific programs aimed at ensuring improvements in school readiness and the ability of students to learn effectively at all grade levels by identifying the most pressing needs facing students and their families with regard to social services, health care, nutrition, and child care, and entering into partnerships with public and private nonprofit agencies to increase the access of students and families to coordinated nonsectarian services in a school setting or at a nearby site; and

(G) Note: The requirements of section 309(a)(3)(G) do not apply to the section 314(b) grants;

(H) Identify, with an explanation, any State or Federal requirements that the LEA believes impede educational improvement and that such agency requests to be waived in accordance with section 311 (for those LEAs in Goals 2000 States), which requests shall promptly be submitted to the Secretary by the LEA.

All LEAs applying for a grant are also required to demonstrate that they have large numbers or concentrations of students who are economically disadvantaged or who have limited English proficiency.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria in 34 CFR 75.210 to evaluate applications under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

The Secretary assigns the 15 points that are reserved in 34 CFR 75.210(c) as follows: 10 points to selection criterion (34 CFR 75.210(b)(2) (Extent of need for the project) for a possible total of 30 points; and 5 points to selection criterion (34 CFR 75.210(b)(3) (Plan of operation) for a possible total of 20 points.

(b) *The criteria*—(1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the project will meet the purposes of the authorizing statute (i.e., sections 2 and 314(b) of the Goals 2000: Educate America Act), including consideration of—

(i) The objectives of the project; and

(ii) How the objectives of the project further the purposes of the authorizing statute.

(2) *Extent of need for the project.* (30 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in the statute that authorizes the program, including consideration of—

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective; and

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability.

(4) *Quality of key personnel.* (7 points)

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (4)(i)(A) and (B) will commit to the project; and

(D) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability.

(ii) To determine personnel qualifications under paragraphs (4)(i)(A) and (B), the Secretary considers:

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which—

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *Evaluation plan.* (5 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation—

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(7) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR Part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list

published in the **Federal Register** on March 3, 1995 (60 FR 16713).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.312A, U.S. Department of Education, Room 6300, 600 Independence Avenue, SW., Washington, DC 20202.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS. INSTRUCTIONS FOR TRANSMITTAL OF APPLICATIONS*:

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U. S. Department of Education, Application Control Center, Attention: (CFDA 84.312A), Washington, DC 20202–4725 or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA 84.312A), Room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

Part II: Budget Information—Non-Construction Programs (Standard Form 524A) and instructions.

Part III: Application Narrative.

Additional Materials

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certifications regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9190) and instructions.

(Note: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

Application Workshops

The Department will conduct workshops to provide assistance to potential applicants concerning requirements of the authorizing statute and the application process. However, applicants are encouraged to begin preparation of their applications immediately upon receipt of this application package.

The workshops will be held on the following dates and at the following locations. Pre-registration is suggested.

Monday, June 12, 1995, 10:00 am to 3:00 p.m., Federal Building, Room 16350, 3535 Market Street, Philadelphia, PA 19104, (215) 596–0175

Wednesday, June 14, 1995, 10:00 am to 3:00 p.m., El Centro Community College, Main & Lamar (Lamar entrance), A Building, 5th floor, Room A525, Dallas, TX 75201, (214) 767–3626

Friday, June 16, 1995, 10:00 am to 3:00 p.m., Federal Building, Room 205, 50 United Nations Plaza, San Francisco, CA 94102, (415) 556–4920

FOR FURTHER INFORMATION CONTACT: Jackie C. Jackson, U.S. Department of Education, 600 Independence Avenue, SW., Portals Building, Room 4000, Washington, DC 20202–2110, Telephone: (202) 401–0039, FAX: (202) 205–0303. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: Section 314(b) of the Goals 2000: Educate America Act, 20 U.S.C. 5894(b).

Dated: May 19, 1995.

Thomas W. Payzant,

Assistant Secretary, Elementary and Secondary Education.

BILLING CODE 4000–01–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: *Application* ☐ Construction ☒ Non-Construction; *Preapplication* ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*: _____

9. NAME OF FEDERAL AGENCY:

Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 3 1 2A

TITLE: Urban and Rural Local Reform Initiative

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT: Start Date	Ending Date	14. CONGRESSIONAL DISTRICTS OF: a. Applicant	b. Project

15. ESTIMATED FUNDING:	
a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE _____

b NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

U.S. DEPARTMENT OF EDUCATION
BUDGET INFORMATION
NON-CONSTRUCTION PROGRAMS

OMB Control No. 1875-0102

Expiration Date: 9/30/95

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column unde "Project Year 1." Applicants requesting funding for multi-year grants should complete a applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED FORM NO. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED FORM NO. 524

INSTRUCTIONS FOR ED FORM NO. 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e):
For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f):
Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e):
Show the total budget request for each project year for which funding is requested.

Line 12, column (f):
Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Instructions for ED Form 524 (cont.)

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e):
For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f):
Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e):
Show the total matching or other contribution for each project year.

Line 12, column (f):
Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

BILLING CODE 4000–01–C

Instructions for Part III Application Narrative

Before preparing the Application Narrative an applicant should read the information in this notice, including the selection criteria the Secretary uses to evaluate applications.

The narrative should encompass each function or activity for which funds are being requested and should—

1. Begin with an Abstract; that is, a summary of the proposed project;

2. Describe the proposed project in light of each of the selection criteria in the order in which the criteria are listed in this application; and

3. Include any other pertinent information that might assist the Secretary in reviewing the application.

The Secretary strongly requests the applicant to limit the Application Narrative to no more than 20 double-spaced, typed (on one side only), although the Secretary will consider applications of greater length. The Department has found that successful applications for similar programs generally meet this page limit.

Instructions for Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project, 1810–0574, Washington, D.C. 20503.

(Information collection approved under OMB control number 1810–0574. Expiration date: 4/30/98.)

BILLING CODE 4000–01–P

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about–

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will–

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3),

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 —

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known*:

Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity *(if individual, last name, first name, MI)*:

b. Individuals Performing Services *(including address if different from No. 10a) (last name, first name, MI)*:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply)*:
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C.1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.

12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.

13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.

14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.

15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.

16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 mintues 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. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ **Page** _____ **of** _____

Authorized for Local Reproduction
Standard Form - LLL-A

[FR Doc. 95–12787 Filed 5–24–95; 8:45 am]
BILLING CODE 4000–01–C

federal register

Thursday
May 25, 1995

Part IV

Department of Education

Parental Assistance Program; Notice

DEPARTMENT OF EDUCATION

[CFDA No.: 84.310A]

Parental Assistance Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 1995

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application requirements, and instructions needed to apply for a grant under this competition.

Purpose of Program: To assist nonprofit organizations, and nonprofit organizations in consortia with local educational agencies (LEAs), in establishing parental information and resource centers that would (1) increase parents' knowledge of and confidence in child-rearing activities, such as teaching and nurturing their young children; (2) strengthen partnerships between parents and professionals in meeting the educational needs of children aged birth through five and the working relationship between home and school; and (3) enhance the developmental progress of the children assisted under the program.

Eligible Applicants: Nonprofit organizations, and nonprofit organizations in consortia with LEAs.

Deadline for Transmittal of Applications: July 7, 1995.

Deadline for Intergovernmental Review: September 7, 1995.

Available Funds: Approximately $10 million.

Estimated Range of Awards: $50,000 to $500,000.

(**Note:** Due to anticipated variances in the breadth of proposed activities, the estimated range is very broad.)

Estimated Number of Awards: 44.

Note: These estimates are projections for the guidance of potential applicants. The Department of Education is not bound by any estimates in this notice.

Project Period: Up to 48 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) as follows:

(1) 34 CFR Part 74 (Administration of Grants to Institutions of Higher Education, Hospitals, and Nonprofit Organizations).

(2) 34 CFR Part 75 (Direct Grant Programs).

(3) 34 CFR Part 77 (Definitions that Apply to Department Regulations).

(4) 34 CFR Part 79 (Intergovernmental Review of Department of Education Programs and Activities).

(5) 34 CFR Part 81 (General Education Provisions Act—Enforcement).

(6) 34 CFR Part 82 (New Restrictions on Lobbying).

(7) 34 CFR Part 85 (Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants)).

(8) 34 CFR Part 86 (Drug-Free Schools and Campuses).

Note: The regulations in 34 CFR Part 80 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments) apply to an LEA that is part of a consortium receiving assistance.

Supplementary Information: Increased parental involvement and participation in the social, emotional and academic growth of children is an essential part of comprehensive education reform. Title IV of the Goals 2000: Educate America Act (Pub. L. 103–227) (20 U.S.C 5801 *et seq.*) (the Act) helps foster parental involvement by authorizing grants to nonprofit organizations, and nonprofit organizations in consortia with LEAs, to establish and fund parent information and resource centers. These centers will provide training, information, and support to (a) parents of children aged birth through five years; (b) parents of children enrolled in elementary and secondary schools; and (c) individuals who work with these parents.

Grant funds received under this program may be used for the following purposes:

(1) For parent training, information, and support programs that assist parents to—

(a) Better understand their children's educational needs;

(b) Provide followup for their children's educational achievement;

(c) Communicate more effectively with teachers, counselors, administrators, and other professional educators and support staff;

(d) Participate in the design and provision of assistance to students who are not making adequate educational progress;

(e) Obtain information about the range of options, programs, services, and resources available at the national, State, and local levels to assist parents of children aged birth through five years, and parents of children in elementary and secondary schools;

(f) Seek technical assistance regarding compliance with the requirements of title IV and of other Federal programs relevant to achieving the National Education Goals;

(g) Participate in State and local decisionmaking;

(h) Train other parents; and

(i) Plan, implement, and fund activities that coordinate the education of their children with other Federal programs that serve their children or their families.

(2) To include State or local educational personnel where such participation will further the activities assisted under the grant.

Entities are encouraged to develop and implement their projects through broad-based outreach and collaborative processes that reflect the diverse needs of parents to be served. The Secretary is especially interested in receiving applications from eligible entities that would facilitate and support opportunities for broad-based participation of communities and parents in the project from throughout the State or throughout a large area of the State, including—

(i) Areas with high concentrations of low-income families;

(ii) Urban and rural areas; and

(iii) Parents of children who are low-income, minority, or have limited English proficiency.

The Secretary believes that a meritorious proposal might also describe how the applicant would coordinate project activities with the activities being conducted by other organizations and agencies, parent centers, and parent groups. The Secretary invites applications from eligible entities that would provide training, information, and support to parents who reside in communities that are developing or implementing a comprehensive education reform plan in which family involvement is an integral strategy, such as those communities supported by a national leadership grant under section 314(b)(1) of Goals 2000, by a subgrant under section 309(a) of the Act, or by other funds. In developing proposals for increasing the involvement of parents in their children's learning and for strengthening partnerships between parents and educational professionals, applicants might consider issues such as the following:

(1) How the participating communities have assessed or propose to assess the interests and needs of parents in these communities, particularly the interests and needs of parents of low-income, minority, and limited English proficient children, in order to provide services that meet their needs.

(2) How parent groups, schools, and organizations and agencies in the local communities would collaborate to initiate or expand opportunities for parents to be involved in their

children's learning and strengthen their relationships in order to meet the educational needs of children.

(3) How the applicant organization and participating communities will use information currently available concerning best practices in parent and family involvement activities to meet parents' information, training, and support needs.

(4) How participating communities will implement activities that enable parents to engage in learning activities with their children at home and at school.

(5) How the applicant organization would establish, expand, or otherwise participate in a broad-based Statewide or areawide network of parents, school personnel, business and community leaders, organizations that work with parents and their children, and others as appropriate, that helps the communities participating in the project as well as other communities learn from and support each other.

Geographic Distribution of Funds:

The Secretary will ensure that grants awarded under this competition will be distributed, to the greatest extent possible, to all geographic regions of the country.

Program Requirements:

Each grantee receiving funding under this program must—

(A)(i) Be governed by a board of directors the membership of which includes parents; or

(ii) Be an organization that represents the interests of parents;

(B) Establish a special advisory committee the membership of which—

(i) Includes—

(I) Parents of children aged birth through five years, and parents of children enrolled in elementary and secondary schools; and

(II) Representatives of educational professionals with expertise in improving services for disadvantaged children; and

(ii) Is broadly representative of minority, low-income, and other individuals and groups that have an interest in compensatory education and family literacy;

(C) Use at least one-half of the funds provided under this Act in each fiscal year to serve areas with high concentrations of low-income families in order to serve parents who are severely educationally or economically disadvantaged;

(D) Operate a center of sufficient size, scope, and quality to ensure that the center is adequate to serve the parents in the area;

(E) Serve both urban and rural areas;

(F) Design a center that meets the unique training, information, and support needs of parents of children aged birth through five years, and of parents of children enrolled in elementary and secondary schools, particularly parents who are economically or educationally disadvantaged;

(G) Demonstrate the capacity and expertise to conduct the effective training information and support activities for which assistance is sought;

(H) Network with—

(i) Clearinghouses;

(ii) Parent centers for the parents of infants, toddlers, children, and youth with disabilities served under section 631(e) of the Individuals with Disabilities Act;

(iii) Other organizations and agencies;

(iv) Established national, State, and local parent groups representing the full range of parents of children, aged birth through five years; and

(v) Parents of children enrolled in elementary and secondary schools;

(I) Focus on serving parents of children aged birth through five years, and parents of children enrolled in elementary and secondary schools, who are parents of low-income, minority, and limited-English proficient, children; and

(J) Use part of the funds received under this program to establish, expand, or operate Parents as Teachers programs or Home Instructions for Preschool Youngsters programs, as defined in section 405 of the Act.

Each application for assistance must include assurances that the grantee will comply with these requirements.

To be eligible for a continuation award, in each fiscal year after the first fiscal year a grantee receives assistance under this program, the grantee must demonstrate that a portion of the services provided by the grantee is supported through non-Federal contributions, which contributions may be in cash or in kind.

Selection Criteria

The Secretary will use the selection criteria in 34 CFR 75.210 to evaluate applications under this competition. The Secretary assigns the 15 points that are reserved in 34 CFR 75.210(c) as follows: 10 additional points to selection criterion (2)—Extent of need for the project—for a total of 30 points for that criterion; and 5 additional points to criterion (3)—Plan of operation—for a total of 20 points for that criterion.

The maximum score for all of the criteria totals 100 points. The maximum score for each criterion is indicated in parentheses with the criterion. The criteria are as follows:

(1) *Meeting the purposes of the authorizing statute.* (30 points) The Secretary reviews each application to determine how well the project will meet the purposes of the authorizing statute (i.e., title IV of the Goals 2000: Educate America Act), including consideration of—

(i) The objectives of the project; and

(ii) How the objectives of the project further the purposes of the authorizing statute.

(2) *Extent of need for the project.* (30 points) The Secretary reviews each application to determine the extent to which the project meets specific needs recognized in the statute that authorizes the program, including consideration of:

(i) The needs addressed by the project;

(ii) How the applicant identified those needs;

(iii) How those needs will be met by the project; and

(iv) The benefits to be gained by meeting those needs.

(3) *Plan of operation.* (20 points) The Secretary reviews each application to determine the quality of the plan of operation for the project, including—

(i) The quality of the design of the project;

(ii) The extent to which the plan of management is effective and ensures proper and efficient administration of the project;

(iii) How well the objectives of the project relate to the purpose of the program;

(iv) The quality of the applicant's plan to use its resources and personnel to achieve each objective; and

(v) How the applicant will ensure that project participants who are otherwise eligible to participate are selected without regard to race, color, national origin, gender, age, or disability.

(4) *Quality of key personnel.* (7 points)

(i) The Secretary reviews each application to determine the quality of key personnel the applicant plans to use on the project, including—

(A) The qualifications of the project director (if one is to be used);

(B) The qualifications of each of the other key personnel to be used in the project;

(C) The time that each person referred to in paragraphs (4)(i) (A) and (B) will commit to the project; and

(D) How the applicant, as part of its nondiscriminatory employment practices, will ensure that its personnel are selected for employment without regard to race, color, national origin, gender, age, or disability.

(ii) To determine personnel qualifications under paragraphs (4)(i)(A) and (B), the Secretary considers:

(A) Experience and training in fields related to the objectives of the project; and

(B) Any other qualifications that pertain to the quality of the project.

(5) *Budget and effectiveness.* (5 points) The Secretary reviews each application to determine the extent to which:

(i) The budget is adequate to support the project; and

(ii) Costs are reasonable in relation to the objectives of the project.

(6) *Evaluation plan.* (5 points) The Secretary reviews each application to determine the quality of the evaluation plan for the project, including the extent to which the applicant's methods of evaluation:

(i) Are appropriate to the project; and

(ii) To the extent possible, are objective and produce data that are quantifiable.

(7) *Adequacy of resources.* (3 points) The Secretary reviews each application to determine the adequacy of the resources that the applicant plans to devote to the project, including facilities, equipment, and supplies.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR Part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any State Single Point of Contact, see the list published in the **Federal Register** on March 31, 1995 (60 FR 16713).

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.310, U.S. Department of Education, room 6300, 600 Independence Avenue, SW., Washington, DC 20202.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

Please Note That the Above Address Is Not the Same Address as the One to Which the Applicant Submits Its Completed Application. *Do Not Send Applications to the Above Address.*

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant shall—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.310), Washington, DC 20202–4725 or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA #84.310), room #3633, Regional Office Building #3, 7th and D Streets, SW., Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden and various assurances and certifications. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4–88)) and instructions.

Part II: Budget Information—Non-Construction Programs (Standard Form 524A) and instructions.

Part III: Application Narrative.

Additional Materials

Estimated Public Reporting Burden.

Assurances—Non-Construction Programs (Standard Form 424B).

Certifications regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 80–0014, 9/90) and instructions.

(**Note:** ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions; and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. No grant may be awarded unless a completed application form has been received.

Application Workshops

The Department will conduct workshops to provide assistance to potential applicants concerning requirements of the authorizing statute and the application process. However, applicants are encouraged to begin preparation of their applications immediately upon receipt of this application package.

The workshops will be held on the following dates and at the following locations. Pre-registration is suggested.

Monday, June 12, 1995, 10:00 am to 3:00 pm, Federal Building, Room 16350, 3535 Market Street, Philadelphia, PA 19104, (215) 596–0175

Wednesday, June 14, 1995, 10:00 am to 3:00 pm, El Centro Community College, Main & Lamar (Lamar entrance), A Building, 5th floor, Room A525, Dallas, TX 75201, (214) 767–3626

Friday, June 16, 1995, 10:00 am to 3:00 pm, Federal Building, Room 205, 50 United Nations Plaza, San Francisco, CA 94102, (415) 556–4920

FOR FURTHER INFORMATION CONTACT: Patricia Gore, U.S. Department of Education, 600 Independence Avenue, S.W., Portals Building, Room 4000, Washington, D.C. 20202–6135. Telephone: (202) 401–0039. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time.

Information about the Department's funding opportunities, including copies of application notices for discretionary grant competitions, can be viewed on the Department's electronic bulletin board (ED Board), telephone (202) 260–9950; or on the Internet Gopher Server at GOPHER.ED.GOV (under Announcements, Bulletins, and Press Releases). However, the official application notice for a discretionary grant competition is the notice published in the **Federal Register**.

Program Authority: Title IV of the Goals 2000: Educate America Act, 20 U.S.C. 5911 *et seq.*

Dated: May 19, 1995.

Thomas W. Payzant,

Assistant Secretary, Elementary and Secondary Education.

BILLING 4000–01–P

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: *Application* ☐ Construction ☒ Non-Construction; *Preapplication* ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address *(give city, county, state, and zip code)*:	Name and telephone number of the person to be contacted on matters involving this application *(give area code)*

6. EMPLOYER IDENTIFICATION NUMBER (EIN): ☐☐ – ☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: *(enter appropriate letter in box)* ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:

☒ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other *(specify)*:

9. NAME OF FEDERAL AGENCY:

U.S. Department of Education

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 8 4 . 3 1 0A

TITLE: Parental Assistance Program

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT *(cities, counties, states, etc.)*:

13. PROPOSED PROJECT:

Start Date	Ending Date

14. CONGRESSIONAL DISTRICTS OF:

a. Applicant	b. Project

15. ESTIMATED FUNDING:

a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE_____

b NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item: Entry:

1. Self-explanatory.
2. Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3. State use only (if applicable).
4. If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5. Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6. Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7. Enter the appropriate letter in the space provided.
8. Check appropriate box and enter appropriate letter(s) in the space(s) provided:
   - "New" means a new assistance award.
   - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.
   - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9. Name of Federal agency from which assistance is being requested with this application.
10. Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.
11. Enter a brief descriptive title of the project. if more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

Item: Entry:

12. List only the largest political entities affected (e.g., State, counties, cities).
13. Self-explanatory.
14. List the applicant's Congressional District and any District(s) affected by the program or project.
15. Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate *only* the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

U.S. DEPARTMENT OF EDUCATION
BUDGET INFORMATION
NON-CONSTRUCTION PROGRAMS

OMB Control No. 1875-0102

Expiration Date: 9/30/95

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED FORM NO. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED FORM NO. 524

INSTRUCTIONS FOR ED FORM NO. 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e):
For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f):
Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e):
Show the total budget request for each project year for which funding is requested.

Line 12, column (f):
Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Instructions for ED Form 524 (cont.)

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e):
For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f):
Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e):
Show the total matching or other contribution for each project year.

Line 12, column (f):
Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

BILLING CODE 4000–01–C

Instructions for Part III Application Narrative

Before preparing the Application Narrative an applicant should read carefully the authorizing statute and the information in this notice, including the selection criteria the Secretary uses to evaluate applications.

The narrative should encompass each function or activity for which funds are being requested and should—

1. Begin with an Abstract; that is, a summary of the proposed project;

2. Describe the proposed project in light of each of the selection criteria in the order in which the criteria are listed in this application; and

3. Include any other pertinent information that might assist the Secretary in reviewing the application.

The Secretary strongly requests the applicant to limit the Application Narrative to no more than 20 double-spaced, typed (on one side only), although the Secretary will consider applications of greater length. The Department has found that successful applications for similar programs generally meet this page limit.

Instructions for Estimated Public Reporting Burden

Under terms of the Paperwork Reduction Act of 1980, as amended, and the regulations implementing that Act, the Department of Education invites comment on the public reporting burden in this collection of information. Public reporting burden for this collection of information is estimated to average 48 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. You may send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. Washington, D.C. 20202–4651; and to the Office of Management and Budget, Paperwork Reduction Project, 1810–0578), Washington, D.C. 20503.

(Information collection approved under OMB control number 1810–0578. Expiration date: 5/31/98.)

BILLING CODE 4000–01–P

OMB Approval No. 0348-0040

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C.§§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

Standard Form 424B (4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program andto purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

SF 424B (4-88) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110 –

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 –

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about–

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will–

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office

Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

_____

_____

_____

Check ☐ if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 --

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3124, GSA Regional Office Building No. 3), Washington, DC 20202-4571. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV. 12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB
0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:
☐ a. contract
b. grant
c. cooperative agreement
d. loan
e. loan guarantee
f. loan insurance

2. Status of Federal Action:
☐ a. bid/offer/application
b. initial award
c. post-award

3. Report Type:
☐ a. initial filing
b. material change
For Material Change Only:
year _____ quarter _____
date of last report _____

4. Name and Address of Reporting Entity:
☐ Prime ☐ Subawardee
Tier _____, *if known*:

Congressional District, *if known*:

5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:

Congressional District, *if known*:

6. Federal Department/Agency:

7. Federal Program Name/Description:

CFDA Number, *if applicable*: _____

8. Federal Action Number, *if known*:

9. Award Amount, *if known*:
$

10. a. Name and Address of Lobbying Entity
(if individual, last name, first name, MI):

b. Individuals Performing Services *(including address if different from No. 10a)*
(last name, first name, MI):

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

11. Amount of Payment *(check all that apply)*:
$ _____ ☐ actual ☐ planned

12. Form of Payment *(check all that apply)*:
☐ a. cash
☐ b. in-kind; specify: nature _____
value _____

13. Type of Payment *(check all that apply)*:
☐ a. retainer
☐ b. one-time fee
☐ c. commission
☐ d. contingent fee
☐ e. deferred
☐ f. other; specify: _____

14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment indicated in Item 11:

(attach Continuation Sheet(s) SF-LLL-A, if necessary)

15. Continuation Sheet(s) SF-LLL-A attached: ☐ Yes ☐ No

16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C.1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature: _____
Print Name: _____
Title: _____
Telephone No.: _____ **Date:** _____

Federal Use Only:

Authorized for Local Reproduction
Standard Form - LLL

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 mintues 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. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503.

DISCLOSURE OF LOBBYING ACTIVITIES
CONTINUATION SHEET

Approved by OMB
0348-0046

Reporting Entity: _____ **Page** _____ **of** _____

Authorized for Local Reproduction
Standard Form - LLL-A

[FR Doc. 95–12788 Filed 5–24–95; 8:45 am]
BILLING CODE 4000–01–C

federal register

Thursday
May 25, 1995

Part V

Department of Labor

Office of Labor-Management Programs

29 CFR Ch. II and Part 270

Permanent Replacement of Lawfully Striking Employees by Federal Contractors; Final Rule

DEPARTMENT OF LABOR

Office of Labor-Management Programs

29 CFR Chapter II and Part 270

RIN 1294–AA13

Permanent Replacement of Lawfully Striking Employees by Federal Contractors

AGENCY: Office of Labor-Management Programs, Office of the American Workplace, Labor.

ACTION: Final rule.

SUMMARY: This final rule implements Executive Order 12954, which was signed by President Clinton on March 8, 1995 and became effective on that date. Executive Order 12954 provides that in procuring goods and services, in order to ensure the economical and efficient administration and completion of contracts, federal contracting agencies shall not contract with employers that permanently replace lawfully striking employees. This final rule also makes a technical amendment to Chapter II of the Department's regulations, changing the heading of that chapter to reflect the earlier establishment of the Office of the American Workplace and its component offices, including the Office of Labor-Management Programs.

DATES: Effective June 26, 1995.

FOR FURTHER INFORMATION CONTACT: Charles L. Smith, Special Assistant to the Deputy Secretary, Office of the American Workplace, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–2203, Washington, DC 20210, (202) 219–6045. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

I. Background

On March 8, 1995, President Clinton signed Executive Order 12954, ''Ensuring the Economical and Efficient Administration and Completion of Federal Government Contracts.'' The Order became effective on March 8, 1995, the date it was signed, and was published in the **Federal Register** on March 10, 1995, 60 FR 13023.

In the Order, the President sets forth the finding that economy and efficiency in procurement are generally advanced by contracting with employers that do not permanently replace lawfully striking employees. That is, the permanent replacement of strikers can adversely affect a contractor's ability to reliably provide high quality goods and services, thereby adversely affecting the Federal Government's economy, efficiency, and cost of operations. The Order then states that ''[i]t is the policy of the executive branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies shall not contract with employers that permanently replace lawfully striking employees.'' The Order further states that all discretion under the Order is to be exercised in accordance with this policy.

The Order then establishes a flexible mechanism, based on case-by-case determinations, designed to ensure economy and efficiency in government procurement involving contractors that have permanently replaced lawfully striking employees. Under the Order, the Secretary of Labor is authorized to conduct investigations, either on the basis of a complaint or on his or her own initiative, and to hold hearings as he or she deems advisable in order to determine whether an organizational unit of a federal contractor has permanently replaced lawfully striking employees.

When the Secretary finds that an organizational unit of a federal contractor has permanently replaced lawfully striking employees, he or she may exercise either or both of two options. First, he or she may find that it is appropriate to terminate existing contracts for convenience; the head of the contracting agency may object to that finding in writing and the termination for convenience shall not be issued.

Second, the Secretary may find that it is appropriate to debar the contractor from future contracts and renewal of existing contracts until the labor dispute is resolved. However, a contracting agency may enter into a contract with the employer if there is a compelling reason to do so.

The Secretary has delegated his authority under the Order to the Assistant Secretary for the American Workplace in Secretary's Order No. 2–95, which was signed on March 8, 1995 and published in the **Federal Register** on March 13, 1995, 60 FR 13602.

On March 29, 1995, the Department published a notice of proposed rulemaking, 60 FR 16354, setting forth proposed regulations implementing the Order. The notice also invited comments from the public, with the comment period ending April 28, 1995.

II. Summary and Discussion of the Comments

Fifty comments were submitted and considered. (Two additional comments were not considered. One was postmarked after the next business day after the expiration of the comment period, and the other was dated after the expiration of the comment period.)

Thirty-four officials from the following employers and employer associations submitted comments:

—Phoenix Cement,
—RC Cement Company, Inc. (4 officials),
—Hercules Cement Company (2 officials),
—Kaiser Cement Corporation,
—Heartland Cement Company (2 officials),
—National Association of Hosiery Manufacturers,
—Roanoke Cement Company,
—Signal Mountain Cement Company,
—National Electrical Contractors Association, Puget Sound Chapter,
—National Association of Plumbing-Heating-Cooling Contractors,
—Medusa Cement Company (2 officials),
—Holnam, Inc.,
—National Cement Company of Alabama, Inc.,
—Medusa Aggregates Company (2 officials),
—American Portland Cement Alliance,
—Citadel Cement Company,
—Associated Builders and Contractors, Inc.,
—The Associated General Contractors of America,
—National Mining Association,
—National Private Truck Council,
—Can Manufacturers Institute,
—American Health Care Association,
—Textile Rental Services Association of America,
—National Grocers Association,
—River Cement Company, Selma Plant,
—American Movers Conference,
—Painting and Decorating Contractors of America.

Four comments were received from the following associations:

—Labor Policy Association, Inc.,
—Alliance to Keep Americans Working,
—American Bar Association,
—Society for Human Resource Management.

Two comments were received from the following law firms:

—Wessels & Pautsch (on behalf of unnamed clients),
—Jones, Day, Reavis & Pogue (on behalf of the Chamber of Commerce of the United States of America, the National Association of Manufacturers, Bridgestone/Firestone, Inc., and Mosler Inc.).

Six comments were received from the following labor organizations:

—United Automobile, Aerospace & Agricultural Implement Workers of America,

—International Union of Operating Engineers,
—International Brotherhood of Teamsters,
—Air Line Pilots Association,
—American Association of University Professors,
—United Steelworkers of America.

Two comments were received from the following U.S. government agencies:

—Department of Health and Human Services,
—General Services Administration.

Finally, two comments were received from individuals.

The Department has carefully reviewed and considered all statements made in the comments in developing this final rule. The following is a summary of the comments and the Department's response.

A. Comments on the Definition of ''Lawfully Striking Employee''

Several comments objected to the element of the definition in the proposed regulations which provides that a strike is considered to be lawful until it has been finally adjudicated to be unlawful. These comments stated that final adjudication could take years, thereby keeping the contractor in limbo unfairly. One comment also stated that in the case of clearly unlawful strikes such as ''wildcat'' strikes or strikes in violation of a ''no strike'' contract clause, there should be discretion to deny strikers protection from replacement employees prior to final adjudication.

The proposed regulations do provide discretion, on a case-by-case basis, for the Assistant Secretary to determine that neither debarment nor termination of a contract is appropriate based on the entire record, and the nature of the strike as well as the status of related litigation may certainly be issues for development in the record. However, whether a strike is unlawful under federal, state or local law is generally a complex matter which is most suitably resolved in accordance with the standards and procedures set in those laws. OAW should not as a rule substitute its judgement for that of the relevant agencies and the courts. Accordingly, OAW believes that it is not necessary or appropriate to change the definition of ''lawfully striking employee'' or otherwise modify the regulations to specifically deal with ''clearly unlawful strikes'' since the Assistant Secretary already has sufficient discretion under the proposed regulations.

One comment objected to the reference to ''state or local law'' in the proposed definition because the lawfulness of a strike by employees covered by the National Labor Relations Act (NLRA) cannot be adjudicated under state or local law. Another comment stated that state law characterization of a dispute as a lockout for purposes of unemployment compensation should not affect the determination of whether a dispute is a strike or a lockout under federal law.

The inclusion of the phrase ''state or local law'' in the proposed definition is intended to deal with the situation where an entity of state or local government has a federal contract. State or local law would be pertinent in such cases in determining the lawfulness of a strike. However, state or local law would not affect the characterization or lawfulness of a strike by employees covered by the NLRA or the Railway Labor Act.

Finally, one comment expressed concern over the definition of ''employee,'' which excludes ''supervisors.'' This comment suggested that only those persons with full managerial or supervisory authority should be considered as supervisors excluded from the definition of employee, as recommended in the report of the Commission on the Future of Worker-Management Relations (also referred to as the Dunlop Commission), issued in December 1994. The comment noted that the Supreme Court has interpreted the similar definition of the term ''employee'' in the NLRA as excluding as supervisors persons who incidentally direct other employees' work.

Despite the similarity of the definition of ''employee'' in the proposed regulations to the definition in the NLRA (and perhaps other statutes), and the guidance that may be provided by court or administrative rulings issued pursuant to other statutes or executive orders, the Assistant Secretary is not necessarily bound by those rulings. The Assistant Secretary has the discretion and authority to make decisions on debarment and contract termination on the basis of the entire record in each case so as to effectuate the purposes of the Order.

B. Comments on the Definition of ''Permanently Replaced''

One comment objected to the definition of permanently replaced because it lacks any temporal element and therefore may include any strikers without an unconditional right to reinstatement. That is, an employer that contemplates permanently replacing strikers in the future could be determined to have actually permanently replaced strikers since their reinstatement may be conditional upon return to work at a future time. The comment argues that an employer should not have to declare that striking employees have an unconditional right to reinstatement at any time in order to prevent the Assistant Secretary from concluding that it has permanently replaced its striking employees. The comment concludes by stating that an employer should not be considered to have permanently replaced its lawfully striking employees unless it refuses to reinstate them or declares or evidences that its replacement workers may affect the reinstatement rights of the striking employees.

We do not believe that these concerns are well-founded. Whether or not lawfully striking employees have been permanently replaced at a particular point in time is a factual question to be resolved on the basis of the entire situation at that time, including (as the commenter appears to note with approval) the employer's declarations and other evidence from the employer's actions that its replacement workers may affect the reinstatement rights of the striking employees.

Another comment suggested that the definition of ''permanently replaced'' be revised to include situations where a contractor has entered into a contract with another entity to provide the goods or services required by the contract as well as the situation where a contractor permanently replaces its striking employees with replacement employees. However, OAW does not believe it is necessary or appropriate to revise the language of the definition. Under the proposed definition, the Assistant Secretary has the authority and discretion to determine on a case-by-case basis whether the Order is applicable where employees are permanently replaced by subcontracting as well as replaced by hiring new employees.

C. Comments on the Definitions of ''Organizational Unit'' and ''Affiliate''

The largest number of specific comments concerned the definitions of the terms ''organizational unit of a federal contractor'' and ''affiliate.'' Several comments simply asked questions concerning the scope of the application of the Order and the regulations. For example, these questions included whether the Order applies to a federal contractor whose sister company permanently replaces lawfully striking employees, whether it applies to a contractor as a whole or just the organizational element that is doing the work on a federal contract, and

whether it applies only to situations in which workers on a federal contract are replaced.

Many comments suggested that the proposed regulations be revised so as to limit the scope of the Order's application. For example, one comment suggested generally that affiliates or sister companies of a federal contractor should not be subject to the Order; another comment suggested that, for nursing home chains, the Order's application should be limited to the specific facility that permanently replaced lawfully striking employees.

On the other hand, several comments suggested that the proposed regulations be revised to expand the scope of the Order's application. For example, one comment suggested that the Order should apply to sister companies to which work in connection with a federal contract is transferred when the primary contractor has permanently replaced lawfully striking employees; another comment suggested that, for institutions of higher learning, the Order should apply to the entire university and not to just the Department which has the federal contract.

The number and variety of the particular situations described in the comments underscore the rationale for making determinations on the Order's application on a case-by-case basis rather than attempting to establish general rules to cover all situations. Further, in a rulemaking action it is not appropriate to make determinations about specific situations or particular industries described in the comments.

Nevertheless, the following general comments can be made on the questions and situations raised in the comments regarding the definitions of organizational unit of a federal contractor and affiliate.

In the case where (1) Corporation XYZ is a prime contractor holding a contract with a contracting agency, (2) Division A of Corporation XYZ is responsible for performing the contract, and (3) Division B of Corporation XYZ performs no work on the contract but could provide the goods or services required to be provided under the contract, then Corporation XYZ, Division A, and Division B (and any other affiliates of Corporation XYZ that could provide the goods or services required by the contract) form an ''organizational unit of a federal contractor'' under the regulations. If any part of the organizational unit permanently replaces lawfully striking employees (including, for example, employees of Division B who are not performing work on the federal contract), then the entire organizational unit would be subject to debarment if appropriate, and any contracts over $100,000 which any part of the organizational unit has with a contracting agency would be subject to a finding of whether termination for convenience is appropriate.

With regard to questions and comments concerning subcontractors, the Order is directed only to prime or first tier contractors. Thus, § 270.1(e) defines ''contractor'' as a ''prime contractor,'' which is defined at § 270.1(p) as any person holding a contract with a contracting agency. One comment noted that the regulations implementing Executive Order 11246, which deals with nondiscrimination in employment by government contractors, explicitly covers subcontractors as well as federal contractors. However, Executive Order 11246, unlike Executive Order 12954, specifically includes subcontractors within its coverage. There is no basis for revising the proposed regulations to include subcontractors.

In addition to these general questions and comments, there were two narrower issues raised in the comments. One comment suggested that the second part of the proposed definition of ''organizational unit of a federal contractor,'' relating to affiliates, be revised to include only affiliates that actually *provide or will provide* the goods or services required by the contract rather than affiliates that *could* provide those goods or services. However, OAW believes that the proposed definition is more consistent with the findings and purposes of the Order.

Finally, one comment suggested that the definition of ''affiliate'' in the Federal Acquisition Regulation (FAR) be used. However, the definition in the proposed regulations closely follows the FAR definition in all material respects.

D. Comments on Time Frames

Several comments suggested the addition of time frames to the procedures in the regulations. One of these comments suggested that the regulations at § 270.11, concerning investigations, be revised so that an agency which has a contract with a contractor that may have permanently replaced lawfully striking employees be formally notified at the beginning of the investigation. (Currently the only reference to notification of interested agencies is after the Assistant Secretary's decision that debarment and/or termination of the contract is appropriate.)

OAW believes that in most if not all cases, agencies will receive early notification since one of the first steps in an investigation will very likely be to obtain information from the contracting agency about the existence and amount of the contract with the contractor that may have permanently replaced lawfully striking employees. Therefore, OAW does not believe that it is necessary or appropriate to put a formal notification requirement in the regulations inasmuch as it is possible in some cases that the matter will be dismissed solely on the basis of preliminary information obtained about whether the contractor has permanently replaced lawfully striking employees, thus making it unnecessary to involve the agency.

One comment suggested that the contractor be notified that it is under investigation within three business days, or some other definite and limited time period, so that the contractor has time to adequately respond to the complaint. OAW does not believe that this is necessary or appropriate since the regulations at §§ 270.12(d) and 270.13 provide sufficient time for a contractor to present its position. In addition, the matter may be dismissed at an early stage based on information obtained relating to the contract and/or whether lawfully striking employees have been permanently replaced, thus obviating the need to notify the contractor.

One comment suggested that contractors be provided thirty days to respond to a notice of proposed debarment, as in the FAR at 48 CFR 9.406–3(c), rather than the fifteen days in proposed § 270.12(d). OAW believes that fifteen days is sufficient time for a contractor to provide information that raises a genuine dispute over material facts, given the limited issues involved in these proceedings. If the contractor has raised a genuine dispute over material facts, it will also be provided the opportunity to present its position at the hearing provided in § 270.13(a).

Another comment suggested the addition of time frames throughout the process for conducting investigations, making findings, holding hearings, etc. OAW does not believe that it is appropriate to set a time frame for all enforcement proceedings because the nature of each proceeding will vary based on the complexity and scope of the issues.

Finally, two comments noted that the regulations do not indicate when a debarment decision becomes effective. The final regulations have been revised at § 270.15(b) to state that debarment is effective immediately upon issuance of the debarment decision. However, unlike the FAR at 48 CFR 9.404 and 9.405, debarment is not effective at the

time of the Assistant Secretary's decision to propose debarment (§ 270.12(d)) since the Order authorizes debarment only after a final decision. (The Assistant Secretary will only transmit the final decision to debar to the General Services Administration for inclusion on the consolidated list of debarred contractors, currently titled the ''List of Parties Excluded from Procurement Programs,'' not information pertaining to the earlier decision to propose debarment.) In order to avoid confusion on this point, the wording of § 270.12(d) has been revised so as to eliminate the use of the term ''notice of proposed debarment.''

E. Resolution of Labor Dispute

One comment suggested certain revisions to § 270.16 concerning the Assistant Secretary's determination that a labor dispute has been resolved. The comment argued that there should be two touchstones for such a determination: (1) whether the parties have resolved their differences and (2) whether the striking employees have returned to work. The commenter proposed that § 270.16 provide that ''an agreement of the parties in which the strikers which have been permanently replaced have returned to work'' be the standard for determining that a labor dispute has been resolved. OAW believes that the current flexible standard in § 270.16, which provides that the Assistant Secretary will consider various factors in determining whether a labor dispute has been resolved, is preferable to a rigid definition.

F. Other Comments

1. Several comments suggested that the regulations be revised to set out standards and criteria for the exercise of discretion in making decisions. Two comments suggested that objective contract performance criteria should be established to govern decisions on whether debarment and/or termination of a contract for convenience is appropriate. Another comment suggested that § 270.15(a) be revised to specify when the scope of a debarment would go beyond the organizational unit which permanently replaced lawfully striking employees. However, in view of the fact that the Order establishes a flexible enforcement mechanism based on case-by-case determinations, OAW has decided that it would not be appropriate to circumvent that enforcement mechanism by unnecessarily limiting the Assistant Secretary's discretion in the regulations.

2. Three comments suggested that this rulemaking procedure be delayed pending the outcome of current litigation challenging the Executive Order, and that the comment period be reopened at the conclusion of the litigation. It is clearly not possible to delay rulemaking; the Order is effective as of the date it was signed and the Secretary has the obligation to promulgate a final rule implementing the Order.

3. One comment noted that under proposed regulations governing nonprocurement debarment and suspension and FAR (59 FR 65607, December 20, 1994), issued pursuant to § 2455 of the Federal Streamlining Act of 1994 and Executive Order 12689, reciprocal effect is to be given to debarment and suspension under FAR (for procurement programs) and under Executive Order 12549 and the implementing regulations (for nonprocurement activity such as grants). Thus, under these proposed regulations, a federal contractor which is debarred under Executive Order 12954 for permanently replacing lawfully striking employees would also be ineligible for nonprocurement activity such as grants. Because of this broad impact, the comment suggested that state and local governments be excluded from the definition of ''person'' so that they could not be considered to be federal contractors.

OAW believes that any impact on state and local government nonprocurement activity, though possible, will at most be rare. First, under most state law, strikes by employees of state entities are unlawful so that Executive Order 12954 will not be applicable. Second, the Assistant Secretary has the authority and discretion to find that debarment in a particular case is not appropriate. Finally, a finding by the Assistant Secretary that termination of the specific contract held by a state entity is appropriate would not have any impact on nonprocurement activity.

4. One comment asked whether it is correct in concluding that an entity is not a contractor subject to the Order solely because it receives Medicare and/or Medicaid reimbursements. This position is correct. The relationship between the federal government and a health care provider receiving payments under the Medicare program or receiving payments from states under the Medicaid program is a grantor-grantee relationship, not a contracting agency-contractor relationship. (Medicaid, unlike Medicare, does not involve a relationship between an executive agency of the U.S. government and a participating health care provider; rather, Medicaid is actually a grant program to the states.) Therefore, a contractor is not covered by the Order by virtue of the receipt of Medicare and/or Medicaid reimbursements.

However, under the proposed regulations referred to in the preceding comment regarding nonprocurement debarment and suspension and FAR, debarment under Executive Order 12954 for permanently replacing lawfully striking employees would also render a contractor ineligible for nonprocurement activity, including grants. Of course, as previously noted, the regulations give the Assistant Secretary the authority and discretion to make determinations on a case-by-case basis on whether debarment is appropriate, or whether termination of the specific contract is appropriate.

5. One comment suggested that the regulations should require that the agency head take certain steps before deciding not to adopt the Assistant Secretary's decisions that debarment and/or contract termination is appropriate, including issuing a notice and allowing the complainant to present his or her position. However, the Order does not provide the authority to require such a procedure.

6. Two comments stated that §§ 270.12 (b) and (c) of the regulations are confusing because under § 270.12(c) a contract can be terminated for convenience only if the contractor is found to have permanently replaced lawfully striking employees after March 8, 1995 (the effective date of the Executive Order) while § 270.12(b) specifies that a contractor can be debarred if the contractor is found to have permanently replaced lawfully striking employees and does not specify a time frame. However, these provisions of the proposed regulations reflect the effective dates for debarment and contract termination in the Order. That is, a contractor may be debarred if the contractor is found to have permanently replaced lawfully striking employees prior to March 8 but, pursuant to section 12(a) of the Order, a contract can only be terminated for convenience if the contractor is found to have permanently replaced lawfully striking employees after March 8.

7. One comment suggested revising proposed § 270.12(d) to include the effects of debarment in the notice to contractors advising of the Assistant Secretary's decision to propose debarment and/or termination. This change has been made.

8. One comment suggested revising proposed § 270.16(b) to state that the Assistant Secretary will specifically notify the General Services Administration of any decision to

terminate debarment because of the resolution of the labor dispute and publish the decision in the **Federal Register**. This suggestion has been adopted in this final rule.

9. Finally, many of the comments questioned the legality and the rationale of the Executive Order. These issues are clearly not within the purview of this rulemaking action.

In addition to promulgating regulations implementing Executive Order 12954, this final rule also changes the heading of Chapter II of Title 29 of the Code of Federal Regulations from ''Bureau of Labor-Management Relations and Cooperative Programs, Department of Labor'' to ''Office of Labor-Management Programs, Department of Labor.'' The Office of Labor-Management Programs, a unit within the Office of the American Workplace, was established by Secretary's Order 2–93 (58 FR 42578) and, among other things, performs functions previously assigned to the Bureau of Labor-Management Relations and Cooperative Programs.

III. Administrative Notices

A. Executive Order 12866

The Department of Labor has determined that this rule is a significant regulatory action as defined in section 3(f) of Executive Order 12866. The Department is issuing this rule in conformance with that Executive Order. The Department has determined that the potential benefits of this regulatory action outweigh the potential costs, and that the rule promotes the President's priorities. This rule does not meet the criteria of section 3(f)(1) of Executive Order 12866 and, therefore, the information in section 6(a)(3)(C) of that Executive Order is not required. This rule has been reviewed by the Office of Management and Budget.

B. Regulatory Flexibility Act

The Agency Head has certified that this rule is not expected to have a significant impact on a substantial number of small entities as defined in the Regulatory Flexibility Act. The Order and the regulations apply only to federal contracts in excess of $100,000.

C. Paperwork Reduction Act

This rule contains no information collection requirements for purposes of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 et seq.).

List of Subjects in 29 CFR Part 270

Administrative practice and procedure; Government contracts; Federal contractors and subcontractors.

Accordingly, Chapter II of Title 29 is amended as set forth below.

Signed at Washington, D.C., this 23rd day of May, 1995.

Charles L. Smith,

Special Assistant to the Deputy Secretary.

CHAPTER II—OFFICE OF LABOR-MANAGEMENT PROGRAMS, DEPARTMENT OF LABOR

1. The heading of Chapter II, now reading ''Bureau of Labor-Management Relations and Cooperative Programs, Department of Labor,'' is revised to read ''Office of Labor-Management Programs, Department of Labor.''

2. A new Part 270 is added to 29 CFR Chapter II to read as follows:

PART 270—OBLIGATIONS OF FEDERAL CONTRACTING AGENCIES: PERMANENT REPLACEMENT OF LAWFULLY STRIKING EMPLOYEES

Subpart A—Preliminary Matters

Sec.
270.1 Definitions.
270.2 Statement of policy.

Subpart B—Enforcement

270.10 Complaints.
270.11 Investigations.
270.12 Findings by the Assistant Secretary.
270.13 Hearings.
270.14 Termination of contract for convenience.
270.15 Debarment.
270.16 Determination of resolution of labor dispute.

Subpart C—Ancillary Matters

270.20 Cooperation with the Assistant Secretary.
270.21 Rulings and interpretations.
270.22 Delegation of authority by the Secretary.
270.23 General.

Authority: Executive Order No. 12954, 60 FR 13023; Secretary's Order No. 2–93, 58 FR 42578; Secretary's Order No. 2–95, 60 FR 13602.

Subpart A—Preliminary Matters

§ 270.1 Definitions.

(a) *Affiliates* means business concerns, organizations, or individuals among which, directly or indirectly, either one controls or has the power to control the other, or a third party controls or has the power to control both. Indicia of control include, but are not limited to, interlocking management or ownership, identity of interest among family members, shared facilities and equipment, common use of employees, or a business entity organized following the debarment, suspension, or proposed debarment of a contractor which has the same or similar management, ownership, or principal employees as the contractor that was debarred, suspended, or proposed for debarment.

(b) *Assistant Secretary* means the Assistant Secretary of Labor for the American Workplace.

(c) *Contract* means a mutually binding agreement between the Government as a buyer, represented by a contracting agency, and a seller, where the seller agrees to furnish supplies or services (including construction) and the Government agrees to pay for them. It includes job orders or task orders issued under basic ordering agreements; letter contracts; orders, such as purchase orders under which the contract becomes effective by written acceptance or performance; and bilateral modifications to a contract, which increase the supplies or services to be delivered under the contract. For purposes of this part a contract is limited to agreements in which the Government agrees to pay an amount in excess of the Simplified Acquisition Threshold of $100,000 specified in section 4(11) of the Office of Federal Procurement Policy Act, 41 U.S.C. 403(11). The term ''contract'' does not include agreements in which the parties stand in the relationship of employer and employee.

(d) *Contracting agency* means any executive department or independent establishment in the executive branch of the Government, including any wholly owned Government corporation.

(e) *Contractor* means a prime contractor.

(f) *Department* means the U.S. Department of Labor.

(g) *Deputy Assistant Secretary* means the Deputy Assistant Secretary for Labor-Management Programs, Office of the American Workplace, U.S. Department of Labor.

(h) *Employee* includes any employee of an employer, and includes any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, but does not include any individual having the status of an independent contractor or any individual employed as a supervisor.

(i) *Government* means the government of the United States of America.

(j) *Labor dispute* includes any controversy concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee.

(k) *Lawfully striking employee* means an employee who is engaged in a strike

that has not been finally adjudicated to be unlawful under any applicable federal, state, or local law.

(l) *Order* means Executive Order 12954, dated March 8, 1995 (60 FR 13023, March 10, 1995).

(m) *Organizational unit of a federal contractor* includes:

(1) A division or other organizational element of a person that is responsible as the prime contractor for performing a contract, and

(2) Any other affiliate of the person that could provide the goods or services required to be provided under the contract.

(n) *Permanently replaced*, when used in connection with a lawfully striking employee, means that during a lawful strike the employer has placed an individual in the lawfully striking employee's position, and the striking employee does not have an unconditional right to reinstatement.

(o) *Person* means any natural person, corporation, partnership or joint venture, unincorporated association, state or local government, and any agency, instrumentality, or subdivision of such a government.

(p) *Prime contractor* means any person holding a contract with a contracting agency.

(q) *Secretary* means the Secretary of Labor, U.S. Department of Labor, or his or her designee.

§ 270.2 Statement of Policy.

(a) It is the policy of the Executive Branch of the Federal Government that in procuring goods and services, in order to ensure the economical and efficient administration and completion of contracts, contracting agencies shall not contract with employers that permanently replace lawfully striking employees.

(b) All discretion under the Order and this part shall be exercised consistent with this policy.

(c) The Order and this part apply only to contracts in excess of the Simplified Acquisition Threshold of $100,000 established in section 4(11) of the Office of Federal Procurement Policy Act, 41 U.S.C. 403(11).

Subpart B—Enforcement

§ 270.10 Complaints.

(a) Complaints may be filed by an employee of an organizational unit of a federal contractor, or his or her representative, alleging that the organizational unit has permanently replaced lawfully striking employees. All complaints should be filed with the Deputy Assistant Secretary for Labor-Management Programs, Office of the American Workplace, U.S. Department of Labor, 200 Constitution Avenue, NW., Room S–2203, Washington, DC 20210.

(b) The complaint must be in writing and should include the name, address, and telephone number of the complainant, the name and address of the organizational unit of the federal contractor alleged to have permanently replaced lawfully striking employees, an identification of the lawfully striking employees who were allegedly permanently replaced, and any other pertinent information which will assist in the investigation and resolution of the complaint.

§ 270.11 Investigations.

The Deputy Assistant Secretary may cause an investigation to be conducted of an organizational unit of a federal contractor, regarding the permanent replacement of lawfully striking employees, on the basis of complaints filed with the Department, information submitted by other persons, or other available information. The Deputy Assistant Secretary shall notify the organizational unit of a federal contractor of the initiation of an investigation and the potential consequences under the Order. The Deputy Assistant Secretary may also cause a fact finding hearing to be conducted, either instead of or in addition to an investigation. The Deputy Assistant Secretary shall transmit the record, including a proposed finding of fact and a recommendation as to debarment and/or termination of a contract or contracts, to the Assistant Secretary.

§ 270.12 Findings by the Assistant Secretary.

(a) Upon receipt of the record, the Assistant Secretary shall make a finding as to whether the organizational unit of the federal contractor has permanently replaced lawfully striking employees.

(b) If the Assistant Secretary finds that the organizational unit of the federal contractor has permanently replaced lawfully striking employees, he or she shall determine whether it is appropriate to propose debarment.

(c) If the Assistant Secretary finds that the organizational unit of the federal contractor has permanently replaced lawfully striking employees after March 8, 1995, the effective date of the Order, he or she shall also determine whether it is appropriate to propose termination for convenience of the contract or contracts of the organizational unit.

(d) If the Assistant Secretary proposes debarment and/or termination, he or she shall notify the organizational unit of the proposed debarment and/or termination by certified mail, return receipt requested, advising the organizational unit of the effects of debarment and its right, within 15 days after receipt of the notice, to submit, in person, in writing, or through a representative, information and argument in opposition to debarment and/or termination.

§ 270.13 Hearings.

(a) If the Assistant Secretary finds that the submission by the organizational unit of a federal contractor in opposition to the proposed debarment and/or termination raises a genuine dispute over facts material to the proposed debarment and/or termination, the Assistant Secretary shall afford the organizational unit the opportunity to appear at an informal hearing. The Assistant Secretary or his or her designee shall preside over the proceeding.

(b) The Assistant Secretary shall make a decision on the proposed debarment and/or termination of a contract or contract based on the record.

§ 270.14 Termination of contract for convenience.

(a) Upon finding that termination of a contract or contracts for convenience is appropriate, the Assistant Secretary shall notify the organizational unit of a federal contractor by certified mail, return receipt requested, and shall transmit that finding to the head of any department or agency that contracts with the organizational unit.

(b) The head of the department or agency shall notify the Assistant Secretary in writing of those contracts that have been terminated for convenience pursuant to the Assistant Secretary's finding.

(c) If the head of the department or agency objects to the termination for convenience of a contract, he or she shall notify the Assistant Secretary in writing, promptly after receipt of the Assistant Secretary's finding, of the reasons for not terminating the contract and the termination for convenience shall not be issued.

§ 270.15 Debarment.

(a) The scope of any debarment normally will be limited to the organizational unit of a federal contractor that the Assistant Secretary has found to have permanently replaced lawfully striking employees.

(b) Upon finding that debarment is appropriate, the Assistant Secretary shall promptly notify the organizational unit of the federal contractor by certified mail, return receipt requested. The

notice shall advise the organizational unit of the federal contractor:

(1) That debarment is effective immediately;

(2) That the debarment will not extend beyond the date when the labor dispute precipitating the permanent replacement of lawfully striking employees has been resolved, as determined by the Assistant Secretary in accordance with § 270.16;

(3) That under the debarment, contracting agencies throughout the executive branch of the Government shall not contract or consent to subcontracts with the organizational unit of the federal contractor nor renew or otherwise extend the duration of current contracts, unless the head of a contracting agency or his or her designee determines that there is a compelling reason for such action.

(c) The Assistant Secretary shall notify the Administrator of the General Services Administration of the debarment and the Administrator shall include the contractor on the list of debarred contractors. The Assistant Secretary shall publish or cause to be published in the **Federal Register**, the names of contractors that have, in the judgment of the Assistant Secretary, permanently replaced lawfully striking employees and have been the subject of debarment. Departments and agencies shall not renew or otherwise extend the duration of current contracts or solicit offers from, award contracts to, or consent to subcontracts with these contractors unless the head of the agency or his or her designee determines, in writing, that there is compelling reason for such action.

§ 270.16 Determination of resolution of labor dispute.

(a) The Assistant Secretary may cause an investigation to be conducted, on his or her own initiative or upon request by any person, to determine whether a labor dispute that resulted in debarment has been resolved. Among the factors or conditions that the Assistant Secretary may consider are:

(1) Whether the parties to the labor dispute have either reached a formal settlement or agreed on a procedure for resolving their differences.

(2) Whether the parties have agreed informally to end the labor dispute without the signing of a written agreement.

(3) Whether striking employees have returned to work.

(4) Any other relevant factors tending to lead to the conclusion that the labor dispute has ended.

(b) If the Assistant Secretary determines that the labor dispute has been resolved, he or she shall terminate the debarment and notify the General Services Administration of this action. Notification shall also be given to the public, federal agencies, federal contractors, and other interested persons, through publication in the **Federal Register**, of this action.

Subpart C—Ancillary Matters

§ 270.20 Cooperation with the Assistant Secretary.

Consistent with section 7 of the Order, each contracting agency shall cooperate with the Assistant Secretary and provide such information and assistance as the Assistant Secretary may require in the performance of the Assistant Secretary's functions under the Order and the regulations in this part.

§ 270.21 Rulings and interpretations.

Rulings under or interpretations of the Order or the regulations contained in this part shall be made by the Assistant Secretary or his or her designee.

§ 270.22 Delegation of authority by the Secretary.

Consistent with section 8 of the Order, the Secretary may delegate any function or duty of the Secretary under this Order to any officer in the Department or to any other officer in the executive branch of the Government, with the consent of the head of the department or agency in which that officer serves.

§ 270.23 General.

(a) The regulations in this part implement Executive Order 12954 only and do not modify or affect the interpretation of any other Department of Labor regulations or policy.

(b) Consistent with section 10 of the Order, nothing contained in the Order or this part, or promulgated pursuant to the Order or this part, is intended to confer any substantive or procedural right, benefit, or privilege enforceable at law by a party against the United States, its agencies or instrumentalities, its officers, or its employees.

[FR Doc. 95–12960 Filed 5–24–95; 8:45 am]

BILLING CODE 4510–86–P

federal register

Thursday
May 25, 1995

Part VI

The President

Proclamation 6805—World Trade Week, 1995

Federal Register
Vol. 60, No. 101
Thursday, May 25, 1995

Presidential Documents

Title 3—

The President

Proclamation 6805 of May 22, 1995

World Trade Week, 1995

By the President of the United States of America

A Proclamation

American exports bolster the quality of life for countless people, supporting 10.5 million jobs here at home and supplying popular American products to millions worldwide. They fuel our Nation's economy, create high-wage jobs for our citizens, and link us to countries everywhere. That is why my Administration supported NAFTA and brought the Uruguay Round GATT negotiations to a successful conclusion. As we celebrate World Trade Week this year, we pause to recognize the many ways in which ''Exporting is Everybody's Business.''

In the two years since my Administration launched this country's first National Export Strategy, America has led the way in trade promotion and advocacy efforts, strengthening existing programs and developing new initiatives to serve U.S. exporters. The Trade Promotion Coordinating Committee (TPCC) has worked to create a more streamlined, responsive, and effective system that enhances our Nation's economy and helps our firms to compete successfully around the globe.

During the past year, we have worked to develop a new, innovative trade finance strategy. The Export-Import Bank of the United States, the Overseas Private Investment Corporation, the Trade and Development Agency, the Small Business Administration, and the Departments of the Treasury and Commerce have provided new forms of trade finance that help our firms to compete in the global marketplace. We are addressing the removal of unnecessary and ineffective export controls and streamlining the licensing process, liberalizing controls on a range of high-technology products and increasing the effectiveness of multilateral control regimes.

With the restructuring of the U.S. and Foreign Commercial Service, now the Commercial Service of the United States, the Department of Commerce is working in partnership with the businesses it serves, promoting U.S. exports, advocating U.S. business interests abroad, assisting U.S. firms to realize their export potential, and supporting the export promotion efforts of other public and private organizations. By the end of this year, 15 U.S. Export Assistance Centers will be open across the country, offering virtually every American business person a coordinated, multi-faceted, international trade team close at hand.

Already, U.S. exports to our neighbors in the Southern Hemisphere exceed $92 billion, generating good jobs for our workers and demonstrating our competitiveness throughout the international marketplace. At the Summit of the Americas this past December, our Nation reaffirmed its commitment to the extension of free trade throughout the Hemisphere by the year 2005—an opportunity that promises to bolster our economy even further. These efforts, combined with our progress with the countries of the Organization for Asian-Pacific Economic Cooperation (APEC), mean trade gains of historic proportions. And that means more jobs for hardworking Americans.

Still, much remains to be done. U.S. exporters must be given every opportunity to sell our products freely and fairly. Our companies must meet the challenge of venturing into new markets. They must keep quality high and production efficient, while marketing American goods and services to

new customers around the world. The work is difficult, but the rewards are great: a strong economy, better goods and services, and a brighter future for all of us.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 21 through May 27, 1995, as ''World Trade Week.'' I invite the people of the United States to join in appropriate observances to celebrate the potential of international trade to create prosperity for all.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of May, in the year of our Lord nineteen hundred and ninety-five, and of the Independence of the United States of America the two hundred and nineteenth.

William J. Clinton

[FR Doc. 95–13020
Filed 5–23–95; 3:15 pm]
Billing code 3195–01–P

Reader Aids

Federal Register

Vol. 60, No. 101

Thursday, May 25, 1995

INFORMATION AND ASSISTANCE

Federal Register

Index, finding aids & general information	**202–523–5227**
Public inspection announcement line	**523–5215**
Corrections to published documents	**523–5237**
Document drafting information	**523–3187**
Machine readable documents	**523–4534**

Code of Federal Regulations

Index, finding aids & general information	**523–5227**
Printing schedules	**523–3419**

Laws

Public Laws Update Service (numbers, dates, etc.)	**523–6641**
Additional information	**523–5230**

Presidential Documents

Executive orders and proclamations	**523–5230**
Public Papers of the Presidents	**523–5230**
Weekly Compilation of Presidential Documents	**523–5230**

The United States Government Manual

General information	**523–5230**

Other Services

Data base and machine readable specifications	**523–4534**
Guide to Record Retention Requirements	**523–3187**
Legal staff	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (PLUS)	**523–6641**
TDD for the hearing impaired	**523–5229**

ELECTRONIC BULLETIN BOARD

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

FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.
NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301–713–6905**

FEDERAL REGISTER PAGES AND DATES, MAY

21033–21424 1
21425–21698 2
21699–21972 3
21973–22246 4
22247–22454 5
22455–24534 8
24535–24760 9
24761–25118 10
25119–25600 11
25601–25838 12
25839–25982 15
25983–26338 16
26339–26666 17
26667–26822 18
26823–26976 19
26977–27220 22
27221–27400 23
27401–27656 24
27657–27866 25

CFR PARTS AFFECTED DURING MAY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6763 (Modified by 6804) 27657
6767 (Modified by 6804) 27657
6778 25266
6792 21423
6793 21696
6794 21971
6795 22247
6796 22453
6797 25839
6798 25841
6799 26337
6800 26339
6801 26975
6802 27219
6803 27399
6804 27657
6805 27865

Executive Orders:
12473 (See E.O. 12960) 26647
12484 (See E.O. 12960) 26647
12550 (See E.O. 12960) 26647
12586 (See E.O. 12960) 26647
12613 (Revoked in part by E.O. 12959) 24757
12708 (See E.O. 12960) 26647
12767 (See E.O. 12960) 26647
12888 (See E.O. 12960) 26647
12936 (See E.O. 12960) 26647
12957 (Revoked in part by E.O. 12959) 24757
12959 24757
12960 of May 12, 1995 26647

Administrative Orders:
Presidential Determinations:
No. 95–18 of April 21, 1995 22447
No. 95–19 of April 21, 1995 22449
No. 95–20 of May 1, 1995 22245
Memorandums:
May 17, 1995 27395
May 19, 1995 27663
Notices:
May 10, 1995 25599

5 CFR

Ch. XXI 22249
185 22249
532 ..... 22455, 26341
630 ..... 22455, 26977
890 ..... 21590, 26667
1603 24535

Proposed Rules:
591 25150
870 21759
871 21759
872 21759
873 21759
874 21759

7 CFR

6 21425
28 21033
52 26823
75 21034
110 25119
300 27665
319 27665
354 24535
400 21035
404 26669
457 25601
704 22456
723 22458
911 24537
915 24537
946 27682
956 27624
958 24539
981 26342
989 ..... 26344, 26346
998 26348
1036 22255
1410 22456
1464 ..... 21036, 22458
1468 22460
1494 21037
1924 24540
1980 ..... 26350, 26980

Proposed Rules:
11 27044
29 25624
278 25625
300 27428
319 27428
354 27437
1007 25014
1099 25628
1205 21999
1910 25629
1944 25629
1951 25629
1965 25629
3200 25594
3411 25594

8 CFR

3....26351
103....21979
208....21973
210....21973
212....26676, 27598
214....21979
240....21973
242....21973
245....26676
245a....21039, 21973
247a....21973
248....26676

Proposed Rules:

1....24573
13....24573
103....24573, 25856
208....24573
235....26696
242....24573
264....27441
299....25856

9 CFR

78....24547
85....26353
92....25119, 26355
94....21428, 25120
98....25119, 26355
113....24547

Proposed Rules:

3....27049
50....26377
51....26377
77....26377
78....26377
92....25151
98....25151
101....26381
112....24584
113....24584, 26381, 26384
308....22311, 25869
310....22311, 25869
318....22311, 25869
320....22311, 25869
325....22311, 25869
326....22311, 25869
327....22311, 25869
381....22311, 25869

10 CFR

2....22461, 24549
11....26355
19....24549
20....24549, 25983
25....26355
30....24549
32....24549
40....24549
50....24549
51....22461, 24549
54....22461
60....24549
61....24549
70....24549
71....24549
72....24549
73....24549
74....24549
76....24549
150....24549

Proposed Rules:

50....22010
73....24803
430....27051, 27442

12 CFR

25....22156
35....27401
203....22156, 22223
228....22156
265....22256
308....24761
345....22156
563e....22156
614....27401
615....27401
618....27401
620....27684
707....21699, 25121

Proposed Rule:

Ch. XVII....25174
704....27240
741....27240
1710....25162

13 CFR

123....22495

Proposed Rule:

122....22311

14 CFR

25....26357
29....26823
39....21041, 21429, 21976, 21977, 21979, 22496, 22498, 22499, 22501, 24553, 24762, 25122, 25124, 25604, 25606, 25608, 25610, 25611, 25985, 26683, 26824, 27005, 27007, 27008, 27016, 27018, 27020, 27023, 27402, 27403, 27684, 27686
71....21433, 21434, 21700, 24555, 24556, 26594, 27405, 27688, 27689
91....25980
97....25125, 25127, 25128
121....24765
1215....25843
1245....21042

Proposed Rules:

39....21053, 21054, 21056, 21470, 21471, 21772, 21774, 22011, 22013, 24587, 24589, 25869, 26003, 26005, 26007, 26697, 26700, 26702, 26846, 27054, 27056, 27058, 27446, 27449, 27704, 27705
71....21473, 21776, 24592, 24593, 24594, 24595, 25175, 25871, 26384, 26385, 27451, 27452
91....25554
135....27707
221....26848

15 CFR

730....25268
732....25268
734....25268
736....25268
738....25268
740....25268
742....25268
744....25268
746....25268
748....25268
750....25268
752....25268
754....25268
756....25268
758....25268
760....25268
762....25268
764....25268
766....25268
768....25268
770....25268
772....25268
774....25268
799....25480

Proposed Rules:

292....25872

16 CFR

305....27690
309....26926
1000....26824

Proposed Rules:

400....27240
402....27241
404....27242
413....27243
417....27244
418....24245
444....24805

17 CFR

1....25988
5....25988
31....25988
202....26604
211....24968
228....26604
229....26604
230....26604
232....26604, 27691
239....26604
240....26604
270....26604
274....26604

18 CFR

2....22257, 22503
34....22503
35....22257, 22503
41....22503
131....22503
292....22503
294....22503
382....22503
385....22503

19 CFR

7....21043
11....21043
12....21043
18....21043
19....21043
24....21043
54....21043
101....21043
102....21043
111....21043
114....21043
123....21043
128....21043
132....21043
134....21043
141....21043
145....21043
146....21043
148....21043
151....21043
152....21043
177....21043
181....21043
191....21043
353....25130
355....25130

Proposed Rules:

10....22312, 27378
12....22312, 27378
101....25176
102....22312, 27378
134....22312
177....22312
162....21778
201....26851

20 CFR

217....21982
232....22261
344....22261
625....25560
641....26574
655....26970

Proposed Rules:

416....26387
702....22537
703....22537

21 CFR

5....24766, 26825
16....27406
172....21700
178....22269
436....27221
442....27221
520....26359, 26826
522....26359, 27223
1270....27406

Proposed Rules:

146....26853
173....21474
201....26853
310....21590
500....24808
582....24808
589....24808
896....26854

22 CFR

94....25843

24 CFR

200....21936
203....21936
3500....24734

Proposed Rules:

Ch. IX....21058
10....27058
950....24597
966....27058
990....24597

26 CFR

1....21435, 25140

Proposed Rules:

1....21475, 21482, 21779, 26854, 27453
301....24811, 24813

27 CFR

Proposed Rules:

9....27060

28 CFR

Proposed Rules:

2....26010
550....27692

29 CFR

Ch. II 27856
18 26970
24 26970
89 26574
100 22269
270 27856
2619 25843
2676 25843

Proposed Rules:

452 26388
1910 27707
1915 27707
1926 ....22539, 27707
2200 21058

30 CFR

906 25846
935 ....25140, 25613
944 21435

Proposed Rules:

250 25178
925 27708
931 22332
934 ....21484, 27246
935 25660
946 25185
948 26855
950 26704

31 CFR

247 25990

32 CFR

706 ....22505, 22507, 22508, 22509, 22510, 22511, 27025, 27026, 27027

Proposed Rules:

199 26705
203 27460

33 CFR

100 ....21982, 24557
110 ....21983, 27695
117 26686
164 24767
165 ....24557, 24558, 26687, 26688, 27406, 27696

Proposed Rules:

84 24598
100 25187
117 ....22014, 24599, 26710
165 ....25189, 26012, 27463, 27598
183 25191
322 21061

34 CFR

78 27223
208 27223
215 27223
230 27223
232 27223
233 27223
234 27223
236 27223
238 27223
241 27223
245 27223
246 27223
247 27223
250 27223
251 27223
252 27223
253 27223
254 27223
255 27223
256 27223
257 27223
258 27223
282 27223
298 27223
346 27223
347 27223
354 27223
362 27223
372 27223
374 27223
405 27223
407 27223
408 27223
409 27223
414 27223
416 27223
417 27223
418 27223
419 27223
422 27223
423 27223
424 27223
445 27223
462 27223
463 27223
471 27223
473 27223
474 27223
475 27223
476 27223
500 27223
501 27223
520 27223
524 27223
525 27223
526 27223
537 27223
538 27223
548 27223
555 27223
561 27223
573 27223
574 27223
581 27223
629 27223
665 27223
671 27223
673 27223
690 21438
691 27223
698 27223
700 27223
706 27223
707 27223
708 27223
722 27223
750 27223
755 27223
757 27223
758 27223
760 27223
761 27223
762 27223
763 27223
768 27223
773 27223
778 27223
779 27223
790 27223

Proposed Rules:

200 21400
201 21400
203 21400
205 21400
212 21400

36 CFR

1258 26827

Proposed Rules:

7 26857
242 24601
701 26392

37 CFR

1 ....21043, 21438, 25615, 27598
10 21438
201 25995
202 21983

38 CFR

3 ....27407, 27409
20 25850

Proposed Rules:

3 ....22016, 25877
17 25191
21 21486

39 CFR

111 22270

Proposed Rules:

3001 22017

40 CFR

9 ....25492, 26510, 27598
52 ....21440, 21442, 21445, 21447, 21451, 21453, 21455, 21456, 21702, 21703, 21706, 21707, 21713, 21717, 22240, 22241, 22274, 22277, 22283, 22284, 22285, 22287, 22289, 22512, 22515, 22518, 27028, 27409, 27411
63 27598
70 ....21720, 25143
72 26510
75 ....26510, 26560
80 21724
81 ....21456, 22289, 25146, 27028
82 ....21682, 24676, 24970
131 ....22228, 22229
180 ....24782, 24784, 24785, 24788, 26360, 26361, 26626, 27414, 27415, 27417, 27419, 27421
185 26361
186 26361
228 25147
260 25492
261 ....25492, 25619
262 25492
264 ....25492, 26828
265 ....25492, 26828
266 25492
268 25492
270 ....25492, 26828
271 ....22524, 24790, 26828
273 25492
300 ....27041, 27697
302 25619
721 26690
763 27697

Proposed Rules:

51 26710
52 ....21487, 21488, 21489, 21490, 21780, 21781, 21783, 22334, 22335, 22336, 22337, 22540, 22541, 24813, 26858, 27463, 27464
70 ....26013, 27064
72 26559
75 26559
81 ....21490, 22336, 22337
82 ....21490, 25010
86 27468
156 21965
170 ....21944, 21948, 21953, 21955, 21960
180 ....21725, 21728, 21731, 21733, 21734, 21736, 21784, 27468
185 ....21736, 21786, 24815
186 24815
228 25192
281 26859
300 ....21491, 21786
439 21592

41 CFR

201–23 22019
201–24 22019

42 CFR

2 22296
6 22530
406 22533
421 21048

43 CFR

Public Land Orders:

7138 21984
7139 22535
7140 24560
7141 24792
7142 25149

Proposed Rules:

11 ....24604, 27247

44 CFR

64 ....21739, 27226
65 ....26363, 26364, 26365, 26367
67 26368

Proposed Rules:

67 26393

45 CFR

96 21332
205 26373
224 26373
233 26373
238 26373
239 26373
240 26373
282 26373
1010 26374
1050 26374
1060 26374
1061 26374
1064 26374
1067 26374
1068 26374
1069 26374
1070 26374
1076 26374
1397 26000
1355 26829
1356 26829

Proposed Rules:

1385 26774
1386 26774
1387 26774
1388 26774

46 CFR

15 24763
50 24767
52 24767
56 24767
58 24767
61 24767
111 24767
381 24560
501 ..... 27228, 27698
502 27228
503 27228
504 27228
514 27228
515 27228
550 27228
552 27228
560 27228
572 27228
580 27228
581 27228
582 27228
583 27228

Proposed Rules:

25 24748
28 24748
30 24748
31 24748
35 24748
37 24748
40 24748
54 24748
55 24748
56 24748
61 24748
70 24748
71 24748
72 24748
76 24748
78 24748
79 24748
90 24748
91 24748
95 24748
97 24748
99 24748
106 24748
150 24748
154 24748
174 24748
188 24748
189 24748
514 27248

47 CFR

2 21048
13 27699
15 ..... 21984, 27423
24 26375
73 ..... 22298, 22535, 22536, 25851, 25852, 27042
76 21464
90 ..... 21984, 21987
97 26000

Proposed Rules:

1 26860
20 26861
25 24817
32 26402
73 ..... 22021, 22022, 22541, 24606, 25879, 26018, 26402, 26711, 26712, 27471
90 22023
95 25193
97 ..... 25194, 25661

48 CFR

502 21467
506 21467
513 21467
552 21467
926 22298
952 22298
970 22298
1503 21993
1505 21993
1513 21993
1514 21993
1515 21993
1522 21993
1525 21993
1542 21993
1552 21993
1852 22095
5452 21992

Proposed Rules:

31 27471
32 25794
45 22442
52 22442
219 22035
970 27069
1803 27710
1815 27710
1852 27710

49 CFR

107 27231
171 26796
172 26796
173 26796
178 26796
219 24765
382 24765
390 ..... 26001, 27700
552 26002
554 26002
571 ..... 24562, 24797, 27233
573 26002
576 26002
577 26002
654 24765
821 25620
1002 22303
1011 22303
1039 26839
1160 22303
1161 22303
1162 22303
1163 22303

Proposed Rules:

214 22542
383 24820
571 ..... 25880, 27711
575 27472
1121 22035

50 CFR

217 ..... 21741, 25620, 26691
222 25620
227 ..... 21741, 25620, 26691
301 26840
649 21994
651 ..... 21994, 26841
652 25853
661 21746
663 ..... 22303, 24572
672 ..... 24800, 25623, 26694, 27425
675 ..... 22306, 24800, 25149, 26694, 26695, 26845, 27425
676 22307
678 ..... 21468, 27042

Proposed Rules:

10 24686
17 ..... 25882, 26712, 26713
20 27249
100 24601
216 22345
217 25663
222 25663
227 25663
285 25665
424 26863
625 21491
640 21493
649 25194
650 25194
651 25194
659 26403
671 ..... 22542, 25677
672 ..... 22542, 25677
673 24822
675 ..... 22542, 25677, 27488
676 ..... 22542, 25677

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as ''slip laws'') from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–2470).

S. 244/P.L. 104–13

Paperwork Reduction Act of 1995 (May 22, 1995; 109 Stat. 163; 23 pages)

Last List May 22, 1995